DEBATES IN CONGRESS.

PART II. OF VOL. X.

cuss and declare the limits of the prerogative and power of one who has extended his claims far beyond those of any British monarch since the English revolution, I shall vote against the motion of the honorable member from Pennsylvania, and every other motion to proceed to any other important business, before this paper has been disposed of.

Mr. CALHOUN followed on the same side, expressing his hearty concurrence in the views taken by the Senator from Delaware, and his earnest hope that the Senate would refuse to proceed to any other business.

Mr. WILKINS replied that he only wished the Senate to consider a treaty.

Mr. SPRAGUE said the treaty was unimportant at this time, and concurred fully in the views of Mr. CLAYTON.

Mr. WILKINS then withdrew the motion, and gave notice that he would renew it again on Monday, after the gentleman from Ohio [Mr. EWING] should have concluded his remarks.

On motion of Mr. EWING,

The Senate then adjourned to Monday.

MONDAY, APRIL 21.

EXPLANATORY MESSAGE.

The following message, explanatory of the protest sent on the 17th instant, was received from the President of the United States, by Mr. Donelson, his private Secretary.

To the Senate of the United States:

Having reason to believe that certain passages contained in my message and protest transmitted to the Senate on the 17th instant, may be misunderstood, I think it proper to state, that it was not my intention to deny, in the said message, the power and right of the legislative department to provide by law for the custody, safe keeping, and disposition, of the public money and property of the United States.

Although I am well satisfied that such a construction is not warranted by any thing contained in that message, yet, aware, from experience, that detached passages of an argumentative document, when disconnected from their context, and considered without reference to previous limitations, and the particular positions they were intended to refute or to establish, may be made to bear a construction, varying altogether from the sentiments really entertained and intended to be expressed; and deeply solicitous that my views on this point should not, either now or hereafter, be misapprehended, I have deemed it due to the gravity of the subject, to the great interests it involves, and to the Senate, as well as to myself, to embrace the earliest opportunity to make this communication.

I admit, without reserve, as I have before done, the constitutional power of the legislature to prescribe, by law, the place or places in which the public money or other property is to be deposited; and to make such regulations concerning its custody, removal, or disposition, as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure, or any authority to interfere with the same, except when such possession, disposition, or authority, is given to him by law. Nor do I claim the right in any manner to supervise or interfere with the person intrusted with such property or treasure, unless he be an officer whose appointment is, under the constitution and laws, devolved upon the President, alone, or in conjunction with the Senate, and for whose conduct he is constitutionally responsible.

As the message and protest referred to may appear on the Journals of the Senate, and remain among the recorded documents of the nation, I am unwilling that opinions should be imputed to me, even through misconstruction, which I do not entertain, and more particularly am I solicitous that I may not be supposed to claim for myself, or my successors, any power or authority not clearly granted to the President by the constitution and laws. I have therefore respectfully to request that this communication may be considered a part of that message; and that it may be entered therewith on the Journals of the Senate.

April 21st, 1834. ANDREW JACKSON.

After the message had been read—

Mr. POINDEXTER moved that the message also be not received; and that certain resolutions which he proposed as a modification of his motion that the original protest be not received, be printed; intending to act at a proper time, to move their adoption.

Mr. PRESTON took occasion to say that he was delighted at the message which the President of the United States had done the Senate the honor to send in to them to-day. He was extremely gratified also at the message which had now been submitted, not only because it put a gloss on the principles contained in the first paper, and thus betrays the apprehension of the President, that, in their original and naked form, the whole country, every man in the country, would revolt against them. And he was also delighted, because it proved that the ear of the President had not been entirely closed against the debates of the Senate, and that these debates had been successful in compelling him to change the expression of his views. He believed that, before the termination of the session, there would be many such explanations; that every day would be productive of them; until, finally, the text would be absolutely overwhelmed by the commentaries.

Mr. FORSYTH did not understand very well what progress was to be made in this business. The honorable Senator from Mississippi proposed that his condemnatory resolutions should be placed upon the Journals of the Senate, and that the message should not. He (Mr. F.) should imagine it must be decided, in the first instance, whether the document would be received. He submitted to the gentleman whether it was not due to the character of the Senate, and that of the Chief Magistrate, that the paper, as well as the resolutions condemning it, should be placed on the records. With respect to the explanatory message to which reference has been made, he was somewhat glad that it had been sent to them this morning, not because it altered, in the slightest degree, in his opinion, the correctness of the opinions contained in the message of the President, but because it prevented a construction being given to his language different from that which he intended. He (Mr. F.) understood the original message to assert only a very simple proposition—that it was not possible for the legislature of the United States to create another executive power. The gentleman from South Carolina was mistaken in regard to the object of the supplementary message; it was not sent to correct an error, but for the purpose of giving a more full explanation of a previously expressed opinion, to prevent an erroneous impression from being entertained. He (Mr. F.) hoped the honorable Senator from Mississippi, with his usual candor, would withdraw his motion to print the resolutions, and let the Senate decide first whether it would or would not receive the message. It would be manifestly unjust to refuse to put the paper on the records while the resolutions were placed there. It would be wrong to make any such distinction. What would posterity think of the act—recording a strong condemnation of a Chief Magistrate, without doing him the justice to preserve his defence? Would they think it just or unjust? Surely, surely, Senators would not act so unfairly. Independent of all other considerations, such as the high position he occupied in the confidence of the people, it would be most unjust to him as a simple individual.

Mr. EWING said, the gentleman from Georgia was mistaken, if he supposed the resolutions of the Senator from Mississippi were moved at all. They were merely laid on the table, to be taken up hereafter, when gentlemen would have an opportunity of presenting their views on the subject to which they related. He would make an observation or two, with respect to what fell from the honorable Senator from Georgia That gentleman had said, that it would be extremely unjust in the Senate to put upon its Journals the resolutions condemnatory of the protest, without that paper. Now, the honorable Senator could not have attended to the protest, or he would have discovered that the President says he has entered it on the Executive Journal, as condemnatory of the resolution of the Senate. The Senate had not requested him to do it, and took it for granted it was not done. He had, no doubt, consulted his own convenience by placing it there, as it would serve as a reference. But, as for putting his protest on the Journals of the Senate, he (Mr. B.) could not consent, because it strongly reflected on their resolutions.

Mr. POINDEXTER said, he took the same view of the subject as the honorable Senator from Ohio; that, although the protest should not be recorded on their Journals, it was entered on the Executive Journal. It was a part of the archives of the State Department, and the resolutions he had offered to the Senate would be nothing more than an explanation to posterity, showing the grounds upon which it refused to receive the paper. That was all. It was an extra-official document, and such a one as could not be made to either House of Congress, and therefore ought not to be received. He had shaped his resolutions so as to speak in general terms of the paper, in order that hereafter it might be adverted to without difficulty. He would not, at present, go into any discussion on the subject, but would merely move that the last message be laid on the table.

Mr. P. then offered his resolutions, as follows, and moved that they be printed.

"*Resolved*, That the President, in transmitting the paper which he did to the Senate, on the 17th instant, which he requested to be placed on its Journals, as an Executive protest against a resolution passed by the Senate, made a communication not authorized by the constitution, nor warranted by that mutual interchange of communications which the discharge of official duties renders necessary and proper between the legislative departments of the Government.

"*Resolved*, That the President, in the paper above referred to, assumes powers in relation to the Senate not authorized by the constitution, and calculated, in its consequences, to destroy that harmony which ought to exist between the co-ordinate departments of the General Government; to interfere with the Senate in the discharge of its duties; to degrade it in the public opinion; and, finally, to destroy its independence, by subjecting its rights and duties to the determination and control of the Chief Magistrate.

"*Resolved*, That the communication of a paper of such a character, with the declarations that accompanied it, is a plain, an open breach of the constitutional rights and privileges of the Senate, and that it cannot be received by the body, without a surrender of the just powers confided to it by the constitution, in trust, to secure the liberty and promote the prosperity of these States, and which the members are bound to maintain under the sacred obligation of an oath.

"*Resolved, therefore*, That the paper be not received by the Senate."

Mr. KING wished to know whether the resolutions presented by the Senator from Mississippi were offered for consideration, or merely informally? If they are laid on the table, they must be before the Senate.

Mr. CALHOUN said, the motion to print a paper, proposed to be offered for adoption, was one of those motions which were frequently made in the ordinary course of business.

Mr. FORSYTH said, he might be mistaken, but it had occurred to him that the motion of the honorable Senator from Mississippi, to print the resolutions, which were hereafter to be presented to the Senate, must go on the Journals. He (Mr. F.) took it for granted that the message, as well as the resolutions, would be put upon the Journals of the Senate. With respect to what had been said by the gentleman from Ohio, he was entirely mistaken. The President had done justice to the Senate, whose resolutions were spread in broad characters on the protest. So that posterity would be able so see all the transaction.

Mr. CLAYTON said, that was the first time he had ever heard of the Executive Journals of the President, in which he might enter and record his manifestoes, or the resolutions either of this or the other House of Congress. But with this, he (Mr. C.) had, at present, nothing to do. He rose for the purpose merely of expressing his surprise at the sentiment advanced by the gentleman from Georgia, that the paper sent to the Senate this morning retracted nothing of what was stated in the original protest. The principal argument of the first protest stood on this ground—that the Executive was entitled, by the constitution, to the care of the public money, in defiance of any act of Congress. The honorable Senator from Virginia, and other gentlemen who spoke on Thursday and Friday last, contended that, if that was constitutional law, the necessary inference to be drawn from it was, that should both Houses of Congress order a restoration of the deposites by a constitutional majority of two-thirds; still, the President having the custody of the money, had the power to retain it. He (Mr. C.) understood what was the object of sending to the Senate this supplementary message. The President, having found out that such sentiments as were contained in his first communication, relative to this topic, would not be very palatable to the people, had attempted to explain away at least a part of his assumption, which was, to his (Mr. C.'s) mind, the most exceptionable feature in the document, and one which, if acquiesced in by the American people, would at once reduce this Government to a despotism. It was a doctrine, the principles of which, if admitted now, would give the uncontrollable right to the present President, as well as all future Presidents, over the public purse, in addition to the sword of the nation. It would tax even the ingenuity of the honorable gentleman from Georgia himself, were he to take the sentences contained in the first protest, and read them in parallel columns with sentences in the message which had been sent to the Senate that morning, to make a plausible explanation of the one, consistently with the doctrines contained in the other. The honorable Senator from Georgia had designated it a mere "explanation," and he (Mr. C.) should not quarrel with any one about the term. He considered this paper as retracting, withdrawing much of what had been boldly claimed in the other; and he heartily concurred with the gentleman from South Carolina, that it was to the stand taken in that Senate they were indebted for a restoration of even so much of the constitution and laws.

Yes, sir, this paper was received in such a spirit as had satisfied the Executive, that the doctrines which it contained would not be sustained by the free people of this country. What course the Senate would take with regard to the protest, in which there was still left so many objectionable features, he knew not. The President still denied the constitutional right of the Senate to conconsider his prerogative or executive power, and to debate upon it, much more to express an opinion by a vote with respect to its extent. That was a principle which

the President must fully and clearly retract, before he (Mr. C.) should become satisfied with the document. His next message must contain an acknowledgment of the right of the Senate to express its opinion, by resolutions or otherwise, as to it may seem best, defining the limits of his power for its own government, before such a document would become palatable to him (Mr. C.) and meet with his concurrence for its reception; and as a doubt, in the opinion of many, is still left as to his entire meaning in this supplemental message, his next must, without any equivocation, distinctly renounce all claim to the uncontrolled power over the public purse, before it can be adapted to the taste of the freemen of this country.

Mr. WEBSTER rose. He said he had arrived in the city and resumed his seat since the debate began, and he rose to say that he thought the transmission of this protest to be one of the most important and ominous occurrences of these extraordinary times. It is, said Mr. W., a communication of so anomalous a character, in the first place, that it perplexed the discrimination of the Senate to know what preliminary disposition to make of it. Some are for receiving it, others are against receiving it, although it has been read, and its contents commented on. It seems to hang, at present, in a pendulous condition, between reception and rejection. It has no resting place. It is like the coffin of Mahomet, suspended between heaven and earth, as unfit to go higher, and finding no proper abiding place below. But I am unwilling that the discussion of this great and grave topic should be embarrassed by questions of form. I am obliged to the member from Mississippi for the strong grasp which he laid on the principles of this paper, at its first appearance, but as to the form of proceeding with it, I confess I should have preferred to have passed over the question of reception, and gone at once to the substantial character of the protest itself. It is too interesting, and will prove so—too exciting, and will prove so—to go from the Senate, till it shall have received such discussion and such reply as it is entitled to.

It is said that the paper is indecorous, and justly offensive to the self-respect of the Senate; but there is much more in it than indecorum, or want of respect to the Senate; and I think we shall best consult the character of this body, and better fulfil the expectation of the country, by going at once to the dangerous assertions of power which the paper sets up, and fully exposing those claims of power to the people. The President denies that this House, or indeed either House of Congress, has any right to express any opinion upon his conduct, except by way of impeachment. This is, indeed, new and startling. That in a popular representative government, the representatives of the people may not express their opinions upon measures of the executive power, is a doctrine, I believe, now, for the very first time put forth. Who has ever heard of it before? Though this right is denied to either House, the President's reasons are urged mainly against the right of the Senate, and the chief reason is, that the Senate are judges in cases of impeachment, and that, therefore, until impeachment come, it should be silent. But this objection, it is obvious, would stop the mouth of the Senate, with respect to every other officer of the Government, as well as the President, because all officers are equally impeachable, and the Senate must try all impeachments.

I know not, sir, who drew this protest, but whoever he was, instead of looking for sound constitutional principles in the history of free governments, in the practice of legislatures in the United States, or elsewhere, he has contented himself with an ancient truism from the black-letter law books, that the House of Lords cannot institute an impeachment, or frame articles, and then try it themselves. But do not the Lords, as well as the Commons, express their opinions, by votes and resolutions, of the conduct of ministers of the crown? Yet they have the power, and the sole power, of trying impeachments. The Senate has an undoubted right, in my opinion, to express its opinions on the public conduct of executive officers. The contingency, that it may be called on to try an impeachment, is no bar to the exercise of this right. Doubtless there may be cases in which the propriety of its exercise might be much influenced by the consideration that the Senate held the power of judging on impeachment. But this is matter of discretion. In every case, the Senate must proceed upon its own sense of propriety and justice. There may be, sometimes, good reason to refrain from expressing opinions, and sometimes there may be the highest propriety in expressing such opinions in the strongest manner. The right of doing so is clear, and is not to be disputed. The possession of judicial power does not abridge the legislative power of the Senate. It does not take away any of its rights as a representative body.

Sir, the President of the United States has been misled. He is uninformed, or misinformed, as to the real state of opinion in the country. I fear there are those who share his confidence, and who present to his view only one side of things. The state of the country is alarming. Members of the Senate, who have not been out of this city for five months, are not aware of the depth and strength of the public feeling. I should like to know what advisers have recommended to the President to send us this protest. Its circulation through the country will add fuel to feelings already sufficiently enkindled. The President has around him the heads of departments. Can any body tell us whether any of those heads, and if any, which of them, advised to send this paper to the Senate? Or which of them, if any, sat by, neither assenting nor dissenting, afraid to speak their minds, or unwilling to hazard their places?

Sir, it is not without some color of reason that the President, in this paper, speaks of the heads of departments as his Secretaries. One-half of them have never been confirmed by the Senate. Three of them, usually called members of the cabinet, being one-half of the whole, were appointed last year, in the recess of Congress, and now, when we are near the end of the fifth month of the session, their appointments have not been sent to the Senate for confirmation. This is a thing before altogether unheard of. I hesitate not to say that this course is derogatory to the rights of the Senate, and inconsistent with the intent and spirit of the constitution. It is altogether without precedent. Other Presidents have felt it their duty, when they have made appointments in the recess, to send them to the Senate immediately upon its assembling. Usually such nominations come to us the first ten or twelve days of the session. It has rarely happened that they have been delayed as long as a month. But near five months have now elapsed, and yet these nominations are not sent to us. When they do come, I hope we shall know who has approved the sending of this protest. I hope we shall learn who has made himself partaker in it, by positive sanction or silent acquiescence.

Sir, I will not now discuss the assertions, the pretensions, the dangers, of this protest. Others are in possession of the debate. I do not see that the case is altered by this codicil. The whole measure is of an alarming character. It attempts one great stride towards the accumulation of all power in executive hands; a stride which I doubt not the Senate will resist with firmness and constancy; and in that resistance they will be supported by the country.

Mr. FORSYTH said, it was very unimportant to him whether the last message was considered an explanation or a retraction. If the honorable gentleman from Delaware entertained such impressions as he had just

stated, it was very easy to be accounted for. He had probably read the message with a desire to see that the President had committed an error, and, in consequence, might have formed an unfavorable judgment of it. Now, with regard to what had been said by the honorable Senator from Massachusetts, he begged leave to say a word or two. That Senator had reiterated a complaint, which he had heretofore made, in regard to the withholding by the President of certain nominations of high officers of the Government. He was mistaken in point of fact. There was not one-half of the cabinet whose nominations had not been sent to the Senate.

[Mr. WEBSTER said there were three—the Secretary of State, the Attorney General, and the Secretary of the Treasury.]

Mr. FORSYTH resumed. The principle was the same, whether it was a portion only or the whole of the cabinet. The honorable Senator had told the Senate that those officers were in the discharge of important duties, in violation of the principles of the constitution, and in derogation of the rights of the Senate. He would ask the honorable gentleman if he had recently read the constitution?

[Mr. WEBSTER. Yes, sir.]

Mr. FORSYTH continued. Then he would beg to call his attention to a particular part of it, which declared that persons commissioned by the President, should hold to the termination of the next session of Congress. And this was an answer to the charge of a violation of the constitution having been committed. They were the officers of the United States, as much as if they had been confirmed by the Senate, and would remain so to the termination of the session. It was true there would have been some difference in their position, at this time, if their nominations had been presented to the Senate, and they had been condemned by it. And upon this was based the complaint. Honorable Senators desired that the nominations might be made, in order that they might sit in judgment on them. He had reason to believe that that was the fact, from the suggestion which had been made by the honorable Senator to-day, that some plausible reason was always sought for, so that the presentation of the nominations might be postponed. The gentleman had expressed a wish to know which of the persons who would have to come under the adjudication of the Senate had acquiesced in the message. Perhaps (said Mr. F.) there might be an occasion, before the end of the session, to enlighten his judgment, and then he would know exactly how he should decide on another matter. He (Mr. F.) would contend that they were officers, acting according to the constitution, and that the President had not derogated from his duty. It was his duty, and he dare not do otherwise, to present the nominations in question before the adjournment of Congress.

With respect to this anomalous proceeding, it was unprecedented—the first instance in the history of the Government, in which the Executive had been arraigned before the people by the extra-judicial conduct of the Senate. Did the honorable gentleman from Massachusetts think it a trifling matter that the President should have been charged with having violated his duty, and forgotten the solemn obligations of his oath? And to whom was the Executive to address himself but to those from whom the charge had emanated? The Senate had arraigned him; and the honorable Senator particularly, and others, had said that the remedy for all this lay with the people. He (Mr. F.) would admit that it was for them to decide whether or not he was correct; and, if he was found guilty, to punish him for violating the constitution and the laws.

But, he would ask, if it was not the right of a party, after being condemned without a hearing, to be heard thereafter? The question now before the people was placed there by the Senate. The President then had at least a right to be heard by the people—no one would pretend to deny it—and they would decide on his conduct, and either sustain or condemn him. How could the Executive defend himself, without presenting to the Senate a statement of his case? If he had thought of committing a fraud, he might have interwoven that message with some legislative proposition, which the Senate would have been compelled to have received, and could not have resisted; but he had done no such thing. He had presented a fair statement of his case, and asked only that it might be preserved, in order that his views might be seen by posterity and the world. And he had come to the Senate, not as a Chief Magistrate demanding that his views might be preserved on the records of the country, but with a request that they might be preserved on the Journal of the Senate with the resolutions condemning him—that no inference contrary to the executive power hereafter might be drawn, and for the purpose of having justice done to his opinions as an officer and a man.

He, Mr. F., entirely concurred with the honorable Senator from Massachusetts, that the country expected and would demand, at the hands of the Senate, that this matter should be solemnly considered and decided; that the question which it had raised should be treated as it deserved, neither forgetting what was due to the dignity of this body, nor to the high station and dignity of our Chief Magistrate. There were most important and grave considerations connected with this matter. Be they true or false, they must be treated with that respect, moderation, and forbearance, which became the dignity of the Senate, or that body would be lost, in the opinion of the American people. Let the conduct of the President be fairly examined, and no incorrect inferences be drawn.

Yes, that was the way, and the only way, in which he ought to be treated. His (Mr. F.'s) opinions on the whole matter were perfectly well understood. He considered the charge which had been made against the President as uncalled for, unnecessary, and improper; but he trusted that the Senate, in its future conduct, would not forget what was due to itself, and to the dignity of our Chief Magistrate, so that justice might be done him. He, Mr. F., was of opinion that the Senate had travelled beyond the bounds of propriety, and deserved—what he believed would, in due time, be meted to them—a sentence of condemnation by the people.

Mr. WEBSTER replied. The gentleman from Georgia, said he, has referred to the decision of that high tribunal, by whose decision all public men, and all public bodies, must ultimately stand or fall. I cheerfully join in the appeal, and have no fear of the result. It can never be, that the people of the United States will, for no earthly reason, submit to severe suffering and to encroachments on constitutional liberty; and, I doubt not, the same people will stand by the Senate in all just and constitutional efforts to sustain its own rights and the rights of Congress. I believe the Senate stands strong in the confidence of a majority of the nation, and that nothing would more produce dismay and despair than that this body should be found to flinch or falter in a moderate, but firm and decided, opposition to the present course of public measures.

The gentleman supposes I am mistaken as to the number of members of the cabinet not yet nominated to the Senate. But there is no mistake. The Secretary of State, the Secretary of the Treasury, and the Attorney General, have been in office six or seven months, and have neither of them been yet sent to the Senate for confirmation. What reason is to be given for this departure from all former practice of the Government? How is it to be justified? We may conjecture a reason, indeed, but it is such a reason as ought not to exist. I know well that these officers hold commissions which run to the end of the session. Such is the constitutional provision. But

I know, too, that although that be so, all other Presidents have laid such appointments before the Senate early after the commencement of the session. This has been the uniform course; and to hold back so many of the heads of departments for so many months from the beginning of the session, is a thing altogether without precedent.

As to the protest, sir, it appears to me, that the honorable member from Georgia has conceded it away. He admits that there may arise emergencies in which the Senate has a right to express its opinion upon executive proceedings; to make a case, as he expresses it, for the consideration of the people. If this be so, then the Senate itself is to be the only judge when that emergency has arisen. The gentleman's admission acknowledges the right. The exercise of the right, then, on any given occasion, is matter of discretion; and this is precisely the ground on which I placed the question when last speaking. Indeed, it cannot be otherwise. Suppose the President should commission persons to office, whom the Senate has rejected; might we not resolve, that such a proceeding was unconstitutional? Suppose he should threaten to turn us out of our seats, by force; might we not enter on our Journal a resolution against such menace? No one, surely, can doubt this. The Senate, then, possesses the right; on a recent occasion it saw fit to exercise that right, in its discretion, and under its own sense of duty; and it is a right which its members are bound to maintain, in behalf of themselves, and for their successors in all time to come. I say nothing, at present, upon the claims of executive power put forth in the protest. All I mean now, is, to assert the right of the Senate to express its opinion upon the conduct of the Executive, in critical emergencies, and on momentous occasions, notwithstanding no impeachment be pending before it.

Mr. CLAYTON said, the Senator from Georgia had observed, that perhaps he (Mr. C.) had been influenced by a desire to find the President in error when perusing his protest. Those who shall read the remarks of the member from Georgia himself, in reference to the same paper, and who are not acquainted with his independent and unyielding course of opposition to all executive encroachments, will rise from that reading with a deep conviction that the honorable member, before he knew the contents of the protest, was predetermined to support it, with every thing contained in it, right or wrong; and they will probably not consider the honorable member a proper judge of the motives with which other persons have perused the same document.

Sir, this protest, which meets the cordial approbation of the Senator from Georgia, strikes at the constitutional rights, and even at the very existence, of the body of which he is a member. While the President complains of the length of the Senatorial term of service, he distinctly declares, that the conduct of the Senate, in daring to censure his acts, if persevered in, must inevitably lead to changes in the constitution itself. He singles out individual Senators as the objects and victims of his displeasure; almost denies to them the privilege of suffrage here, in relation to his conduct; and denounces the Senate for daring to debate and decide upon his princely pretensions to perogative—his unlimited and illimitable claims to executive power. Because we have, with a view to regulate our own legislative and executive action, ventured to lay down a principle, by a resolution, defining and circumscribing the limits of his power, we are not only menanced by him, but even lectured by a member of the body itself. To what period of history shall we look for a parallel to these things, which are daily passing before our eyes?

Sir, it was in the year 1591, (was it not?) that the Judges solemnly decreed that England was an absolute empire, of which the King was the head. In that age, the royal claims of prerogative gave birth to a debate in Parliament, in which Mr. Spicer (a member of the kitchen cabinet of the time, I suppose) said the Crown "could not be tied by any law, because it might loose itself at pleasure." And Mr. Secretary Cecil told the other members—"If you stand upon law, and dispute of the perogative, hark ye what Bracton says—*Prærogativam nostram nemo audeat disputare.*" Mr. Francis Bacon, a whole-hog man, sir, said—"As to the perogatives royal, he never questioned them, and he hoped they would never be discussed." When the question of the subsidy was before them, Mr. Sergeant Heyle said—"Mr. Speaker, I marvel much that the House should stand upon granting of a subsidy, or the time of payment, when all we have is the Crown's, and may be lawfully taken at its pleasure from us. Yea, it hath as much right to all our lands and goods, as to any revenue of the Crown. At which, says the historian, all the House hemmed, and laughed, and talked. Well, quoth Sergeant Heyle, all your hemming shall not put me out of countenance." [We have some in this day, said Mr. C., who are as hard to put out of countenance.] "So the Sergeant proceeded, and when he had spoken a little while, the House hemmed again, and so he sat down. In his latter speech, he said he could prove his former position by precedents, in the time of Henry III, King John, King Stephen, &c., which was the occasion of their hemming." Had Sergeant Heyle lived in our day, there is no telling to what a pitch of greatness he might not have attained. It can hardly be too much to say that he might have been a Secretary of the Treasury, or at least a Postmaster General, with a promise of the Russian mission in reversion.

Observe, sir, that, in the debate to which I have referred you, the advocates of power did, as they do still, seek to support it chiefly by precedent and usage. The President builds his pretended prerogative to absolute control over the Secretary of the Treasury, in the manner of managing the public revenue and keeping the public deposites, on "the usages and precedents of the Government." The precedent on which he and his advocates here rely, was established, not so far back as that of Sergeant Heyle—not in the days of King John or King Stephen—but in the day when the elder Adams gave his casting vote in the Senate in favor of the removing power, and laid the foundation for the present claim in the most latitudinarian of all constitutional construction that was ever attempted. The power of removal was based exclusively on the pretence that it was necessary for the President to have it, as an incident to his duty to "see that the laws are faithfully executed." But until this day, it was never dreamed, by the most visionary of the high tory school, that the power to remove embraced the power to control the officer in every act he was to perform. This President is entitled to the fame of discovering, that, as his oath of office binds him to see the laws faithfully executed, he is to exercise the power of controlling the Secretary of the Treasury, and every other officer, in the discharge of duties. The monstrous character of this pretension has been thus illustrated: The President thinks that a decree of a district court, or a circuit court, or the Supreme Court of the United States, is unconstitutional. He fulminates a bull against the court, and demands of it to enter his protest on its records, "to the end that it may never be drawn into precedent again, as in the case of our resolution. He then orders the marshal not to execute the writ issued by virtue of the decree. The marshal persists in the discharge of his duty, and says he is sworn to execute the writ. The President replies, you are an executive officer, and I must "see that the laws are faithfully executed," and as the constitution, which has been violated by the court, is the supreme law, I command you not to execute the writ. The marshal still persists, and

the President removes him—appoints another, and removes him, and pursues the same process until he finds a tool to obey his will, and thus abrogates the decree of the court. He is to exercise the same power over every other executive officer appointed by him alone, or by the President and Senate. This is the claim he sets up in this protest—this is the exact character of that ultra-despotic rescript which he thinks this Senate is bound to register at his sovereign will and pleasure. In every State constitution, the same provision on which the President erects his pretensions to these powers, will be found. They all provide that "the Governor shall see that the laws be faithfully executed." If, in one of the States, the Governor should order the public money to be removed by the State treasurer, it would be acknowledged usurpation. Should he actually remove him from office for it, he would hardly escape an impeachment himself. Yet, under color of this single clause in the constitution of the United States, that "the President shall see that the laws are faithfully executed," the Chief Magistrate has claimed the power not only to remove every agent whom Congress has placed in custody of the money of the nation, but also to remove the money itself, when and where he pleases.

Sir, such a paper as this, claiming absolute power, and denying to the representatives of the people of England or either House of Parliament, the right to discuss and decide upon the extent of kingly power for the government of their legislative action, would bring the head of a British monarch to the block. It remains to be seen whether the milder temperament of the people of our free country will stamp it with the authoritative sanction of their verdict against this Senate, at the polls. For one, I will stand or fall on this issue before the people of that State to which—and not to Andrew Jackson—I owe allegiance. By their judgment, unawed as they have ever been, and ever will be, by official patronage and executive power, will I be tried, and by no other. They shall say for me whether this paper, couched in the language of a Roman dictator to the Senate, proposing only to "expose" it and degrade it, by compelling it to enter on its own records such claims of absolute power as it contains, is, or is not, a breach of the privileges of that body on whose preservation their rights, and those of all the other small States of this Union, eminently depend. If this House were now to send to the Representatives a bulletin such as this, lecturing them for the passage of their resolutions approbatory of the act of the Executive in continuing the pet State banks as banks of deposite, they would instantly vote such an interference a breach of their privileges. Seeing this, the people to whom alone I defer on this subject, shall try for me, in the last resort, the co-ordinate powers and privileges of the two branches of Congress. But until their verdict be given on this issue, no judgment will be entered or recorded against the Senate by the votes of their representatives.

Mr. CLAY said it was not at this time his purpose to discuss the supplementary message: he would avail himself of another occasion.

Mr. C. then moved to lay the motion of the Senator from Mississippi upon the table, for the present, in order that the general discussion upon the President's protest might be proceeded with.

Mr. POINDEXTER hoped the resolutions which had been offered would be printed, so that every Senator might have an opportunity of seeing them.

Mr. CALHOUN suggested the propriety of offering the resolutions as a modification of the first motion of the Senator from Mississippi, and the Senate would then be able to proceed with the original debate.

This was agreed to, and the resolutions were so offered.

Mr. BIBB begged leave to call the attention of the Senate, for one moment, to a point of fact. In a discussion of this kind, a statement of facts was of the utmost importance. In order to ascertain what was the character of the original document, and of the explanation which had been sent to them, he would read a paragraph from the former paper. [Mr. BIBB here read the following passage from the first message of the President.]

"The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the executive department, in this and all other governments. In accordance with this principle, every species of property belonging to the United States, (excepting that which is in the use of the several co-ordinate departments of the Government, as means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, and removable at his will.

"Public money is but a species of public property. It cannot be raised by taxation or customs, nor brought into the Treasury in any other way, except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the constitution be changed, intrusted to the executive department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties. The legislative power may undoubtedly bind him and the President, by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money shall be kept, and for what reason it shall be removed, as they may direct that supplies for the army or navy shall be kept in particular stores; and it will be the duty of the President to see that the law is faithfully executed—yet will the custody remain in the executive department of the Government. Were the Congress to assume, with or without legislative act, the power of appointing officers, independently of the President, to take the charge and custody of the public property contained in the military and naval arsenals, magazines, and store-houses, it is believed that such an act would be regarded by all as a palpable usurpation of executive power, subversive of the form as well as the fundamental principles of our Government. But where is the difference of principle, whether public property be in the form of arms, munitions of war and supplies, in gold and silver or bank notes? None can be perceived—none is believed to exist. Congress cannot, therefore, take out of the hands of the executive department, the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution."

PRESIDENT'S PROTEST.

The Senate proceeded to the special order of the day, being the motion of Mr. POINDEXTER, that the President's protest be not received, as modified by his resolutions.

Mr. EWING then addressed the Chair as follows:

Mr. President: I am much at a loss in what manner to characterize the paper which is the subject of discussion. When read to us the other day, in the Senate, I pretty well appreciated its character and its purpose. I noted down, too, some of its language; and if the Secretary read it right, and if I heard him right, that which is sent abroad, in the official, as the President's protest, and the forty thousand copies which are published in a pamphlet form and scattered to the four winds, differ, in some material points, from the one which is before us, and in points which were the subject of comment here. In this paper the President speaks of the Secrtary of the Treasury as his Secretary, in one instance, and, in two others, he

speaks of the Secretaries generally as his Secretaries; using, in three instances, the possessive pronoun, and thus appropriating those high officers of the law to himself as his sole and exclusive property. That circumstance was not passed over in silence here: something was said in this debate of his Secretaries and his Government, and in the printed pamphlet we find the more modest term, the Secretaries, in two cases out of the three, supplying the place of his Secretaries. Such is the fact, if the paper was correctly read from your desk. But, since I came into the Senate chamber this morning, prepared to discuss the motion, or rather the paper that is before you, another change has came over the spirit of our dream; a codicil, or a supplement, or a gloss, or a recantation, in part, of this paper, is presented us. On the whole, we do not know well what it is, or where to find it.

"It flits ere you can point its place;" but I trust now it will remain without further change, until I can say the few things which I wish to say concerning it.

By what I could gather from the reading of the addendum, or supplemental paper, I do not think it at all varies the original, unless it be to cover up, and give room to explain away, some assertions of power too flagrant for the present times to bear, and too openly and boldly expressed, to admit of equivocation or denial. But this amendment will do; it gives sea-room; there is space now for turning and tacking, so that there is no danger of being run down by any one who takes the trouble of pursuing the point. The explanation will set it all right; for it is one of those incomprehensible mysticisms which no one can exactly comprehend, and therefore no one can refute.

But the original paper—what is it, and by what authority does the President send it here? It is not a message under the constitution, giving the Senate information of the state of the Union, or recommending any legislation; and it responds to no call of the Senate. We once, by a resolution, asked the President for his argument on the subject to which this paper relates. While the resolution which is the subject of complaint was pending before the Senate, you have not forgotten, sir, that we, by a formal resolution, asked him to send us an authenticated copy of the paper which he read to his cabinet, recommending the removal of the deposites, taking the responsibility on himself, and giving his reasons for the act—and he refused us. But now, when the Senate has passed upon the matter, he sends us this paper, which he calls a protest, and asks us to enter it upon our Journals. Well, a protest be it—for, as it is a nondescript, and he is the inventor, he has a right to give it what name he pleases. He tells us, also, that he has caused it to be entered on the Executive Journal. As to the propriety of this I have nothing to say—if the Executive have a Journal, and this be the kind of matter which is usually inserted there, why be it so. We entered our protest (in the form of a resolution) against executive usurpation on our Journals, and if the Executive thinks we have usurped any powers belonging to him, he certainly should have the right to enter his protest on his Journal. These seem to be common and equal rights. But the President goes further; he sends us his protest, and wishes us to give it a place among our records—a thing which I am by no means inclined to do. Had the Senate sent him their resolution, with a request similar to this, he would have treated it, without hesitation, as I trust we shall treat this paper, refused it a resting place within his doors. And what was the resolution which called forth this singular document, and why was it resolved on by the Senate? The event is too recent for the state of things under which it took place to be forgotten.

The public deposites had been removed by the President from the Bank of the United States, where the law had placed them, and the Secretary of the Treasury sent to us a report containing, what he called, his reasons for such removal. All admit we were bound to examine and pronounce upon the sufficiency of those reasons. We did so, and found them wanting. But they did not contain the whole reason for the act. The President's message, a paper which he read to his cabinet, and published in his official Journal, and which was in the hands of every body, and bearing his own signature, showed that it was by virtue of his mandate that the act was done, and that in truth, there was no discretion exercised by the Secretary; that no controling reason actuated him, except the will of the President. Our first resolution, therefore, did not cover the whole case; the act of the Secretary was, as it stood before the people, sheltered behind another power, the mandate of the President; and it was our right, and I hold it was our duty, to determine whether that reason, if it be worthy of the name, were sufficient to justify it. In other words, whether, in the exercise of the discretion vested in him by law, the Secretary of the Treasury was bound to conform to the will of the Executive, and yield that discretion to his will? Such are my views of that resolution, so far as relates to its quasi legislative character; for neither of the resolutions are, strictly speaking, legislative acts, but they are required to be passed upon by the provisions of a law which has also the solemnity of a compact. The honorable Senator from Alabama [Mr. KING] said, the other day, that this resolution proposed no legislation, and that no man, except the Senator from New Jersey [Mr. SOUTHARD] would say that he meant it as the basis of a legislative act. Now, I cannot allow that Senator to answer for me on this subject. I have my own views upon it, and would prefer expounding them for myself. I considered those resolutions as legislative in their character, and that the very passage of them would require of the Secretary of the Treasury to restore the public funds to their proper and legal depository; for, inasmuch as they were placed there by law, nothing less than the sanction of the law-making power, in all its branches, could permanently remove them. Thus far I considered both the resolutions legislative in their character.

But, to warrant us in their adoption, it is wholly immaterial whether they were legislative, or whether they looked to future legislation, or not. It is a right inherent in all men, and in all bodies, to express their opinions concerning matters of great import to themselves, and to the community of which they may form a part, or of which they are the organs. Those opinions may approve, condemn, or advise; and this, although there be no constitutional provision securing them that right. The opinion of a single individual may be expressed by his own simple assertion; but that of a numerous body can only be expressed in the form of enactment or of resolutions. Look at the whole practice of the country upon the subject; the resolutions of our legislative bodies, not as acts of legislation; the resolutions of Virginia of 1798; and those resolutions of instruction from various State legislatures which the President has imbodied in this very message; none of them warranted by the constitution of the United States, or the constitution of any of the States. And what does the President tell us? That a legislature, or a legislative branch, may pass no resolutions, except those which are to be the basis of legislation, or which the constitution expressly warrants; and, at the same time, sends us transcripts of numerous resolutions, according to his doctrine, so unconstitutionally passed; and, at the same time, indirectly censures some of us because we did not obey them. But, sir, the right of those legislatures to pass these resolutions was, under the practice of our Government, undoubted; so is our right also, it is admitted, fully admitted, by the Senator from Georgia, [Mr. FORSYTH,] the strongest and most thorough defender of executive claims upon this floor.

But the discussion has again called up certain resolu-

tions of the Senate, moved by an honorable Senator from Mississippi, [Mr. POINDEXTER,] which declare that it is inexpedient, except in cases of necessity, to appoint individuals, resident in one State, to fill offices in another.

These resolutions were passed before I had the honor of a seat on this floor, and they were passed by an almost unanimous vote of the Senate, of which a clear majority were supporters of the present administration; but they crossed somewhat the purposes of the Executive; and the Senator from Alabama [Mr. KING] soon discovered that they were a violation of the constitution; and, though they had his vote on their passage, so strong is that argument in his mind, that he now says no man, divested of passion, can doubt that they are unconstitutional. Here, again, I must beg the honorable Senator not to decide a constitutional question for me. The fact that weighs so strongly on his mind to prove it unconstitutional, namely, that it thwarts executive purpose, has little weight with mine; and I, sir, was first called to reflect on that subject in the utmost calmness, and without the least movement of passion. My conclusion was wholly different from that of the honorable Senator. I thought that he and those who voted with him had not violated the constitution, or encroached upon any of the executive powers. The resolution did not restrain the President in his right of nomination; it merely settled a rule by which Senators proposed to be guided, save in cases of necessity, in their co-ordinate duty of appointment. Suppose the Senate had passed a resolution, generally, that it was inexpedient to confirm the nomination of a convicted felon, or a fugitive from justice, or a man of base and infamous character, if nominated to any honorable or responsible station; would any man have thought that this body was infringing on the just rights of the Executive? And would it not have been just as well to have done so, as it was to reject such nominations when they were sent before us for confirmation. The resolution referred to was, in fact, respectful to the President: it gave him information of the general views of the Senate on the subject to which it referred, and was a course far more conciliatory towards him, and more regardful to the character and feelings of a nominee, than the simple rejection, which no man doubts we had a right to make for that cause. The Senator spoke of the repeal of those resolutions. I remember the circumstances well.

On the last night of the session, at about 3 o'clock in the night, after nearly half the Senators had retired, exhausted and overcome with fatigue and watching, the motion to rescind this resolution was brought forward and carried by, I think, sixteen to fourteen votes. So the resolution was thus rescinded, and its recision, under these circumstances, is produced as evidence of the opinion of the Senate that it was unconstitutional. One word more, in reply to the Senator from Alabama. He said, in answer to some remark of the Senator from Maine, near me, [Mr. SPRAGUE,] that that gentleman was not very obedient to any body; and this, in allusion, as I understood him, to the instructions sent to that Senator from the legislature of Maine; and it was spoken in a tone of reproach or accusation. I stand, sir, in precisely the same predicament, and am willing to believe a share of the reproof was intended for myself. But what is the accusation thus made on this floor against us? We are sworn to support the constitution of the United States, and we are charged with disobeying instructions, which require us to support acts in violation of that constitution. On subjects of this kind, when I am bound to the performance of my duty by the solemnities of an official oath, the Senator from Alabama will excuse me, if I am not very ready to obey those who have no right to command, but who do command me to disregard and to violate that oath.

In order to give the semblance of propriety to the emanation of this "protest," the President says: "But when the Chief Executive is, by one of the most important branches of the Government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declared guilty of a breach of the laws and constitution, it is due to his station, to public opinion, and to a proper self-respect, that the officer thus denounced should promptly expose the wrong which had been done."

Now, I ask you, sir, if the same rule would not, in like manner, apply to the Senate, if this body, its motives, and its acts, were attacked by the President in his official character, "in a public manner, and by his recorded sentence, but without precedent, competent authority, or just cause," and "declared guilty of a breach" of a solemn compact, "and of the constitution?" And such has been the case within the present session.

At the last session of Congress the two Houses passed a bill, entitled "An act appropriating for a limited time the proceeds of the sales of the public lands." This bill was retained by the President, and not returned to the House in which it originated within the session. If he had returned it within ten days without his assent, it was his duty, by the constitution, to accompany it with his reasons for refusing that assent. If he did not return it within ten days, its return, and any message he might return with it, were irregular and void as an official act. But, on the 5th of December last, he returned us that bill, with a message, in which he says that it is "in direct and undisguised violation of the pledge given by Congress to the States before a single cession was made;" and, in the next paragraph, he says: "In the apportionment of the remaining seven-eights of the proceeds, this bill, in a manner equally undisguised, violates the conditions on which Congress obtained title to the ceded lands;" and, in another paragraph, he says, in substance, (and in this I agree with him,) that "a violation of that pledge is a violation of the constitution." It would lead me too far out of the course of my argument to show, what I am at any time prepared to show, that these charges against us were utterly unfounded. But where was our spirit, Senators, when we not only received and recorded this illegal paper, this gratuitous insult upon our body, but made ourselves the vehicle for spreading it abroad among the States and the people? Sir, your Journal will show that, on motion, I think of a Senator from Alabama, five thousand copies were printed, by our order, for distribution. If we are chargeable with any departure from duty, it has been for tameness and submission. As a body, this Senate is "more sinned against than sinning."

But it is insinuated, though not expressly averred, that because the Senate are the triers of impeachments, they may not pass any resolutions which directly or indirectly inculpate an officer subject to impeachment. I say this doctrine is not distinctly asserted, but the course and purport of the argument go to this point.

Now, I had supposed, and indeed had believed, that no one doubted, or could doubt, the position that the judicial power of the Senate was cumulative and not restrictive on its other powers; that its power, as a legislative body, is, in all things, as full and perfect as it would be, if it possessed no other powers. So, also, with its executive functions; and so with its judicial; that in each and all its respective duties, it is as unrestrained and efficient as if it were confined and limited to the performance of that single duty alone. Such must necessarily be the case, unless its powers be somewhere restrained in these respects by the constitution; and I find no such restriction. The only limitation to its powers, as a branch of the legislature, is, that it may not originate revenue bills. And it cannot exercise its judicial power of trying

an impeachment, until articles be preferred by the House. But in no respect is it deprived of its natural and inherent rights, as a deliberative assembly, of collecting and expressing the aggregate of the opinion of its members by resolution, or of the right to speak, in its *quasi* legislative character, by resolutions, as in the case of the two resolutions passed on the subject of the deposites.

It is not true that the President has been tried by the Senate in their capacity of a high court of impeachment; it is not true that criminal charges have been by us preferred against him. I will not say that there was not crime in the acts which he admits he has done, and which we say were against the constitution and the law, but we have not accused him of crime, nor have we thought proper to acquit him. We have done neither; for the plain reason that we have not passed judgment upon him. Nor is it true that in the species of inquiry which we did institute, as to the legality of the act—in our inquiry into the law and the constitution on the admitted facts—it is not true that he had no notice of the inquiry, and no opportunity to be heard. His Secretary of the Treasury, (and in this particular instance he is, perhaps, right in calling him his, for the Senate had neither part nor lot in his appointment)—his Secretary of the Treasury sent us, at an early day in the session, his reasons for the act which our resolutions disapprove.

At a subsequent day a further document was sent to, and received by us, from the same quarter, containing further reasons for the same act, and an official answer to arguments delivered by Senators on this floor. Not satisfied yet with the opportunity which we had given the Executive to be heard, we called upon him by a resolution of the Senate, for an authentic copy of a certain other paper which he had read to his cabinet, and which was published in his official gazette, giving more especially his individual reasons for the act, and taking upon himself its whole responsibility. This he denied us. Now, who can say, after all this, that the President was tried and condemned unheard? For, as it is the moral effect of the decision of the Senate he deprecates, it is only the moral and rational privilege of notice and defence that he can ask for, or could claim—such as consists with his own dignity and that of this body, and with the nature and character of the inquiry that was before us.

But the writer of the protest mistakes or misstates the point on which we held the act of the President unconstitutional and illegal. The Senate did not deny his power to remove the Secretary of the Treasury; no one Senator denied it in argument; but we did deny his constitutional power to touch the public treasure by means of that power of removal. The weapon which he wielded was, we admitted, a lawful weapon; but the use he made of it was, as we contended, unlawful. This was the argument; this the distinction; intelligible, it would seem, to any ordinary intellect. No member of this Senate can fail to comprehend it. But we did also deny that the power of removal was an independent power granted to the President by the constitution. We held it to be a power which was necessary to carry into effect other powers granted by the constitution; and, being so, was properly at the disposal of Congress, under the eighth section of the first article of that instrument, and that the act of 1789 vested it in the President. But the President, claiming it as an implied power arising out of the constitution, asserts his right to exercise it, for any and for every purpose, independent of legislative authority. And where, I ask, is his warrant? Senators here contend for a strict construction of all the powers granted by the constitution to this Federal Government, and yet contend, also, for a liberal construction of the powers of the Executive; and that he should have, by implication, without a grant in the constitution, all the powers necessary to carry into effect his expressly granted powers. Denying it to the Legislative department of the Government, to which it is granted in express terms, they assert it to belong to the Executive, to which it is no where granted. This is a course of reasoning which, I confess, I do not well comprehend; but I will leave it, and pass for a moment to the practical operation of this power in the hands which at present wield it.

And here I wish to bring some of his opinions in as close connexion as possible with much of his practice, that we may see how far he has observed the golden rule, "Do unto others as you would they should do unto you." Speaking of the censure cast, or alleged to be cast upon him, by the resolution of the Senate, he says: "And it is not too much to say of the whole of these proceedings, that if they shall be approved and sustained by an intelligent people, then will that great contest with arbitrary power, which had established in statutes, in bills of rights, in sacred charters, and in constitutions of government, the right of every citizen to a notice before trial, to a hearing before conviction, and to an impartial tribunal for deciding on the charge, have been waged in vain."

Recollect, it is not an accusation in point of law, where judgment follows conviction, of which he speaks; but it is a solemn opinion of the Senate as to an executive act, and it is the moral influence of that opinion of which he speaks, and which he deprecates in such solemn terms. But how has it been with the hundreds and thousands whom he has dismissed from office without accusation, without a hearing, without even the shadow of a charge; dismissed them to want and beggary; their hopes blasted, and their characters assailed, by his vile "official," and its still viler echoes? Did he duly appreciate the moral effect of an official judgment upon them, which he now feels, or professes to feel so deeply, when it touches his own person? Other and better men, in other and more quiet times, have thought of this, in reference to this very subject of removal. I read from the speech of Mr. Page, of Virginia, (the same, I believe, whose name honors one of the new counties in that State,) delivered in the House of Representatives in 1789, on a clause in the bill creating the Department of Foreign Affairs, which recognised the power of removal in the President.

"I venture to assert," said Mr. Page, "that this clause of the bill contains in it the seeds of royal prerogative. If gentlemen lay such stress on the energy of Government, I beg them to consider how far this doctrine may go. Every thing which has been said in favor of energy in the Executive, may go to the destruction of freedom, and establish despotism. The very energy so much talked of has led many patriots to the Bastile, to the block, and to the halter. If the Chief Magistrate can take a man away from the head of a department without assigning any reason, he may as well be invested with power, on certain occasions, to take away his existence. But will you contend that this idea is consonant with the principles of a free government, where no man ought to be condemned unheard, nor until after a solemn conviction of guilt, on a fair and impartial trial?"

Such was the opinion of an honest and intelligent man, more than forty years ago, on the subject of removal without cause, without accusation, and without a hearing. If these things had been done towards the President, which he avers, but which in fact have not been done; if he had been tried by the Senate in this matter, and condemned unheard; and if all the moral consequences of an actual conviction were to follow, it were only teaching him to feel what he has made a thousand others feel as keenly; it were, indeed, a simple act of retributive justice. But, in truth, the complaint is without a shadow of foundation. The Senate has not tried, nor convicted him; and, in our proceedings and judgment

on this constitutional question of power and privilege, he has been heard whenever he chose to communicate with, or would deign to answer us.

Some of the closing paragraphs of this protest are of a character so singular, that I cannot refrain, though it is stepping out of the way of sober argument, to notice them. He says, "The resolution of the Senate contains an imputation upon my private as well as upon my public character." Does this assertion merit an answer? What does he complain of? The resolution of the Senate pronounces certain acts, which he admits he has done, to be in violation of the constitution: it is a question arising from a construction of that instrument, whether it be so; and that construction involves, it seems, an imputation on his private character. And he adds, "I have lived in vain, if it be necessary to enter into a formal vindication of my character and purposes from such an imputation. In vain do I bear upon my person enduring memorials of that contest in which American liberty was achieved." Now, if this be true—and it is to me, as well as to the rest of this body, a new matter of history—if it be true that, boy or lad, he got hurt any where, or any how, at any time, or by any accident, during the revolutionary war, what effect ought it to have, or should it have had, if urged in time, in the grave judgment of the Senate, upon their construction of the constitution? The Senate say to the President, You had no right to seize the public purse; the constitution intrusts its custody to Congress; pray restore it. Hear the reply: You are mistaken in your construction of the constitution; I got hurt when I was a boy, in the time of the Revolution, and I have the scar on me yet. This argument, if it be worth any thing, must be decisive of the question; for no man can answer it. If it be not, the next in its order is: I commanded an army, and won a battle, in the late war. These, sir, are in substance a part of the arguments by which the constitution of our country is, it seems, to be settled between the great departments of our Government!

"'Tis true 'tis pity; pity 'tis 'tis true."

But, in proceeding to prove the purity of his conduct and his motives, the President says, in this his protest: "If I had been ambitious, I should have sought an alliance with that powerful institution which even now aspires to no divided empire." He seek an alliance with that institution, to gratify his ambition! Why, sir, one of his first acts was, through one of his humble instruments, to command the obedience of that institution, and attempt to compel it to submission; and another agent has since boasted that he would bring it, as a reptile, to the feet of the Executive. Does this look like seeking power through an alliance with that institution, or like riding over and crushing it? But, if the kind of alliance that he means, is that which would make the bank subservient to the Executive, submissive to his will, and an instrument in his hands, then he did, in fact, seek that alliance; but the bank refused to come into the compact. Hence this war—"war to the knife"—against it. But he adds—and this is the most extraordinary of all—"If I had been venal, I should have sold myself to its designs." Is this possible? Is it the President of the United States that speaks this language, who makes a merit of having forborne to sell himself for money?

Why, there is not one honorable man in a thousand that would submit to the statement of the proposition, as to himself, hypothetically, with the if, without feeling and repelling it as a deep and degrading insult. But the President of the United States is not ashamed to couple his name and his station with such a proposition, and doubtless claims merit, (for why else should he name it?) that he has not yielded to bribery. One fact I would like well to know: Did the bank, or any man in behalf of the bank, directly or indirectly, offer him a bribe? If so, why was it not at once disclosed to the nation, that public vengeance might have fallen, with all its weight, upon the head of him who dared the deed? But, sir, I do not believe it. I do not believe that the bank, or any individual on behalf of the bank, ever offered to bribe the President, or that it would have purchased, if he had offered himself for sale. But enough of this. I turn from it with feelings which I cannot, and which, perhaps, I ought not, to attempt to express. In enumerating the personal motives which should have induced him to desist from the attack upon the bank, and in attempting to show that none but the most patriotic moved him onward, he wholly omits to notice one—revenge, that darling passion,

"Sweet to the soul, as honey to the taste"—

which the nation believes did, more than all other considerations, actuate and impel him.

I will now trouble the Senate for a few moments, with a subject in which I may be allowed to feel some individual interest. It is that part of the protest which the President has presented us "as a matter of history," with a copy of certain resolutions passed by the legislature of the State of Ohio, instructing me—for my colleague needed no instruction, to sustain the Executive in his act of the removal of the deposites.

I was aware of the existence of those resolutions before the President saw proper to recite them. My colleague laid them upon your table in the early part of the session, that they might be a subject of easy reference, and that we might have the line of duty which they marked out for us constantly before our eyes. As I, and certain other friends near me similarly situated, did not conform exactly to these and similar mandates, we were singled out as a mark at which some of the light-armed troops should aim their missiles. There was occasionally a hand-grenade cast from the other side of the House amongst us, and some arrows were discharged from a Parthian bow, which were intended to quiver in our sides. But I, sir, did not think fit to put myself upon my defence, or even to regard or notice the attacks. I looked upon this as a matter between my constituents, the people of my State, and myself; and I did not think it in good taste, if it could be avoided, to bring up in discussion here, any matter of division, or difficulty, or misunderstanding there. But the President of the United States has seen fit to copy into the paper which he calls his protest, and send to us here, and send abroad to the nation, these resolutions, which, he says, "deliberately approve those very measures" which I, by my vote, have condemned. Thus personally assailed by the Chief Magistrate of the nation, it is a duty which I owe to myself and to the people of the State which I represent, that I should give my views publicly on this floor upon this subject.

The Senate represents the States in the Congress of the Union. The Senators are chosen by the legislatures, or appointed by the Governors in the recess; but it is the State which each, however selected, represents, and not the legislature or the Governor, who was the mere instrument used by the people and the constitution for his selection. Then, as he is the representative of the State, in order to determine to whom he is responsible for the due performance of his duty, as representative to constituent, we must next determine what is the State. Is it the legislature? No; they are but servants of the people, and exercise, in their behalf, but a delegated power. It is the people themselves, bound together by the constitution, which is their social compact, and exercising their powers through their appropriate agents, under that constitution and compact. The legislature of the State are the trustees or servants of the people, for certain objects specified in that constitution. The Senators here in Congress are their trustees or servants, for certain other purposes, likewise specified in the constitution. Each has its own appropriate functions to perform; and it is not dele-

gated to the one to control or direct the other. I do not stand, therefore, to the legislature of my State in the relation of representative to constituent. I stand in that relation only to the sovereign power—the people; and to them only am I bound to yield that obedience which the representative owes to the combined and enlightened will of his constituents.

It is argued by some, that, because the people of a State cannot practically assemble and instruct their Senators, therefore the legislature must have the power to instruct them. Singular logic, this! It supposes that public functionaries, charged with a high and sacred trust, and bound by the most solemn oath to discharge that trust faithfully, must, not only in theory, but in practice, obey somebody; that they must have some master, who shall stand by and command them; and, if you prove that those who intrusted them with the power do not stand by and direct them, that somebody else must. In the present day all must be in leading strings. But the assumption is not true in point of fact. The will of the people of a State can, to all reasonable certainty, be ascertained by a Senator in Congress, on all great and momentous questions. On questions of very great importance, they may assemble in their primary character and instruct him. I believe that I now know the will of a majority, and of a very large majority, of the people of my own State, and, knowing, I obey it. I may, it is true, be mistaken; if I am, the responsibility rests on myself, and I am willing to take it and bide the issue.

I have thus far considered the doctrine of absolute right in the legislature to command, and the absolute duty of obedience in the Senator. But there is another point of view in which this subject requires to be considered, in order to avoid all misapprehension arising from the general opinions already expressed. I admit that the State legislatures have a right, and, in cases of great national importance, it is their duty, to express their opinions, in the way of resolutions of request, or instructions, if you please, (for I will not quarrel with the forms which usage has given us,) to their Senators and Representatives in Congress. It is their right to do it, as a select and enlightened portion of the people. As such, they may inform the judgment, strengthen the hands, and lighten the responsibility of the representative. Their opinion is entitled to respect, as the opinion of an intelligent portion of the people, and as evidence of the public will. But that opinion may be rendered valueless, and that evidence may be weakened or destroyed by attendant circumstances.

Such was the case here. These resolutions were the result of party discipline and party organization, not of evidence, argument, deliberation, and calm judgment. The vote upon them was strictly a party vote, and they did not pass through the usual forms of legislation. I have a letter on my desk, informing me that those resolutions were introduced into the Senate of the State, and passed through it in less than three hours, and almost without discussion. They were introduced and passed when but one side of the question had been heard, after the receipt of the reasons of the Secretary of the Treasury, which I took care to send them, and before the report of the committee of the bank, which I sent also, had reached them; and, on the next morning, a member of the Senate who had voted with the majority, moved a reconsideration, and declared, with just indignation, on the floor of the Senate, that those resolutions had come ready furnished to hand from Washington, and he spurned at the idea of making himself the instrument of their adoption. And I have no doubt of the fact. I believe that they were manufactured by the kitchen cabinet here, and forwarded through their branch at Columbus; and were, through the craft of the managers there, imposed upon many honest and unsuspecting members of that legislature; strong party men, but honest men—who would never have made themselves instruments in the transaction, had time been allowed them to ascertain its true purpose, and had they been aware of the juggling which was practised upon them and upon the country. And shall I receive this, and obey it as the will of the people of my State? No: if such be its origin, I spurn it with indignation; coming from a source like that, it were a libel upon the people; it were a foul insult to intrude it on me as their will. Why not send the instructions from the lower story of the palace direct, instead of giving them this unnecessary circuit? I would as soon receive them fresh from the limbeck in which they were originally concocted, as now, after they have performed their seasoning voyage; for that has purified them of none of the poisonous drugs with which they were medicated. And what right has the President, or what right has any man, to thrust himself between me and the people whom I represent, and interfere with my legislative duties and my official responsibilities? Sir, I will not acknowledge those resolutions as of any binding force whatever, or as any evidence of the will of the people of Ohio. I believe it is not their will. I believe that a very large majority of the people are not only opposed to the act which those resolutions direct me to sustain, but that they would rather trust to my judgment, on that or any other great national question to be settled here, than to the inspiration (for judgment it could not be called, as they had neither time nor facts out of which to form a judgment) of that majority of the legislature which gave those instructions. The sober judgment and the intelligence of that legislature were opposed to those resolutions. I hold in my had, as an evidence of this fact, the protest of fifteen of the thirty-six Senators, all able, intelligent men, and among them the late chief justice of the State, in which they give their reasons calmly, but strongly, against the measure; all of which reasons I had the gratification to find in accordance with the views which I, about the same time, urged in my place on this floor.

So much for this historical fact with which the President has favored us. I have, in the execution of a high and solemn trust confided in me by the people, and under the solemn obligation of an oath, felt bound to obey the dictates of my own judgment and conscience, and to disobey, and for the causes above stated, to wholly disregard these instructions. I did so when they were forwarded to me by the legislature. I shall do so still, now they are revived and re-produced by the Executive. I will neither lend my aid to destroy the constitution and the liberties of my country, nor will I abandon my post that another may supply my place who might join in that work of destruction; and, for a judgment upon my acts, I appeal—not to Cæsar—but from Cæsar to the people of Ohio.

But the reasons of the President for sending us this paper, opens a new mine of executive power, hitherto unexplored. It is his oath of office which justifies and requires of him this new and most extraordinary measure; he has solemnly sworn that he "will faithfully execute the office of President of the United States, and will, to the best of his abilities, preserve, protect, and defend, the constitution of the United States." So the Senate has violated and assailed the constitution, and he is bound by his oath to interfere and defend it. Perhaps his interference may, in the first instance, prove ineffectual. This body may not yield, at once, to his remonstrance, and restore the constitution and conform their acts to what, in his opinion, it legitimately warrants. What then? Having once interfered, under his oath, to protect and defend the constitution, will he not make that interference effectual, and protect and defend it at all hazards, and by all the means which are in his power? In speaking of the acts of the Senate, in this very paper, he says: "If the Senate have a right to interfere with the executive powers, they

have also the right to make that interference effective;" and it is not at all to be presumed that he rates his own powers and his own rights, in point of efficiency, lower than the powers and rights of this body; and that he will claim less for himself, when he has interfered, than he is willing to concede to them, in case they may interfere. Sir, this quarrel is sought without any just cause whatever. All Executive power, and all his individual popularity, are to be arrayed and armed against the Senate, which he regards as all that now stands firmly, and that has the power to stand, between him and absolute uncontrolled dominion.

And the Senate does possess the power, if not to place the constitution upon its ancient pillars, at least to prevent its utter prostration, and total and final ruin. And first among the defensive weapons with which we are armed, is the power to check the abuse of executive patronage which has entered into our halls of legislation, and extended itself into every section of our country, and into all the haunts of business and of life. It has gone forth corrupting and to corrupt. General Jackson, when a candidate for the high station which he now fills, saw and exposed the danger to which our institutions are subjected, by this unrestrained exercise of the power of appointment. I read from his letter of resignation to the legislature of Tennessee, presented the 14th of October, 1825. In speaking of a proposed amendment to the constitution of the United States, which should render members of Congress ineligible to any executive appointment, he says:

"The effect of such a constitutional provision is obvious. By it, Congress, in a considerable degree, would be free from that connexion with the Executive department, which at present gives strong ground of jealousy and apprehension on the part of the people. Members, instead of being liable to be withdrawn from legislating on the great interests of the nation, through prospects of executive patronage, would be more liberally confided in by their constituents, while their vigilance would be less interrupted by party feelings and party excitements. Calculations from intrigue or management would fail. Nor would their deliberations or their investigation of subjects consume so much time. The morals of the country would be improved; and virtue, uniting with the labors of the representatives and the official ministers of the law, would tend to perpetuate the honor and glory of the Government.

"But if this change in the constitution be not obtained, and important appointments continue to devolve on representatives in Congress, it requires no depth of thought to be convinced that corruption will become the order of the day; and that, under the garb of conscientious sacrifices to the public good, evils of serious importance to the freedom and prosperity of the republic may arise. It is through this channel the people may expect to be attacked in their constitutional sovereignty, and where tyranny may be expected to spring up in some favorable emergency. Against such inroads, every guard ought to be interposed, and none better occurs than that of closing the suspected avenue with some necessary constitutional restriction. We know that human nature is prone to evil. We are early taught to pray that we may not be led into temptation; and hence the opinion, that, by a constitutional provision, all avenues to temptation, on the part of our political servants, should be closed."

Good sound doctrine this, and truth, solemn truth, as his subsequent conduct and the present state of our country verify. He saw the danger. He saw the certainty that corruption would become the order of the day, if members of Congress were subject to the temptation of executive appointment. He knew that their eyes would be turned to the Executive, and not to the people who sent them, and whom they should serve; and that their hopes would rest on executive patronage, and promotion from the Executive hand. He knew the consequence of the exercise of this power; and, knowing, has used it to an extent exceeding all that was ever heard or thought of by other Presidents, or in other times. How many, Mr. President—was it five or was it six—that were appointed in a single year, from this Senate, to high executive offices? What numbers from the other House to offices of all descriptions, high and low? It seemed to be thought glory enough to serve the President in any station. He became, at once, every thing—the country and the people nothing. As the constitution is not amended, and that means of saving our legislators from corruption, and our country from "tyranny," cannot now avail us, we, who would preserve the purity of our institutions, and avert that tyranny, must resort to the only other means now in our power. And I trust we will resort to it, and adhere to it with stern inflexibility, and that, if the President will nominate, the Senate will not confirm, any member of Congress to any executive office whatever. I, for one, will not advise and consent to any such appointment. Another evil is worthy to be noticed and arrested, while it may. General Jackson early foresaw, or apprehended, that Executive patronage would be made "to bear upon the elective franchise;" and that evil has now come upon the country in full and unmitigated virulence. Armies of office-holders, whose names fill a volume, swarm in our cities, and are stationed in every town and village in our country. They compose the nucleus around which the political party which supports the present dominant power, gather, and form, and rally. Others traverse the country, collect and convey intelligence, and arrange and marshal the hosts, and prepare them for action. No man can, at this day, obtain an executive appointment, unless he have earned it as a political partisan, or some friend has so earned it for him. No man can retain an office unless he continues to do battle in obedience to the mandates of his leader. Such is the present state of things. But the Senate may check, if it cannot entirely correct, this evil also. And I, for one, will do all that in me lies to correct it. I will advise and consent to the appointment of no man to any office, who has earned that appointment in the arena as a political gladiator. And I will advise and consent to the reappointment of no man to any responsible office, who, while he held that office, abused it to the mere purposes of party, instead of using it for the benefit of his country. When I can have proof of either of these things, clear and unquestionable, my course, for one, will be decisive and unvarying. We have too long heard as the ground, and the only successful ground, of recommendation to office, that the applicant was devoted to the interests of one man rather than the interests of his country; that he had rendered, and he was capable of rendering, service to that man, or his party, rather than to his country. At the same time, I would inquire into no man's political opinions or personal preferences; it is a gross abuse that such inquiries have ever been made in appointments to office. I will be disposed to do all that is possible to correct that abuse; and it can only be done by disappointing the hopes of him who expects to rise by making a trade of politics. The Senate have always possessed these powers, but it has not always been necessary to exercise them. It is only in the last resort—'tis when the ship drifts before wind and tide that the sheet anchor is cast out to fix and save her. And it is a struggle now for the very existence of the constitution which is struck at in its last stronghold. The protest of the President, which is before you, is his *arrière ban*, the summons to his powers to come up and do battle against the Senate. And it is a mighty power, and that power a unit—controlled by one head, and animated by one spirit—that is arrayed against, and now pressing upon us. With us

there is division—different views, divided counsels—all anxious to sustain the dignity and independence of the Senate; but all cannot agree as to the true mode by which they are to be sustained. The honorable Senator from Alabama [Mr. KING] is of opinion that true dignity rests in submission. In this he is entirely consistent. He has always, I believe, advised and pursued the same course in every contest between the Executive and the Senate. Another honorable Senator, for whom I have great respect, but whom we have not yet heard on this subject will, I have no doubt, as heretofore, be of opinion, that the President and the Senate are both a little wrong—the Senate most so; and he will, on the whole, reckon it is the best for us to submit. Others, and I am one of them, think and feel, that, be the odds against us what it may, we should stand for our constitutional rights, and defend and sustain them by all constitutional means.

The protest warns us, that, if we persist, the harmony of the relations between the President and the Senate will be destroyed, and that it will lead to serious alterations in the frame-work of our constitution, or "the practical abandonment of some of its provisions." And what, sir, do you suppose, are the provisions of the constitution, in addition to those which he has disregarded and violated, which he now proposes practically to abandon, if the Senate persist in thwarting his will? Dispense with the confirmation of the Senate to his appointments, by appointing in the recess, and again and again so appointing, as in the case of Gwynn? Suppose, then, as would probably be the case, we so frame the appropriation bill, that nothing could by law be paid to an officer not confirmed by the Senate? He would practically abandon another of the provisions of the constitution; pay his officers without regard to the appropriations, or make them the depositories of so much of the public treasure as will indemnify them for delay and difficulty in procuring their salaries. If this be not his purpose, why does he assert that broad claim of control over the public purse, utterly unknown, and unheard of, down to the day of the promulgation of that protest. The bold doctrine that "Congress cannot take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution," the explanatory protest which he sent us this morning covers up and mystifies; but it does not retract this assumption of power. The plain strong text does but carry out to its results the lawless power which he had already exercised in seizing the public deposites, and holding them in his own custody. He now simply bids defiance to Congress, and says, in effect, he has the public purse; he has a right to it, and he will keep it. The Secretary, in whose care it was placed, is now his Secretary, and we can put it in the custody of no agent who will not at once be his agent, by virtue of his trust. Such is the text of his protest; and the gloss which came in to-day does not, in my opinion, retract or explain, it only obscures it.

As the President has, in his protest, appealed to the debate in 1789, on the bill for organizing the Department of Foreign Affairs, I will, while the attention of the Senate is turned to the subject, refer to the speech of a member from Georgia, [Mr. JACKSON,] who foretold, in an admirable manner, some of the consequences which have resulted from the unfortunate admission of the power of removal, first inserted in that law. The clause which I read is in the 4th Elliot's Debates, pages 169, 170. Speaking of the evil consequences of placing the power of removal in the hands of the President, he says: "But let me ask gentlemen, if it be possible to place these officers in such a situation as to deprive them of their independence and firmness? For, I apprehend, it is not intended to stop with the Secretary of Foreign Affairs. Let it be remembered that the constitution gives the President the command of the military. If you give him complete power over the man with the strong box, he will have the liberty of America under his thumb. It is easy to see the evil which may result. If he wants to establish an arbitrary authority, and finds the Secretary of Finance not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed of principles more congenial with his own. Then, says he, I have got the army; let me have but the money, and I will establish my throne on the ruins of your visionary republic. Let no gentleman say I am contemplating imaginary dangers—the mere chimeras of a heated brain."

Sir, whatever it might then seem, it was no chimera. How strictly, to the very letter, has his prediction been verified! The powers which the constitution has placed in the hands of the President, and those which, within five years, he has been able to seize into his grasp, either within or without the pale of the constitution, cannot fail to excite the deepest alarm in the bosom of every friend of American liberty. He has the power of the sword—that the constitution gives him; the command of the army and the navy; but even there, to make himself more absolute, he has asserted and exercised doubtful and odious powers, if, indeed, he has not assumed unconstitutional powers—the right of removing, by his own mere will, any officer in the army or the navy, without a trial by court martial, or against the judgment of such court; I deny that the constitution has vested him with any such power, and its assumption is against the whole spirit and genius of our institutions. Its tendency is obvious. It makes the President superior to the law, and the officer who would hesitate to obey his illegal command, must do it at the hazard of his own removal, and having his station filled by one who would be more supple and obedient.

He has also perverted the power of appointment to a mere instrument of influence and corruption. I characterize it by the strong words which he has used in his letter of resignation. By means of that power, unless we impose a salutary check upon it, he may operate on members of this and the other House of Congress, by raising their hopes, exciting their fears, and bringing them as suppliants to his feet, or to the feet of the vilest minions who surround him, and who are supposed to influence his secret councils. Abroad, throughout the various parts of the Union, he wields that power also, not for the benefit of the nation, of which he is the head, but for the purposes of party; for the purpose of sustaining and perpetuating influence; and to that end the public treasures are lavished and consumed.

He claims, too, a dispensing power over the laws; laws which have passed through all the solemnities of enactment, which have received the sanction of both Houses of Congress, and of the Executive, and even of the highest judicial tribunal of the country. He claims the right to refuse to execute them, on the ground that he considers them as against the constitution. He has also seized into his possession and claims the sole control over the public treasure, and denies that Congress can make any law, within the pale of the constitution, which may rescue it from his hands. And he claims that by virtue of his oath of office, he may, and ought to enter the halls of legislation, especially this chamber, and preserve, protect, and defend the constitution against the acts of this Senate. And what have we to oppose to his accumulated power, his inroads, and his aggressions? The constitution, which is our banner, stout hearts, firm and resolute minds, and an unwavering trust in God and our country.

Sir, cast back your eyes for but eight short years over the history of our country, and you will see by what combination of circumstances those powers have been gathered, and concentrated in a single hand; it is an instructive, but mournful retrospection. But what then was the

situation of our country? What is it now? And what has produced the rapid and alarming change? Within that time, strong and marked divisions, partly of principle, partly sectional, developed themselves in the nation, took strong possession of the public mind, and fixed the attention, and absorbed the feelings of the people. Our constitution, and the powers which it confers upon the national legislature, became a subject of deep and all-pervading interest; the one would limit to the strict letter of the instrument, the other would extend, by a rational and necessary intendment, those powers. The present Chief Magistrate, and those who most adhere to him, assumed a doubtful station, now flattering the hopes, and now alarming the fears of each of the contending parties, as he seemed disposed to incline to or oppose their doctrines. Thus the contest was encouraged and kept up with fierceness and violence. Public attention was fixed and centred upon that struggle; while the Executive was (sometimes gradually, at other times by a bold and sudden wrench) drawing and seizing all the powers of Government to himself, and even those who watched the legislative power with the most suspicious jealousy, permitted his enormous strides to dominion for a long time to pass unheeded, and without censure. Heavily did the vessel of state labor in her onward course, under this various pressure:

"Harder beset,
And more endanger'd, than when Argo pass'd
Through Bosphorus, betwixt the jutting rocks;
Or when Ulysses, on the larboard shunn'd
Charybdis, and by the other whirlpool steer'd."

Still, she has thus far won her way, amid the fighting elements; but the rocks, and shoals, and whirlpools, are not yet passed, and no quiet haven is in sight. We have long seen and felt the downward tendency of things, but could scarcely poise ourselves in calmness to resist or check its motion; for so rapid has been the torrent which dashes and rolls us onward, that the head becomes giddy, and the mind bewildered, and the eye dim, as we gaze upon the billows which rush and foam asound us.

Sir, our republic has long been a theme of speculation among the savans of Europe. They profess to have cast its horoscope, and fifty years were fixed upon by many as the utmost limit of its duration. But those years passed by, and beheld us a united and a happy people; our political atmosphere agitated by no storm, and scarcely a cloud to obscure the serenity of our horizon—all of the present, was prosperity; all of the future, hope. True, upon the day of that anniversary two venerated fathers of our freedom and of our country fell; but they sunk calmly to rest, in the maturity of years and in the fulness of time; and their simultaneous departure on that day of jubilee, for another and a better would, was hailed by our nation as a propitious sign, sent to us from Heaven. Wandering the other day in the alcoves of the library, I accidentally opened a volume containing the orations delivered by many distinguished men on that solemn occasion, and I noted some expressions of a few who now sit in this hall, which are deep fraught with the then prevailing, I may say universal, feeling. It is inquired by one, "Is this the effect of accident or blind chance? or has that God, who holds in his hands the destiny of nations and of men, designed these things as an evidence of the permanence and perpetuity of our institutions?" Another says, "Is it not stamped with the seal of Divinity?" And a third, descanting on the prospects bright and glorious which opened on our beloved country, says, "Auspicious omens cheer us."

Strong spirits, (I use the term in the sense in which the French academicians use it, *les forts esprits*,) strong spirits may sneer at these impressions, which are the offspring of feeling rather than of reason, and which resolve themselves into no philosophical connexion of cause and consequence:

Sed mi, infirmior sum
Unus multorum—

I do not, and I cannot, wholly deny their influence.

Yet it would have required but a tinge of superstitious gloom to have drawn from that event darker forebodings of that which was to come. In our primitive wilds, where the order of nature is unbroken by the hand of man; there, where majestic trees arise, spread forth their branches, live out their age, and decline; sometimes will an ancient patriarchal plant, which has stood for centuries the winds and storms, fall when no breeze agitates a leaf of the trees that surround it. And when, in the calm stillness of a summer's noon, the solitary woodsman hears on either hand the heavy crash of huge branchless trunks, falling by their own weight to the earth from whence they sprung, prescient of the future, he foresees the whirlwind at hand, which shall sweep through the forest, break its strongest stems, upturn its deepest roots, and strew in the dust its tallest, proudest heads. But I am none of those who indulge in gloomy anticipation. I do not despair of the republic. My trust is strong that the gallant ship, in which all our hopes are embarked, will yet outride the storm; saved alike from the breakers and billows of disunion, and the greedy whirlpool—the all-ingulfing maelstrom of executive power—that unbroken, if not unharmed, she may pursue her prosperous voyage far down the stream of time; and that the banner of our country, which now waves over us so proudly, will still float in triumph, borne on the winds of Heaven, fanned by the breath of fame, every stripe bright and unsullied, every star fixed in its sphere, ages after each of us now here shall have ceased to gaze on its majestic folds forever.

When Mr. EWING had concluded—

Mr. KANE obtained the floor, but gave way to

Mr. WILKINS, who said he would move, if there was no indisposition on the part of gentlemen to take up the business connected with the foreign relations of the country, which he had mentioned before, that, for that purpose, the Senate go into Executive session.

Mr. POINDEXTER would prefer the postponement of Executive business until to-morrow.

Mr. CALHOUN hoped the motion of the honorable gentleman from Pennsylvania, [Mr. WILKINS,] would prevail, and that it would be acted upon.

Mr. CLAYTON did not perceive the necessity of going into Executive business.

The question was then taken upon Mr. WILKINS's motion, when there appeared—ayes 18, noes 20.

So the Senate refused to go into Executive session.

Mr. FORSYTH offered an amendment to the first resolution proposed by Mr. POINDEXTER, which was, after the words "17th instant," to insert "in the following words:" and then to recite the whole of the message of the President; and, in the third resolution, to insert after the words "with the declaration that accompanied it"—"containing the following words," and then to recite the whole of that declaration.

Mr. POINDEXTER said, he understood the effect of the amendment would be to destroy the resolutions. The object was to get the messages on the Journals.

Mr. LEIGH inquired if such was the object, and was answered in the affirmative.

Mr. BIBB rose on a point of order. He was not one of those men who had much knowledge of points of order; but as the amendment was totally inconsistent with the original proposition, for the avowed object of the mover was to destroy the resolutions, he thought it could not be in order.

The CHAIR could not conceive that there was any question of order. The paper was in possession of the Clerk, and at the disposal of the Senate.

Mr. CALHOUN considered this a very novel case; and it appeared to him that it involved a point of order. The

object of all rules, was to carry into effect the intention of the body; and here the very point at issue was, whether the papers of the President should go on the Journals. This amendment, therefore, must be out of order. The question was, whether an individual member could thus put aside the intention of the Senate.

Mr. FORSYTH did not understand the point of objection. His object was to incorporate the message with the resolutions, that its true character might be seen.

Mr. SPRAGUE said, when the paper was read to the Senate, he noticed that the President called the Secretaries his Secretaries, not only once, but repeatedly; whereas, in the printed copy, this expression was used but once. By examining the original, he had found *his* in ink, and *the* in pencil, over it. He would ask which was the true reading, and which was to be incorporated in this motion.

Mr. CALHOUN said, the rule required that every motion should be given in writing; and he requested that this motion should be put in writing, in all its parts.

Mr. FORSYTH would reduce it to writing, when he had an opportunity.

The SECRETARY explained in regard to the alterations made in the message. The next morning after the message was sent in, the President's private Secretary had told him of two or three verbal errors, of which *his* Secretary was one. He had informed him, that as the message had been read, he could permit no amendment, but he had himself inserted the corrections in pencil, for the mere purpose of reference.

Mr. WEBSTER called for the other corrections, and the Secretary read a number of instances, in which expression was substituted for admission, removing for controlling, exercise for examine, &c.

Mr. CLAY wished to know at what time these corrections were made.

The SECRETARY said, On Friday morning.

Mr. CLAY requested that the Senate might know, and the country, that on Friday morning, after the paper had been commented on, after *my* Secretary had been repeatedly pronounced by the President, this alteration had been attempted.

There was another thing to be observed and remembered: any man must perceive that transforming the papers could not have been rendered necessary by the mistakes of a clerk; no clerk could mistake his for the, and no clerk could commit the other mistakes, such as money for property, &c.

Mr. C. hoped the Secretary would not insert any more pencil marks. The paper proved that the attempt itself was another instance of Executive encroachment. What! after a paper had been printed and commented on, might the President send his private Secretary to alter it? But it showed the spirit of the times, and it showed but too strongly the spirit of the man.

Mr. FORSYTH now began to reduce his amendment to writing.

Mr. WEBSTER said, that while the gentleman was engaged in that agreeable operation, he wished to say that the account given by the Secretary should be reduced to writing.

Mr. FORSYTH brought to the Chair the first part of his amendment, in his own writing, and the original Executive manifesto, as the remainder of it.

Mr. POINDEXTER objected to that form of the amendment, by taking the document itself.

The CHAIR said, it was not necessary for him to reduce the whole to writing; printed, or other parts, might be incorporated.

Mr. CALHOUN appealed from the decision of the Chair.

Mr. WEBSTER said, there appeared to him to be a concord of ingenuity between the Chair and the gentleman from Georgia. If the course proposed was carried into effect, the honorable Senator might withdraw his amendment, pocket the document, and walk out of the Senate. The procedure of the honorable Senator was no reduction of his views to writing. He (Mr. W.) thought time ought to be allowed the honorable Senator; but if the Senate did not choose to grant time, there was no remedy. The honorable Senator had no right to take up the document from the table of the Senate, and offer it as his motion.

Mr. PRESTON said, it was remarkable to see one document answer so many purposes. It was in the first place sent to the Senate as a protest, and then published to the nation as a proclamation of the President. It was a protest to the Senate one day, in one shape, and the next day, in another shape. Even while the Senate was discussing it in one form, it assumed another through the medium of the President's private Secretary. This was the second time that papers had been altered, after they had been placed in the possession of the Senate. On a former occasion he had said that this tampering with papers was a very improper and dangerous practice, was much to be avoided. A protest was sent to the Senate by the President, and when it was found that it contained some passages likely to rouse the indignation of the people by the despotic disposition which they indicated, the private Secretary was sent down to alter the document, and make it more palatable. Thus altered, 40,000 copies were distributed to the people. He had said this morning that he rejoiced to see the President beginning a luminous commentary on the text he had sent to the Senate; he did not expect, however, that the text would have been touched. They had now before them a new text. The document had been interfered with while it was in the possession of the Senate, and they were engaged in discussing it.

The particular points to which Senators had objected had been removed. The paper had originally stalked in tragic boots, and with a haughty mien; but now, throwing aside the sock and gown, it came forward under the comic face of an amendment. Suppose the Senator from Georgia, now that the Chair had decided that his motion was in order, chooses to withdraw his amendment, to whom would the document then belong. The use to which the paper was attempted to be put, was certainly not a proper one; it could not be made to answer so many purposes. The protest of the President was now brought forward as an amendment. "To what vile uses may we come at last: the dust of Alexander may stop a bung-hole." There was another point of order. The amendment was in direct contradiction to the original motion. Common sense taught, that such an amendment could not be received.

Mr. CALHOUN said he should be disposed to withdraw his motion, if the Senator from Georgia would withdraw his amendment, and return it to the Executive. That, Mr. C. said he thought would be the best disposition of it.

Mr. FORSYTH called for the ayes and noes upon his motion, and read a rule of the Senate to show that it was perfectly in order.

If, he said, he were disposed to be critical, he might say, that gentlemen sought to deprive him of his right to have this resolution put upon the Journal.

Every necessary purpose was answered by the course he had pursued. What would be their situation if a Senator was to be deprived of his right to make an amendment, by a mere question of order. Three or four hours would be necessary to make a copy of the document, and in the mean time a vote might be taken, and he would thus be deprived of one of his most sacred rights as a Senator of the United States. The question was now whether his motion should be received. Honorable gentlemen made use of the document in question to condemn

the President, and he, Mr. F., was not to be permitted to make use of it as an amendment. With regard to the alterations which had been made, he begged to say that the paper had not been received by the Senate, and, until that was done, the President had a right to alter it. But what were the alterations? Did the President shrink from any thing he had previously said? If he did, let him be condemned, but not otherwise. The President's character was too well known for any one to believe him guilty of such conduct. The words "his Secretary," were still retained; he, Mr. F., wished to know if any alteration had taken place in substance.

Mr. SPRAGUE called for the reading of the document in its original and in its altered state.

Mr. KANE asked if any alteration had been really made?

The SECRETARY replied in the negative. He had merely inserted the words in pencil for the purpose of reference. The Secretary then read those parts of the paper in which alterations had been made, and showed what the alterations were.

Mr. LEIGH wished to understand what was the object of the Senate. He understood the question now to be on an appeal from the decision of the Chair, that it was in order for the gentleman from Georgia, to take a document from the Senate and to submit it to the Chair in the form of writing, that his motion might be in order. Was that the question?

The CHAIR said that the rule existed, although it was not usually acted upon. He supposed the intention of the rule to be, that the resolution might be generally understood; and he imagined, that taking the document from the table would answer that purpose.

Mr. LEIGH said, if the object had not been distinctly avowed by the gentleman from Georgia to be, to compel the Senate to do what it might object to do, he would not have made any remarks on the subject. But from the manner in which the Chair had acted, it seemed to him as if the Chair claimed similar power over that body to that which the President of the United States claimed over the public money.

The question was, which paper should be received; and the main question was, which should be spread over the Journals of the Senate. The majority was against it, and the object of the gentleman from Georgia was, that the Senate should be openly accused. The question with him was, whether the motion was in order. He would vote that it be not received; or, in other words, that he [Mr. FORSYTH] shall not have it in his power to do that which the Senate had determined not to do. He would not profess to be well informed on the subject; but he would vote against the motion.

Mr. FRELINGHUYSEN then moved an adjournment, which, after a little opposition, was carried.

And the Senate adjourned.

TUESDAY, APRIL 22.

ALBANY MEMORIAL.

Mr. WEBSTER rose and said, it would be remembered that not long before he left his seat, on leave of absence he had had the honor of presenting a memorial from citizens of Albany, complaining of recent measures of Government. He had been authorized on that occasion to state, and had stated, that the number of signers was twenty-eight hundred, or thereabouts. I soon after saw, said Mr. W., that this statement was denied, and that no more than thirteen or fourteen hundred names were to be found to the papers. The honorable member from New York, [Mr. WRIGHT,] I believe himself alluded to this apparent deficiency. So soon, sir, as these observations reached the memorialists, they inquired into the cause of the mistake, and they found that one long roll of names, attached to one copy of the memorial, had been left out of the package which had been handed to me. They have lost no time in forwarding this omitted list, and I now hold it in my hand, to be presented to the Senate, and added to the others. To be sure against further error, I have asked an officer of the Senate to have these additional names counted, and he certifies them to amount to 1,485. Here they are, sir—the original signatures—and here comes with them a regular affidavit, verifying the paper, and accounting for the omission. This makes up, sir, the number as originally stated; and I hope will be satisfactory. If it should not be, and if it would give gentlemen any gratification to receive an additional 500 or 1,000 names, I imagine little pains would be necessary to furnish them that gratification.

Mr. President, in one of those unrivalled speeches of Mr. Burke, in which he indulged his admiration of America, he says, when speaking of the growth of our population, "Whether I put the present numbers too high, or too low, is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, while the dispute continues, the exaggeration ends. While we are discussing any given magnitude, they are grown to it."

Sir, a similar sentiment would be just in regard to the numbers among our fellow-citizens, who are rallying to oppose the recent measures of Government. State the numbers as we will, if the statement be not true to-day, it will yet probably be true to-morrow.

Mr. WRIGHT rose to move the printing of the names. He added, that the Senate would do him the credit to say, that he had expressed his belief that there was some mistake about the matter. He moved that these names be printed.

Mr. WEBSTER expressed his wish that the names might be printed. He would do the justice to the honorable member to say, that he understood him to have expressed himself as he had stated.

The paper was then referred, and the names ordered to be printed.

ADAMS (MASS.) MEMORIAL.

Mr. WEBSTER said he had to present to the Senate a memorial from the farmers, manufacturers, mechanics, and traders of the town of Adams, in the county of Berkshire, in Massachusetts. These memorialists complain of the injurious effects of the recent measures of Government on their business and means of living. Twelve hundred persons, they state, have been engaged in manufacturing, in that township, having entered into those pursuits under the encouragement of Government, and assurances of its protection. That, in the midst of prosperity, their career has been suddenly arrested; some of the establishments have been obliged to stop, and others to dismiss their hands, more or less, and many individuals have fallen into great want and great distress. These memorialists aver, sir, that that is true, which I have more than once predicted would soon be found true; and that is, that the measures of the administration tend to make some of the rich richer, and all the poor poorer; and all, they say, of whatever tongue or kindred, who have foreign capital at command, enjoy advantages over American industry and perseverance. As Americans, then, they address themselves to Congress: they say to Congress, "restore the currency, restore the confidence of the people, restore the character and credit of the nation, restore our prosperity and happiness. One act of yours can do all this."

Sir, as one of the representatives of the people of North Adams, I respond to them, by saying, that, so far as depends on my efforts here, and on those of my colleague, and on those of their own able and excellent rep-

resentative in the other House, and most of his colleagues, there will be no abandonment of the present object and present purpose, till their prosperity be restored, till the credit of the nation be restored, and till the constitution of the country be restored also. Let them be of good cheer. Permanent distress, from mere misgovernment, can hardly be the lot of an intelligent people.

The memorial was then referred to the Committee on Finance, and ordered to be printed.

NEW JERSEY MEMORIALS.

Mr. FRELINGHUYSEN said he had been requested to present to the Senate a certified copy of certain resolutions and a memorial adopted by the friends of the present administration, at a county meeting, held at Somerville, in the county of Somerset, by citizens of that county, in New Jersey.

I take pleasure, said Mr. F., in assuring the Senate of the respectability of the gentlemen who conducted this meeting, and that their opinions are entitled to receive from me and this body, respectful consideration. It is with satisfaction, and some consolation, too, that I find these proceedings conveyed in decorous and dignified language, and wanting altogether the harsh and occasional personal severity that has at some times assailed my honorable colleague and myself. While I say this, however, sir, I am constrained to dissent from the opinions of these, my respectable constituents. I especially advert to the fifth resolution, wherein, speaking of the late instructions of the Legislature, they resolve in the following terms: "We believe they expressed the sentiments of the State—we know they gave the voice of the county of Somerset." Mr. President, this matter of belief and knowledge is a voluntary exercise—it cannot be forced; and as this meeting has not instructed me to believe with them, I shall certainly continue to think according to my own lights, and the conclusions of my own mind.

Now I do not believe, either in the majority of the State, and I certainly cannot know, and do not believe, the alleged state of public sentiment in the county of Somerset. This ancient, honored county, sustain the encroachments of arbitrary power! If I was to select a district in the State, where the pure, pervading, uncompromising whig principles of the Revolution prevailed, it would be the good old county of Somerset. Sir, it has been true to these principles from its earliest history. The first war-note that ever disturbed the tranquillity of its valleys, was in that eventful hour when resistance to arbitrary power was resolved. Yes, sir, it was against its encroachments that our fathers buckled on their armor—and the plains of Monmouth, Trenton, and Princeton, still hold a language that has lost none of its energy by time, but will, when needs be, warm every patriot bosom into enthusiasm.

Sir, the true issue was not yet formed at the date of this meeting. The bank is certainly denounced for sufficient variety of charges and misconduct, in the resolutions and memorial before us, but the great question of power, on the one hand, and the majesty and dominion of our laws on the other, was not then raised. But I rejoice to know that the people are now coming up to the case, with the spirit and solemnity becoming enlightened freemen, jealous of their liberties.

In proof of this, I beg leave to refer to the resolutions and memorial of a public meeting held at Princeton, New Jersey, composed of many respectable citizens of that borough, and of the adjoining townships of Montgomery, in Somerset, and West Windsor, in Middlesex counties. The memorial is signed by more than two hundred citizens. I also offer a memorial of more than eleven hundred subscribers; farmers, mechanics, merchants, and citizens of the county of Middlesex and city of New Brunswick. These respective memorials, with like justice and truth, complain of the general interruption of commerce and business, induced by unlawful and unconstitutional executive interference. They trace all the difficulties and embarrassments of the country to this cause. And who could be so blind as not to expect just such consequences? Sir, they complain of the hostile proceedings of the administration towards the United States Bank, as uncalled for by any part of its conduct, as a measure vindictive in appearance, altogether devoid of sound policy, and destructive of the public welfare.

Thus far, then, sir, have my colleague and myself been sustained in our reference to the people of New Jersey. We have put the matter fairly and fearlessly before them. We have no anxieties about the issue. I believe, sir, that an inquisition is going forward, that will make the very pillars of power tremble. I make, sir, the usual motion, that the memorials and resolutions be read and printed, and referred to the Committee on Finance.

Mr. SOUTHARD remarked: On two of the memorials just read to the Senate, I do not feel disposed to make a single remark; my colleague has correctly represented them and the memorialists. But, as I also received a copy of the proceedings and memorial signed by the secretary of one of the meetings, with a request that I would present them to the Senate, I feel it to be my duty to add something in relation to them. I mean those which come from the county of Somerset, and which are so strongly opposed to the views which I entertain on the great questions which have agitated the nation.

That county is also my birth-place, and dear to me as the memory of youth and the sympathies of blood and kindred can make it. And, first, I beg to assure the Senate, that the memorialists are persons of high respectability—worthy not only of my own respect, but that of the bodies to which they have addressed their memorial. The meeting is said, in the paper, to have been large; but on this point, I am not advised by them. Their numbers I have no means of ascertaining. I speak only of the characters of those few whom I know to have been present; and of others, whose presence I infer from their well-known political partialities.

I can have no dispute with the memorialists upon any political or party prejudices or opinions which they may entertain. Justly entitled to enjoy and express their opinions and feelings, like other citizens, it is not my duty to quarrel with, but to respect them, so far as may be in my power; but I ask from them the enjoyment of the same rights for myself.

As I cannot concur with them in some of the facts on which they seem to rely, nor in some of the conclusions which they have drawn, I beg to notice two or three of them. I still entertain the hope, that even these memorialits, when fuller views shall be taken of this subject, and the lights of experience shall have had time to operate, will yet hesitate in their approbation of the conduct of the Executive, and will come to the relief of the constitution and laws.

I concur with my colleague, that the true and most important question has not been met by them as fully as I could desire.

They resolve, that the misconduct of the bank justified the Executive. But, if we admit that the bank has been guilty of misconduct—has been criminal—does it follow that the Executive has a right to punish it?—and without trial? Does its criminality justify the President in pronouncing sentence and executing judgment upon it? Has he any authority to do this, except in the forms of law? Must not the accused be heard and tried and sentenced? Can the sheriff or other executive officer execute his own views against the violators of law? This is not my understanding of legalized liberty; nor my belief of the legal and moral principles of the county of

Somerset. If I should admit that the bank has been as criminal as is alleged, it does not seem to me to follow, that the President had a right, by way of punishment, and on his own motion, to withdraw the deposites. This is, to my mind, the more clear, because the law—and surely the President is not above the law—the law has expressly provided, that if the bank violate its charter, it shall be tried by court and jury. And even the President admits, that if he had had time, he should have taken that course. Now, the least intelligent know, that this want of time, either in point of fact or of principle, can furnish no apology. I could desire that this portion of my constituents would review this position which they have assumed.

They may be the more disposed to do this, perhaps, when they learn that their political friends in the House of Representatives have not been able to bring themselves up to the affirmance of the Secretary's reasons for the removal. The question, though directly presented, in various ways, has been thus far skilfully evaded. Now, if a majority believed that the reasons were sufficient, would they not have been willing to say so? Would they not have given a prompt and cheerful support to the Executive and the Secretary? Would they have satisfied themselves with declaring that the deposites ought not to be restored? This may, in the estimation of many, be true, although they express strong condemnation of the removal. Silence, absence of approval, under all the circumstances, must be regarded as condemnation.

These memorialists further express their opinion, that the unwarrantable course of the bank, in first extending and then curtailing discounts, to a very large amount; the attitude of hostility which it has assumed towards the local banks; and the concerted efforts which have been made, by its pensioned presses and hired retainers, to excite a general panic through the country, are the chief causes of the present embarrassments, and that they are purposely kept up, to distress the community, in the hope thereby of coercing a renewal of the charter. What is meant by these extensions and curtailments of the bank? Those words have definite meanings. The extension of the business and accommodations of a bank, to be improper, unwarrantable, criminal, or culpable, must be beyond its means, and beyond the real and just wants of the community, in the transaction of its fair and necessary business. Have the extensions of the bank gone beyond either of these? Has any evidence been afforded that it has exceeded its proper, active means of discounting and accommodation? I do not ask what it may have done some ten or fifteen years ago, but recently—at the time when the President and Secretary made the charge—or even now, when these memorialists affirm their belief of it?—nor do I ask for allegations and strong charges on this point. They are easily made, but are not the best evidence of truth, nor the best guide for the formation of opinions. Sir, no proof has been afforded so far as I have seen; none can, as I believe, be afforded. The condition of the bank, for several years past, its condition now, as known to all, disproves it. It has at no time, within the last eight or ten years, gone beyond its means. It has been safe; it is so now. I speak from the documents, and call for contradiction. Well, then, has it gone beyond the wants of the community? Here, again, I ask for proof, not allegation. When was it that the real wants and interests of the community did not require the full extent of the accommodations, of all kinds, which the bank has afforded? Let the period be pointed out, and the evidence given, of its improper conduct in this respect. They who have competent knowledge of the past history of the country, and of its commercial and other interests, will not hesitate to affirm, that in this regard, it is guiltless. Let those who accuse it, bring themselves to the proof; and, if my constituents have that proof, I regret that they have not furnished it to me, for my information and guidance. If, then, the bank has not extended its business beyond its means, or the wants of the community, where is the evidence that its extensions were corrupt; or that it was governed, in making them, by electioneering or other corrupt motives? As to its curtailments, to be criminal they must be unnecessary; and they must be compulsory, involuntary, as to its debtors. The meaning of the term implies, that the bank has called in, from its debtors, a larger amount of their accommodations and loans than the debtors were willing to pay, and larger than its own situation rendered necessary. A voluntary payment of a note or bill, at maturity, and when the debtor does not wish to renew it, is no curtailment. It is no contraction of the busines of the bank, of which any can properly complain. It is not an act which can be charged as an oppression or pressure upon any one. It can, by no possibility, create difficulty in the business of the community. It can, by no exercise of ordinary fairness, be attributed to corrupt motive. It is the ordinary and daily operation of every bank.

Now I ask for the proof that the bank curtailed, within the period to which the Secretary alluded, and to which the memorialists refer as justifying the Secretary—I mean the period previous to the 1st of October last. I know that the Secretary affirms it, and I perceive that the memorialists believe it; but, if they relied on his assertion, I am convinced that he has misled them. Before that period, (the 1st October,) and within the time to which he refers, and on which he rests his allegation, we are assured by an official statement, taken from the records of the bank, that there has been no curtailment; and the evidence is furnished in the clearest manner. Previous to that date, no order to curtail or to draw in their means had been given—no act of that kind had been done; and, if this be so, how can the Secretary be justified in his statements, and in inducing the memorialists and others to believe the bank guilty in this respect? The public, who err in relation to facts, are not to be censured if they have not the documents before them; the fault lies on the person who leads them into error. It is very apparent why the statement was made. The Secretary saw, by the reports from the bank, that it had out, in discounts and accommodations, between three and four millions less in the fall than in the spring of 1833. He did not stop, he did not take time to inquire how this happened. It was a fact suited to his use—its explanation seems to have been regarded as of little value. If he had inquired, he would have found the reason to be, that the debtors of the bank had paid notes and bills of exchange, &c., to that or nearly that amount; paid them voluntarily, at maturity, and without compulsion; and, therefore, that there was no criminal curtailment. If he had taken the time and trouble, he would have found the same fact also existing in previous years, within the same periods, and when there was no pretence of misconduct in the curtailments of the bank. It was the ordinary and common course of business at that season of the year. Thus, throwing aside fractions, there was, what is improperly called a curtailment—

In 1823,	of	$1,240,000
1824,	of	2,120,000
1825,	of	131,000
1826,	of	3,000,000
1827,	of	2,200,000
1828,	of	1,470,000
1829,	of	3,250,000
1830,	of	2,700,000
1832,	of	4,722,000
1833,	of	3,275,000

Yet none of these, I believe, were compulsory curtailments. They arose from the course of commercial transactions, and the payment of bills and notes at maturity, whose drawers and endorsers did not require a renewal.

If the Secretary had compared the year '33 with other years, especially with '26, '29, '32, he might have found an explanation of the fact, without discovering in it ground for condemning the bank, or for his hasty, ill-advised, illegal removal of the public money from that bank.

You perceive then, sir, that I do not concur with this portion of my constituents, in believing that the extensions and curtailments of the bank afford a justification for the conduct of the Executive.

The memorialists are also of opinion that the bank has assumed a hostile attitude towards the State banks. This may be so, sir, but I have not been furnished with the evidence which has satisfied this part of my constituents, and should like to see a specification of the facts, with times and places. We have, it is quite true, had such allegations from agents and partisans, which have been credited, but we have had no facts. When and where was this hostile attitude assumed? What has been done by the bank to evince it? What the results? What complaints have the State banks made of this hostility, or of its consequences? I believe they have made none. I believe that they generally entertain a very different opinion, and consider the action of the bank as just and liberal; and they are quite as competent to guard themselves, to see their own interests, and to protect them, as those who have kindly volunteered their guardianship. I want proofs of this hostility. I wish evidence of complaints by the State banks, and of injuries received by them, before I condemn. Mere allegation is not sufficient for me, nor can I credit the assertion of any one, in or out of office, that the bank has been guilty on this point, unless he will favor me with evidence on which his assertions are grounded. You will perceive, therefore, sir, that I do not concur with the memorialists in this fact, and am quite willing to bring the difference between us to the test of public documents—to the trial by evidence.

As to the "pensioned presses and hired retainers" who have, by concerted efforts, excited the panic throughout the country, I must leave them to the belief of the memorialists. I know not which or whom they mean. Is it so, that the bank has pensioned those presses who have defended it from the attack of the Executive? If so, it has had full employment, and must have expended no small portion of its means. Several hundred presses, in all parts of the nation, can be pensioned by no trifling sum; or have only a few been pensioned, and have all the others been deluded into the support of the same views? If there be many of them, it is not very clever in these memorialists thus to accuse their friends, who investigated the concerns of the bank, of neglect in not discovering these pensioned presses and publishing them to the world. I believe they did not pretend to have discovered more than some two or three, or perhaps more, editors who had even borrowed money of this bank, as others borrow it. These constituents of mine must believe on this point according to their own sense of justice. When they furnish me with satisfactory evidence, I will concur with them. But, sir, "hired retainers" also excited or helped on the panic. Here, again, I ask who are meant? One thing I am sure, they meant no imputation of corruption upon my colleague, who has been quite as free in his remarks upon the mischievous consequences of the misconduct of the Executive as others. If any assertion of this sort should be made against him by any one, these memorialists would be the very first to denounce the slander. I hope they would do me equal justice.

But what is meant by the panic? Does a consternation exist which is without cause? Is the fear of the country without reason? Has all that we have heard of distress and suffering been fancy and imagination? Sir, the thousands of memoriaists who have sent their petitions and remonstrances to us, have not acted under delusion. A sense of real suffering has forced their complaints from them. And how have the pensioned presses and the hired retainers and the Bank of the United States excited the panic? Did they render it impossible for the banks to accommodate and relieve the men of busines? Did they make the moneyed men withdraw their money from circulation? Did they cause the fall of produce, the depreciation of labor, the want of confidence in the administration of the laws, the reluctance in some banks to accept the public money from hands who had no right to possess and control it, and the determination of others to surrender what they had received? Did they make the people believe all this against fact, truth, and the evidence of their senses? The memorialists must, if it be their pleasure, retain their opinions on this point. I cannot yield my credulity to this notion. I have no belief that the people of the United States are to be driven into a panic by pensioned presses and hired retainers, or by a bank, on a subject of actual business and observation of the condition of things around them. They are slow to anticipate evil—never alarmed in such matters by unfounded terrors and warnings. They are more likely to feel the pressure, before they dread its inflictions.

But when they see that power against law has violated rights—when they find the most potent instrument in securing and preserving a sound state of the currency, crippled and paralyzed in its action, compelled to look to its own safety and security rather than to the accommodation of the commerce and business and interests of the country—when they observe that, by an act of power unauthorized and reckless, the means of numerous banks are placed in a condition not to meet and answer the wants of the community—when they discover that those who have money are induced to preserve it, by hoarding it up—when produce falls—when the price of labor diminishes—when improvements of all kinds in the country are arrested—the rich unwilling to venture on enterprise, and the poor deprived of employment—then they are alarmed and remonstrate—they suffer and they complain—they feel that their rights and prosperity have been assailed, and they denounce those who have violated them. They labor under no panic—they see and feel clearly and sensibly, and, believe me, they will be heard, to the redress of their grievances, let partisans characterize their feelings by what epithets they may choose. These memorialists petition Congress that the Government money may not be restored to the Bank of the United States. Now, sir, believing that the contract of the Government with the bank was violated by the removal of the public money, I think it ought to be restored and without delay—that the faith and honor of the Government, and its fidelity to its engagements, may be unimpeached. Believing, further, that the law was broken by Executive misconduct, I think that the restoration should take place, if for no other cause, that the majesty of the law may be vindicated. It is, perhaps, to be regretted that we could reach this vindication of the law, and the restoration of the contract, only by condemning the act of the Executive—the head of a party. Could this have been avoided, sir, there would have been no difficulty in our way. How often have we heard it said, that the act was wrong, incorrect, unwise—that it was ill-advised and to be regretted; but that it was assailed by an adverse party, and must be defended by the party. It was the act of the leader, and must be supported as a party measure. I will not comment upon the morality, or patriotism, or love of law, of such a position; nor question the right of any one either to act upon or to defend the measure on such a ground. Nor do I know that these memorialists are at all influenced by such considerations; but we all know that there are some, though not in the Senate, yet elsewhere, who do act upon that principle.

But there are other reasons why I cannot concur with

the views of the memorialists on this point. The promised benefits of the removal of the public money have failed, and that money is every hour in jeopardy.

We are promised as good a currency, or better, by the State banks. Has the promise been kept? Has any approach been made towards it? Every man of ordinary intelligence and knowledge of our financial history, ought to have known better, and daily experience shows us the folly of our financiers on this point. A little longer and our available funds in the Treasury—in other words, the notes of insolvent banks in our possession--will be swelled far beyond the amount which has been annually reported. We were also promised, that the possession of the Government money would enable the selected banks to extend their accommodations, and relieve the pressure on the community, past, present, and anticipated, from the action of the Bank of the United States. Although no such pressure was produced by it, yet if it were, has the promise been kept? Has the pressure been relieved? Have the selected banks extended their accommodations? Is the money even safe which is in their possession, unless something be done to arrest the progress of the evil? Look at the situation and operations of these banks from December to February. Take two of them as examples of the rest. Within that period, one diminished its circulation 74,000 dollars, its discounts, &c. 424,000 dollars. Yet in December it had 1,177,000 dollars, and in February 1,345,000 dollars of the public money; and, while it decreased its circulation and its discounts to the extent mentioned, it increased the public deposites more than 150,000 dollars. Another, in the same short period, diminished its circulation 75,000 dollars; its discounts, &c. 199,000, while the deposites remained within less than 1,000 dollars the same. And so it has been with others. While amidst all the assaults upon the Bank of the United States, and all the difficulties which it has had to encounter from Executive vengeance, it has, in proportion to its capital, its circulation, and its discounts and accommodations, diminished much less. While they were favored with the possession of the public money, and it was persecuted, they have afforded less relief to the pressure upon the community than it has done in proportion to their means and their previous business. They are not to be censured for this--they have probably done all that was in their power—and are probably blameless. But what shall we say of those who produced this state of things? Who promised relief by them, when it should have been foreseen that they could not possibly afford it? Who have misled the country by such hopes? Shall we attribute it to ignorance, or to a reckless disregard of consequences in the pursuit of personal revenge?

There is another circumstance to which I would direct the attention of the Senate, and, if I could, that of this portion of the people of New Jersey. It is, the immense disparity between the public money in these banks and the specie in their vaults. I take the same banks again as specimens—some others are, I believe, in a different situation. In December, one of these banks had $1,177,000 of our funds, and $380,000 of specie. In February, our funds there had increased to $1,345,000, and the specie diminished $109,000—and this in two months. The other in December, had $553,907 of public money, and less than $82,000 of specie. In February, it had $553,096 and $28,612 less of specie. Whether the same process has gone on since, I do not know; but if it have, I ask if our money be safe there?—more safe than in the Bank of the United States, from which it was taken? Sir, the public treasure has been put in jeopardy--is now in danger, not from the acts of its constitutional guardians, the legislature, but from the illegal violence of the Executive. We may lose it. The banks, we see, are breaking all around us. One-half of those in this District have suspended payment. In one of them there is said to have been some twenty or thirty thousand dollars of one of the most sacred funds under the care of the Government. It is high time for us to call for specific information from the Executive as to the present condition of the banks in which the money of the people is placed, and to the present state of the circulating medium, and the relief which these banks afford to the commerce and business of the community. That money is not as safe nor useful as our interests require.

It will be perceived, Mr. President, that I do not agree with these memorialists in fact or opinion. Other differences than those to which I have alluded might be referred to—but I should weary the Senate. Time must decide between us. I have deemed these remarks due to them, to myself, to the cause which separates us in opinion. I yet hope, sir, that we shall meet. They will yet find, I think, that they have been drawn into error, by a generous confidence in those who are not worthy of their trust--that the law has been broken--that a solemn contract has been unnecessarily violated--that the public Treasury has been illegally controlled by the Executive will--that, in pursuit of cherished but mistaken views, the Executive has brought deep calamity on the country--that, instead of sustaining the just principles of our free institutions, to which they are so earnestly devoted, he has acted in disregard of their solemn requirements and sanctions.

Mr. BENTON. Will the Senator from New Jersey inform us to what fund and what bank he alluded?

Mr. SOUTHARD. To the navy pension fund, and the Bank of the Metropolis, in the stock of which, it is said, that a part of that fund had been invested.

Mr. BENTON. Will the Senator from New Jersey further inform us when, and by whom, the money was placed there?

Mr. SOUTHARD. I cannot answer. I do not know. Very probably it was some six or seven years ago, during the administration of Mr. Adams, and by myself, as acting commissioner. But if it be so, the investment at that time was safe and profitable. The bank itself was then safe, and has so continued, affording proper interest until the conduct of the Executive hazarded the safety of all the local banks. The loss is to be attributed, not to the investment long since made, if it was so made, but to the recent misfortune of the bank, and to the neglect in not removing the fund when danger approached.

The memorials were then referred, as moved.

PRESIDENT'S PROTEST.

The Senate then resumed the consideration of Mr. FORSYTH's motion to amend Mr. POINDEXTER's resolutions assigning the reasons why the President's protest should not be received, by reciting the protest itself in the first resolution.

Mr. CALHOUN having withdrawn his appeal from the decision of the Chair—

Mr. POINDEXTER submitted a general proposition in writing, as a point of order, designed to reach this particular case.

The CHAIR (Mr. KING, of Alabama, presiding) said, that whether he decided for or against the proposition, it would not affect Mr. FORSYTH's right to propose an amendment to either of the resolutions.

Mr. POINDEXTER said he designed his resolutions as one entire motion. The three first resolutions were the basis of the fourth; and they stated the reasons for coming to the fourth; they all went to but one point, which was, that the paper be not received. If the principle were established, which would be the consequence of receiving the motion, it would enable any member to offer any paper or memorial, however offensive in its terms, and thus by saying, "in the words following," (then insert-

ing the paper,) impair the dignity of the Senate. All amendments, whether passed or rejected, should leave the original proposition where it stood before they were offered.

Mr. CLAY said the gentleman from Georgia offered the original paper itself as part of his proposition, and then the question arose whether he could so use it, which being decided in the affirmative, the gentleman from South Carolina appealed from the decision of the Chair. That appeal he had since withdrawn, in order that the preliminary question, whether the amendment of the gentleman from Georgia was in order, might come up.

Mr. WEBSTER was afraid there might be some misapprehension on the subject, which he was desirous should be avoided. There were two objections now made—the first was, that the motion of the gentleman from Georgia was not in writing. The other was, that a proposition being made to exclude the President's message, this motion was made with a design to avoid that exclusion. He was anxious to get at the main question of order, whether the motion itself thus to amend, was in order.

Mr. CHAMBERS thought the true question was, whether a proposition could be made which would defeat the original proposition. If this could obtain, 47 Senators might gravely determine that a paper should not be placed on the Journal, and the very proceeding in which this conclusion was endeavoured to be arrived at, indicated that it was attained, in defiance of their will, by the instrumentality of the other 48th Senator alone. It could not be; such a paper, from the very nature of the business in which the Senate was engaged, must be excluded.

Mr. POINDEXTER then withdrew his written proposition.

Mr. WRIGHT said he felt himself quite unskilled in points of order, but the question seemed to him a plain one. When the communication came from the President, we had the motion which was now embraced in four separate forms, that the paper be not received. These resolutions were an expression upon the character and contents of the paper itself, and upon the sentiments and principles contained in it; and should we be required to record our votes without recording our reasons also for those votes? How could any man hereafter determine the correctness of our judgment upon the paper, without having the paper itself? Why should we go on and make an expression of our sentiments, and then say that the paper should not come before us? It must either be considered or not, and was it not proper, and also the right of any Senator to have the paper spread on the Journal along with the judgment, as evidence of the conclusion which was come to? Ought not the Journal to carry along with it the evidence of the vote of every Senator?

Mr. CLAY replied, that the President had sent this paper here, for the sole purpose of having it recorded on our Journals. It was not designed for any legislative or ultimate action; and, therefore, the only question was, whether it could be received or not. An amendment was then offered, which went to incorporate in itself every word of the document, and thus to effect the very object which the President wished, which the Senate was debating on, and which they might not decide according to his wishes. Then the question was, whether the motion was or was not in order; and common sense decided that it was not. It was possible to vote knowingly as to its contents, without its being on the Journals. How many bills were put on the Journals *in hoc verba?* None. He denied that it was necessary to go on the Journal, in order to consider and vote upon it. It was already, to a certain extent, in the possession of the Senate; and the resolutions ought to be passed, in order to let the President know why, in view of our constitutional rights and privileges, we would not receive it. He was in favor of treating the paper with the utmost respect; and would, at any time, receive from the President any paper which he was ready to send for ultimate action by the Senate. But he declined receiving any protest upon any question which led to no practical results.

Mr. FORSYTH said, if he understood the point of the objection, it was, that the effect of his motion would be to place the messages on the Journal, and honorable gentlemen said that it was out of order, because it would defeat the object of the Senate. How could the Senate decide the question of order till they had decided the question which was now raised? The motion could not go on the Journals till the ayes and noes were ordered. Honorable gentlemen were in favor of using the rules of order for common sense purposes, but their mode of using them, was by the majority, to defeat the rights of a minority. Here the Senate had received a message from the President—it had been read and had been the subject of a three days' discussion, and propositions had been made as to the character of the paper, and yet honorable gentlemen had not received it. We had got it, and how could we unget it. Mr. F. did not know how you could make the President receive it, if it were your good pleasure to send it back to him again, and he should deny it. The paper was here and it must be considered. Each resolution founded upon it was distinct in itself, and you could make a proposition to alter, amend, or negative any or all of them, and the Senate might still do what they choose with the message, if his amendment went on the Journal. Gentlemen professed great respect for the President. He must be answered, but the message must not be spread on the Journal. We had been told that nothing was so baneful in the eyes of power as simple truth, and Mr. F. thought the maxim applied as well to legislative majorities as to executive power. Mr. F. said his object was to incorporate the paper with the resolutions, in order that its character might be seen with reference to the resolutions. He contended that the motion was perfectly in order until one-fifth of the Senators present had decided that the yeas and nays should be taken. As an objection had been made to his offer of the original paper as his amendment, he now withdrew that, and sent to the Chair a copy of that paper, and asked the yeas and nays on the question of order.

Mr. BLACK then read the views which he took of the question, and came to the result, that a Senator might offer any amendment he chose, but it was competent for the Senate to make what disposition of it they pleased.

Mr. CALHOUN and Mr. BIBB contended that one-fifth of the Senate could not be permitted to control the majority, and thus effect an object indirectly, which the majority were opposed to.

The CHAIR then decided that the motion of Mr. FORSYTH was in order: whereupon

Mr. POINDEXTER appealed from the decision, but before the question was taken,

The Senate adjourned.

WEDNESDAY, APRIL 23.

NEW JERSEY MEMORIALS.

Mr. SOUTHARD presented the proceedings and resolutions of a meeting held in the city of Trenton, by the inhabitants of that city and the surrounding country. It was large in proportion to the population, and as intelligent as could be collected in any portion of the State. They reviewed the conduct of the Executive in relation to the public Treasury, and expressed their condemnation of it with great decision and clearness.

He also offered the proceedings of a public meeting in the county of Warren, New Jersey, and a memorial sign-

ed by 805 of its inhabitants. It deserved regard, inasmuch as that county has been uniformly friendly to the present Executive, giving, at all times, a great majority in his favor. The memorial is not signed by a majority of the voters—but it is signed by many more, about one-fourth, he believed, than have, on any occasion, voted in opposition to General Jackson—thus showing that, where he has been most strong, there are now some to be found who will not sustain him in the career which he is running. They believe that he has acted unwisely and injuriously to the public interests, and are willing to forego their personal preferences and maintain the majesty of the laws.

Mr. S. had another memorial, of a different character—one which might be regarded, not as local, but general. He had heretofore presented memorials and proceedings in towns and counties—from all the counties in West Jersey below Trenton. The one which he had just offered from Warren, came from the upper part of the State; and he had now to ask attention to the proceedings of a meeting held in Trenton, by delegates appointed in the several counties—from all in the State, he believed, but two or three—and as the members of the Senate who took the trouble to read certain prints, had seen this meeting described in terms which he could not consent to repeat, he begged to assure them of the entire malignity and falsehood of those representations.

It had been the fortune of his colleague and himself, whenever they were favored with memorials or resolutions from their constituents, almost uniformly to be met in advance by base misrepresentations of the character, and conduct, and numbers, of those from whom they were received. It was, he presumed, a part of the tactics of the friends of the administration to endeavor to weaken the force of representations which might come from the State, by casting odium on those who made them. It was but a part of that intolerant and proscriptive system which has been introduced and exercised with so much force and power, for a few years past, in relation to all who have been dismissed from office, to make room for hungry expectants, and to all who had independence enough to question the infallibility of power. The same trick had been attempted in the present instance, and remarks made respecting the convention in Trenton, which no honest man who knows the individuals who composed it, can countenance.

The time for this convention was unluckily chosen, on account of the roads, weather, and employments of the people in the State. It was on the 2d of April. The roads and weather were bad. A few days delay would have greatly augmented the numbers: there were, however, upwards of two hundred delegates; and I do not hesitate to declare, that there has never assembled in that State, a meeting of any equal number, of higher respectability of character, of more intelligence, or of greater personal worth. There were many in that convention eminently qualified to discharge the duties of public officers, and to represent their constituents. They were men, too, who would not have left their homes and subjected themselves to the inconvenience of attending the convention for light or trivial causes. They felt deeply the importance of the occasion.

They were perfectly capable of comprehending the situation of the country—its necessities and its wants. They represent to us a prevailing distress in business, and depression of all the interests of the community? Will not the Senate give credit to their representation?

They could understand thoroughly the cause of the present embarrassments; and they attribute it to the conduct of the Executive, in assuming legislative powers, and unlawfully interfering with the public Treasury, and removing the public money from the place where it was deposited, under the authority of the law. This misconduct created insecurity and want of confidence in the administration of the laws, in the faithfulness of public agents, and in the currency of the country. Does any Senator seriously doubt the justice of their opinion?

They further express a conviction, that the assumption of legislative power, by the Executive, is just cause of alarm; as uniting the purse and the sword—a combination dangerous to liberty; and that the removal of a public officer, because he would not submit to unlawful dictation, was an unjustifiable act; and they believe that there can be no certain relief but by restoring confidence, and by confining every department of the Government to its appropriate sphere. Is not this opinion well founded?

The persons who composed this convention came from almost every part of the State; have the amplest means of knowing popular opinion, and no possible motive for misrepresentation; and they assure us that a large majority of the people of New Jersey strongly condemn the conduct of the Executive, and reprobate the instructions given by the legislature. I cannot doubt the correctness of their declaration on this point.

They were not all of one party; not all of those who have heretofore opposed General Jackson's elevation to office. The presiding officer of the convention is an eminent and praiseworthy instance of that honesty of purpose and devotion to country, which withdraw support from a favorite candidate when he deserts his professed principles, and disregards the obligation of duty. He had, as an elector, voted for General Jackson, but he is prompt to aid in correcting his errors, and frank in exposing the dangers which result from his misconduct.

The convention felt that this was no ordinary occasion, and they appointed a large committee to bring their proceedings to this place, and they now attend in this Hall, to witness their presentation to the Senate. Shall it be of no avail? Will a deaf ear be still turned to the complaints and sufferings of the people whom they represent? Permit me to assure the Senate that the sentiments of the people of New Jersey are no longer doubtful. They will not patiently bear unmerited inflictions. They will not suffer for the sake of an experiment. They will not regard with favor those who spurn the obligations of law, and hazard the safety of our institutions. They will come up to the aid of those who struggle against assumptions of unlicensed authority. They love the prosperity of their country and sacredness of her laws, far beyond the claims of party or individual partialities.

Mr. S. moved the usual orders on the several memorials and proceedings.

Mr. CLAY rose and said: Honored by the request of the highly respectable and numerous committee, now attending in this city, and representing the people of New Jersey, in convention assembled, I rise to add a few observations to what has been so well said by their immediate organ. The proceedings just presented to the Senate emanate from an unquestionably legitimate source—the people themselves, acting in their primary and original character. They have a right to instruct, direct, and control their servants, subject to very few exceptions. They have this right, because the people, or a majority of the people, in the several States, have the power to alter, abolish, and modify, the structure of their Government; and, as the major includes the minor, they necessarily possess the right to direct the operations of that machine whose form and existence depend upon their will, and has been constructed for their benefit.

The right of legislative bodies to instruct is not inherent; but, if it exist at all, is derivative. They are but servants of the people, highly respectable; and an expression of their opinion deserves great attention and deliberate consideration. But this results not from their possessing any original right in themselves, independent of the people. It flows from the presumptive evidence which a declaration of their sentiments affords, of theirs

being the sentiments of the people whom they represent. Standing by itself, and alone, such a declaration is strong proof of its being a true representation and fair reflection of the popular will. But it is only evidence. Suppose it is contradicted by other and conclusive testimony, issuing directly from the people—which is to be obeyed, the will of the legislature or the will of the people?

Now, it so happens that, along with the instructions of the legislature of New Jersey to their Senators, to sustain the late executive measures, there came or has followed abundant proof, from the people themselves, that those instructions were not in conformity to their wishes; and the people of that State, in convention assembled, have solemnly declared that the legislature did not truly express their will. Which, then, were the Senators from New Jersey to obey—the people, or their servants, the members of the local legislature? Suppose they had conformed to the legislative will, in opposition to the popular will? or suppose, obeying neither, they had resigned their seats and gone home, what would their constituents have said? Would they not have presented a ridiculous spectacle? What could they have said to the inquiry, Why have you come home when we instructed you to pursue a particular course? Would it have been any defence for them to say, We come back, because, not choosing to obey you, the people, we did not think proper to comply with the legislative mandate?

The President, in his late extraordinary protest, has set forth, at large, the instructions given by the several legislatures of Maine, New Jersey, and Ohio, to their respective Senators. At another time, I shall inquire by what right the President comes into this Senate and examines how, upon what considerations, and under what circumstances, particular members of this body vote in a particular way on questions pending before it. He asserts, or plainly means, by his statement of the case, to imply, that these Senators, in voting against his measures, violated their duty and their obligations. A just rule must work both ways. Has the President ascertained how many members of this or the other House, in voting to sustain his measures, have failed truly to represent their constituents? Would he rebuke any members who lent themselves to his support, contrary to the wishes of their constituents? Let me suppose that there was a sufficient number of members voting with him on the deposite question, in opposition to the known sentiments of their constituents, to have produced such a decision as has been pronounced in the other House, would he chide them? If a Speaker of that House, in direct contradiction to the ascertained sense of his constituents, were to vote to uphold the Executive proceeding, would the President say to him, Mr. Speaker, you are wrong in sustaining me in opposition to your constituents?

Whether Senators have or have not conformed to the sentiments of their constituents, is a question between themselves and those they represent, in which there exists no right of any foreign intervention. I have no doubt that my friends from New Jersey have truly expressed the sentiments of that patriotic State, among the first of the Whig States of the Revolution, and which is not going to be among the last of the Whig States in the present critical and perilous state of our public affairs. Whether the Senator from Maine has or has not expressed the views of his State, may be inferred from the recent manifestations of the opinions of the people of Portland, the first city in it; and of Bangor the second, and the seat of the Government of Maine. As to my friend from Ohio, the neighboring State to that in which I reside, my word upon it, that it will be demonstrated hereafter in due time, that he has truly represented the wishes of the people of Ohio.

But, sir, the precepts of the President would be entitled to and command more respect, if he would only, by his example, conform to them. How has he treated the petitions and remonstrances of the people? How their earnest and anxious supplications to save them from ruin? Has he displayed a readiness to obey the wishes and desires of the people? Has he not promulgated to the world, through committees that have waited upon him, that neither the legislatures of the States, nor the people themselves, shall divert him from his mad experiment, now threatening us with general bankruptcy? He has cut himself loose, totally absolved himself from all obligation to shape his measures according to public opinion, and comes to the Senate to inculcate upon us the duty of complying with instructions from legislative bodies which happen to be laudatory of his measures—instructions possibly manufactured and got up in this very city, to be transmitted to market, in order to be brought back again in the imposing form of authoritative commands.

The convention of the people of New Jersey, composed of upwards of 200 members, from every county in the State except two, which were not represented, from a misapprehension of the time of the meeting of the convention, express the deliberate opinion that the existing distress is attributable to the Executive measures and their necessary consequences. New Jersey might be properly called the State of beautiful villages. They are now all, with more or less intensity, sharing the pervading distress so unwisely and unnecessarily brought upon our country. In the lately flourishing and enterprising town of Paterson, I understand that, of twenty manufactories, only two are in operation; and that stout, able-bodied men, willing and anxious by their labor to earn an honest subsistence, have been driven upon the eleemosynary support which is to be obtained in poor-houses.

The convention denounce the scheme of a metallic circulation, as wild, visionary, and impracticable. It is not more visionary than it is deceptive. It has been an afterthought altogether. Neither in the celebrated paper read to the cabinet by the President, nor in the report of the Secretary of the Treasury of his reasons for the removal of the deposites, was such a project hinted at. They promised a better currency, but it was one to be furnished by local banks. Such is the real scheme now in contemplation. But to deceive the people, this notion of a metallic currency is put forth; and what has been the necessary consequences? The people have become distrustful of all bank notes. Seeing those who speak the Executive sentiments decrying all bank notes, they have lost the confidence of the people. Not knowing how soon they are to be put down, the holders of them have hastened to exchange them for the medium which they have supposed is shortly to become the only medium, and to hoard it. This has occasioned runs upon the banks; and these runs have exploded some and threatened others. This has produced a panic; and those are answerable for it who ought to know how impossible it is, in the present state of credit and of the commercial world, to discontinue the use of a convertible paper, and yet have idly proposed a plan of an exclusive specie circulation.

Mr. President, the drama is hastening to its denouement, and a new scene has opened in the Executive protest. Our difficulties are thickening and increasing upon us; but I rejoice that the spirit of the country is also rising, and that of the Senate is strong, elastic, and unabated. I have understood that, in a conversation with the late King of Spain, the Count de Survilliers, the President stated to the brother of Napoleon, that he had made the Emperor of France his model. There is one incident in the life of the illustrious chief of the French empire, that I hope the President does not mean to attempt to imitate: I trust that our First Consul has no design to

disperse the Council of Five Hundred, or of Forty-eight, by the bayonet. I have been told that, very lately, the clerks in the several departments have been required to renew their official oaths. For what purpose? I must, in candor, say, that I have as yet no serious apprehensions of a forcible dissolution of the Senate. The army and the navy, thank God, are sound and patriotic to the core. They will not allow themselves to be servile instruments of treason, usurpation, and the overthrow of civil liberty, if any such designs now exist. And if the President marches at the head of either or both of his cabinets, to put down the Senate, I think our sergeant-at-arms, with his assistants, can repel, capture, and give a good account of the invading foe.

I second the motion of the Senator from New Jersey to print and refer the proceedings which he has presented.

Mr. FORSYTH said, that, as great importance seemed to be attached to this proceeding, he should be glad to know the object of this convention of delegates, and the manner in which they were chosen by the people.

Mr. SOUTHARD repeated what he had before stated on the subject.

Mr. FORSYTH resumed. He understood the thing. It appeared that, in the State of New Jersey, there were several meetings of persons holding particular opinions on the subject of the late measure of the Executive. These persons had appointed delegates to meet in a convention, and here were the proceedings. And we were gravely told by the gentleman from Kentucky, that this was the true and obligatory sense of the people, to operate on their representatives in Congress, any thing in the proceedings of the legislature of the State to the contrary notwithstanding. He put it to the gentleman from Kentucky to say, if he could, that this was a convention representing a majority of the people of New Jersey. There had been no expression of the sense of the people through the ballot box; it was the opinion of one side, an opinion expressed merely for political and party effect; and they who represent the State in Congress are required to take this expression for their guide. Now, all this was merely matter of opinion. He wished to be informed who ought to instruct the Senators of the State in Congress, but they who elected them. This question he put to those who believed that the Senators were bound to obey their instructions. The correct principle was, that they who elect the legislature have a right to control that legislature; and that the legislature who elect the Senators have a right to instruct them. The Senators are to obey the legislature, and the legislature is responsible to the people. The people, in this instance, ought to have directed their instructions to the legislature, to undo what they had previously done.

The gentleman from Kentucky had done injustice to the President of the United States. It was not alleged by the President that the Senators had not done their duty; but he had merely given the facts concerning the proceedings of the legislatures of New Jersey and Maine. As to the instructions to the President, where did the gentleman from Kentucky find them? We have had memorials in abundance on both sides, but only a portion of the people have as yet spoken. A great part of the people have not yet said any thing. The President would be at a loss to find any instructions in these conflicting memorials. If he were to come here to ascertain what proportion of the people have spoken, how many would he find? Of the twelve millions of the American people, how many have spoken? Gentlemen made a great mistake. They thought there were great changes, because there were noisy, riotous meetings, factious assemblages, amounting almost to treason. In great cities, masses of individuals were easily assembled, and were excited by trifling causes. Let gentlemen wait a little, and they would see the real opinion of the people.

The gentleman from Kentucky had understood that a certain expression had fallen from General Jackson, in a conversation with the brother of Napoleon, the ex-King of Spain; and, on this understanding, he had charged the President with a desire to disperse the legislature of the United States by force. Now, he put it to the gentleman from Kentucky, whether such an inference was just to the President of the United States.

Mr. PRESTON then made some observations which were only partially heard. He stated that the President had, in his message, stated the fact, that certain Senators had voted otherwise than they had been instructed. Why, in this canvass of Senatorial motives, had he spread on the Executive Journal the facts of these instructions, and that the Senators had not complied with them? Was it all surplusage? Was it not intended to warrant any inference? If it was intended that no inference should be drawn from the facts, why was so useless, so ridiculous a course pursued, as to place the facts in the message? It reminded him of the situation of a certain ridiculous person in a farce, who put to every one the question—"Have you ten pence about you? I only ask for information."

Mr. FORSYTH explained. He did not say that no inference was to be drawn. The President had been charged with directly stating that the Senators had not done their duty. To that he had replied; certainly, the President must have intended that inference should be drawn from his statement of facts.

Mr. PRESTON resumed. Certainly; and he intended that it should be inferred that the representatives of public opinion in those States had not performed their duty. Every body was able to comprehend it. But the gentleman from Georgia had laid it down that the electors alone had a right to instruct, and that the legislature was responsible only to the people. Now, he might pause here to compare the doctrines inferrible from the message, with certain other proceedings respecting legislatures. This proclamation was intended against the Senate. They had had one previously against the bank, in which the President took all the responsibility. There had been another proclamation, never to be forgotten, in which it was announced that the people of a sovereign State ought not to obey the Legislature of that State, but were bound to render obedience to him; and where the Legislature had passed a law by a majority of two-thirds, he threatened the people with fire and sword, if they did not disobey that law. But now it suits his purpose to appeal to the Legislature against the people.

Mr. P. then went into an argument on the powers inherent in the Senate, as trustees appointed by the Legislatures, who were themselves only trustees of the people; contending that the Senate ought to look to the original sources of their power, and not merely to the court by which they were appointed. The Senate, therefore, are bound to look to the people of the States, and not to the Legislatures. The people had a right to meet in conventions, and, instead of instructing their representatives, might desire them to come home. This they could do. If he were told he must give up his sentiments in obedience to instructions, he could never consent to do it, but he would admit the power of the people to abridge his term of service. Mr. P. then went on to deny that the power of instruction was necessarily implied by the power of election, and asked if the college of electors, after performing their duty in electing the President, could meet together and instruct him as to the manner in which he should discharge the duties of his office. He considered that the election of Senators by the Legislatures was a function precisely similar, just as definite and unextended a power. They were appointed to elect Senators, just as electors were chosen to make a President.

He believed that the Senators do their duty when they obey the State, and not the Legislature of the State. It had been said that we calculate too warmly on what is going on throughout the country. It might be so. The Senate had appealed to the people, and they are the arbiters between the departments of the Government. When their decision shall come, the Senate must obey, but that decision must come in a proper form: but he believed that their decision would sustain the Senate. Nothing but the most unequivocal testimony could convince him that the people can, will, or dare submit to the usurpations of the Executive.

He believed that a great change was going on, and that the permanence of their Government was involved in the issue, and he believed that it would be preserved. If, however, the opinions of the gentleman from Georgia could prevail, we should be without hope. The change was going on. "Clamor!" says the gentleman from Georgia, "interested clamors, faction, almost treason!" says the gentleman from Georgia. All the movements of the people against the encroachments of power have been denounced as factious. The people a faction! The cries of an injured, outraged, suffering, distressed people, factious! The prayers and supplications and remonstrances of a people, driven, pressed to ruin, for relief for their wives and children, factious! The tempest which is now agitating the whole of our sea-coast, arising merely from faction! How does faction act? In riotous movements, and in driving freemen from the polls? These may be indications of faction. But this was the first time he had heard that, when the people take their case into their own hands, and say that their complaints shall be heard, this is faction. Where could the gentleman from Georgia find the facts to justify the assertion that the conduct of the people was "almost treason?" What is treason? Can the people be guilty of treason? Is it treason to check the encroachments of executive power, and to say that the balance of power shall be restored? Have not the people a right to say this? It may be that a President, strong in his temper, and uniting with him Congress in one branch, might come to the Senate and inflict chastisement upon it, require you to kiss the rod, and then to hang it up in your hall, as a perpetual memento of your offence. The President may assail us through a thousand channels, and charge us with being bought and sold, but however we may be disposed to bear our backs to the lash, shall it be said that the people shall not give their sentiments to the tempest and the whirlwind, to strike where it will? The people of the United States always proceed according to law. They had been excited by attacks on the Senate; and he should be glad to see them express their opinions; but he desired to see them expressed only through the legitimate and ordinary channels. He was convinced that the people were going on. They will sustain the New Jersey Senators, and all those who are doing their duty by sustaining the constitution. The public had recorded their verdict of condemnation against the President. The flame had first caught in cities, and had widened and deepened there, and the country would respond to it. The first blow was aimed at the prosperity of cities, and the cities were the first to speak: but he believed that the day was advancing, when the whole country would rise and speak in a voice which would make itself heard.

One word only he wished to say concerning the resolutions. The convention purports to represent the opinions of the people of New Jersey. At the head of this convention was a gentleman who had been a Jackson elector. From this fact, that there was a man from among the friends of General Jackson taking part against his conduct, it was clear that changes were going on; and these changes are going on and multiplying by thousands while we are discussing. He trusted that, when they should meet here at the commencement of another session, there would no longer be any disposition to dispute the fact.

Mr. FORSYTH, in reply to Mr. PRESTON, said he had spoken of the doctrine of instruction as settled in Virginia, which in that State, according to theory and practice, is, that the people of the United States shall instruct their Representatives in Congress, and that the Legislatures of the States shall instruct their Senators. The Senators were elected by the Legislature alone, and the people had no means of interfering but by acting on the Legislature. Therefore, if the Legislature instructs their Senators, it is supposed that they have the opinions of the majority by whom they are elected. Who was he to obey! Why, the constitution of his State was as binding on him as on the Legislature who elected him; and he was first to obey that. But where the right of instruction is conceded, he must obey those who elected him. The Senators from New Jersey both contended that the will of the people of New Jersey is against their Legislature. Now, said he, I go for the converse of the proposition, for they were elected by a majority of the people, and until another election was had, it could not be known that they had lost the favor of the people. The Senator from South Carolina had said, that an appeal was made to the people, and that they would decide it against the administration. When that decision was made, he would submit to it, whatever it might be. But something, he must observe, was to be gained by making these assertions beforehand, that public opinion was in such a way. It was forestalling public opinion, and he was not willing to let it pass without giving what were his sentiments as to public opinion.

He appealed to the State of Pennsylvania, from which the gentleman from Massachusetts had just arrived. What was the opinion of a majority of the people of that State? There was hardly but one opinion there. At least nine-tenths of its population were against the Bank of the United States, which was the cause of all the evil. If the gentleman found fault with him for speaking of factious proceedings in the streets of a neighboring city, he would answer, that he did not refer to any expressions of opinion by peaceable, orderly citizens, nor of the acts of any honorable men, but of brawling crowds, profaning even the Sabbath day, for the sake of abusing the President of the United States. When the people of the United States meant to express their disapprobation of the President, they would not profane the Sabbath for that purpose. The people do not believe that the President has seized on the public treasure. That question is yet to be tried before them. I deny that he has a *doit* of it in his possession.

Mr. CHAMBERS said, the honorable Senator from Georgia has, at last, found a habitation and a home for his "faction"—his "something, not treason, but just like treason;" he has located the scene in my State, and the actors are my constituents. The Senator alludes to the proceedings of the citizens of Baltimore, on Sunday last. Sir, amongst the gentlemen in that assemblage, were many of my earliest and most esteemed friends, many whose friendship and respect any man may be proud to boast; many whose character, whether for intellectual, moral, or even religious attainment, will compare with an equal number in any community; men who would spurn the imputation of riotous, factious, almost treasonable conduct.

[Mr. FORSYTH disclaimed having applied the term "almost treason" to that meeting.

Mr. CHAMBERS said, Where does the Senator find treason? I ask for the persons and the occasion intended by the remark.

Mr. FORSYTH here made some explanation, which was not distinctly heard, and concluded by reading a paragraph from a Baltimore newspaper.]

Mr. CHAMBERS resumed. The Senator's treason, then, has no existence but in his imagination. Sir, I tell the Senator he is as wide of the true character of the gentlemen of Baltimore, when he describes them as riotous and factious, and violators of the Sabbath, as he would be were he to call them traitors. I had the best means of ascertaining who composed the "factious crowd" of the Senator. I was also hurrying on to resist the aggression upon this body, to take my seat on this floor, and receive my portion of the lecture administered to the Senate of the United States by Executive majesty, in this novel thing called a "protest." Having been in the city in a few minutes after the scene which the Senator describes as factious, riotous, and not treasonable, I can tell him that I found there some of those who had been leaders, ardent and influential leaders, in the cause of his hero; some who had been loud in his praise, who had enlisted their affections and their passions, whose judgments were scarcely within the reach of fact or argument, but upon whom the events of the last few weeks, and more especially, the events of the last few days, have not produced the most wholesome influence. The scales of error have fallen from their eyes; they see, and they deplore, the rashness and the danger of confiding power to hands not only incompetent, but dangerous. They see, and they deplore, that artful and wicked men are carrying out their desperate and destructive purposes, under the sanction of that popularity which they have assisted to build up for him who is the cloak and the shield to this irresponsible power behind the throne.

Sir, I wish the Senator from Georgia could have had the same opportunity to witness the spirit that pervaded the citizens of Baltimore. He would have been reminded of the best days of the republic. He would have heard the pure and unadulterated sentiments of patriotism, the most anxious and deep-toned solicitude for the sacred institutions of our country—the most anxious apprehensions for the free republican principles of our glorious constitution—the most trembling alarm at the threatened blow to the majesty of the laws. He would have found these feelings deeply agitating the bosoms of men who have most stake in society, who have long lived in the community which they honor, respected and beloved for their intelligence, and their social, domestic, and personal virtues; and he would have found, too, that so pervading and intense was this feeling, that its expression was not restrained even on the Sabbath, in a community, and by those where and by whom the sanctity of that day is regarded with as much holy reverence as by any community. It requires more self-control than I possess, to sit quietly in my chair, and hear imputed to such men the character given by the Senator from Georgia.

But, sir, it is the language which has always been applied by those who have usurped power, and ever will be. The bold and acknowledged conqueror, who openly seizes upon the Government and claims to control its whole action, breathes slaughter and extermination to all who dare resist his claims, and executes his threat upon the pretext of subduing treason and rebellion, and his bayonets are the correctives for faction and treason. He who, by the slow but more fatal process of corruption and gradual approach to despotism, would subdue resistance from freemen, will make the creatures of his power the executioners of his will. He who dares sound the alarm, must be denounced as an enemy to God and man. The voice of freedom, the manly remonstrance of patriotism, will be sedition, riot, faction—now "almost," and anon "altogether," treason. Yes, sir, the noble, the glorious resistance of our gallant ancestors, in 1776, was "faction"—was "treason." King George III, and his secretaries, and those who claimed for him the right to possess and control the revenues of his American colonies, thought the assemblages of our revolutionary patriarchs factious, rebellious, treasonable. Those which were held on Sunday were thought impious, and the offence against the Deity of Heaven was certainly not the less aggravated because it was in union with an offence against an idol scarcely less reverenced by those who worshipped him. Sir, for one, I trust and hope we shall long witness such rebellion; I trust and hope that the same treason which led our patriot sires to bold and successful resistance against lawless usurpation, will animate their sons to similar resistance. It is my deep conviction that such is to be the issue. The people may be deluded, but they are pure in purpose; they are awakening to a true conception of their danger. Thus aroused, they will inform themselves, and understanding, they will, with resistless might, drive out those faithless agents who have betrayed their confidence.

In a Government where the laws themselves do not open to the people an avenue by which they can arrive at a desired result of correction, there must, in such a case, be revolution and bloodshed. The people cannot, in whatever numbers, speak in terms which, by the regular action of the laws, will peaceably control or remove the offending rulers. The emperor or the king is not periodically elevated to the throne by the suffrages of the great body of the people, and no resort is had to their will to determine his continuance. Here we are yet happily in possession of legal means to dethrone our rulers peaceably and effectually. The ballot-box is a weapon not less efficient in the United States than the sword and the bayonet in Europe. This will restrain our people in the most violent excitement. It has restrained them when nothing beside could have prevented violence. The just sense of outrage and injury inflicted upon the purity of our institutions and the sanctity of our laws, the high claims to arbitrary power, and the wide-spread, withering ruin which has been effected in execution of these pretensions, would have driven any other people to revolution, to violence and forcible resistance, and thousands of American patriots would this day be in arms to rescue the constitution and the laws, but for the conviction that a bloodless battle and certain victory may be gained by the surer, safer means of elections.

I say, then, to all who desire to live and die in the freedom which the peril and blood of our ancestors have purchased; who mean to resist the approach of despotism at that point at which alone it can be resisted—its beginning—you who will have your public agents to administer their trusts according to the laws you have prescribed for their conduct; who do not, in short, design to have all power concentrated in one man—to all such I would say, Admonish your confiding neighbor of the existing danger; spread before his prejudiced mind the evident tokens of the slow poison which his political doctrine is infusing into the system; urge him to throw aside the shackles of party, and to look beyond the interests of one man, or even one party, and regard the great interests of the nation—its fundamental principles of government, its past history and practice, the pure and simple doctrines of former republican Presidents, of our Washington, our Jefferson, our Madison; their acknowledged obligation to the laws made by the legitimate organs of the people and the States; their cautious abstinence from the exercise of any questionable power; their anxious regard and respect for the authority of Congress; and their devotion to the sacred restraining principles which the constitution has declared shall mark the limit of their authority. Look to the healthful action of the system under such a course of wise administration; look to the growth and prosperity of the country; the wealth and abundance which blessed us; the peace, happiness, and contentment which abounded in our borders; the march of intellect and science. And then, when filled with this contemplation, point him to the gloomy, dreary prospect which now

every where assails his astonished vision; to a scene in contrast with all he has ever seen or known before; and then tell him, and tell him truly, The wretchedness, and poverty, and misery you witness, is the fatal effect of one man's folly and passion. The remedy will be applied, not by faction or "almost treason." It may be that, yielding to those impulses which are strongly implanted in the human breast, a sense of unprovoked injury may drive individuals who have been deprived of the very means of subsistence, who witness the cries of naked children for bread, and see the tear of distress in the eye of a wife silently suffering the agonies of starvation, or the scarcely less intolerable agony of living upon cold charity, to occasional bursts of desperation and violence. These will be repressed, and men will not prefer unlawful means to accomplish what they may rightfully effect.

The Senator from Georgia has visited Philadelphia, and I have smiled to hear the history of his hopes and his speculations. He thinks nine-tenths of the people of Pennsylvania will sustain the President! He admits that in Philadelphia all is lost. I am sure the Senator was in a society there somewhat new to him. Of his former associates, he could scarcely find one remaining in the faith he holds. His means of information were probably limited—perhaps confined to those who have the same easy faith with himself in this behalf. Why, sir, the people in the cities are the same sort of people as those in the country. On any great question of political power or political propriety, they have the same feelings, and will have the same judgment. It is true, in cities, where the population is so dense, men confer more rapidly, and come to their conclusions in masses more promptly. When conviction of error is felt, the good work of reformation is commenced; but there is a strong obstacle still to its consummation. In the cities the cotemporaneous acknowledgment of error renders the condition of each individual less offensive, by exposing his pride—the fatal sin of our nature—to fewer and less mortifying attacks from those who remain obdurate. It requires a degree of moral courage, not always found, even with honest men, to come out alone and single-handed to renounce further communion with a creed, the doctrines of which are far from acceptable.

Has the honorable Senator ever felt such a sentiment? Has he never persevered in the defence of a political tenet, because, from the high elevation on which he stands before the American people and the world, he was unwilling to wound his pride by the acknowledgment of error?

In matters of pecuniary interest, where the real or supposed advantages of city and country are in opposition, they will differ; but on great political doctrines they will think alike. The hopes of the Senator are delusive; they prove that those in power—misused and abused power—are the last to see and know the real state of popular sentiment. One would think that facts of recent occurrence would open the eyes of those who are not judicially blinded. Is the voice of New York unheard—that glorious voice, responsive to the claims of patriotism and the principles of constitutional law? Are the elections in Virginia regarded? or in Maine, and every where in those which have been very lately held? In every great contest for civil liberty, the city and the country had agreed. They did so in 1776, when the Executive head of the Government claimed dominion over the purse, as well as the sword. They will not do less now, when the same claim is preferred.

Sir, I rose only to give expression to a feeling which could not be repressed when friends dear to me were assailed. The feebleness of my effort to vindicate them will be abundantly supplied by their virtues, which have attracted the respect and esteem of the community in which they live.

Mr. FORSYTH replied, stating that he had no intention to call in question the religiousness or respectability of the individuals who were present at that meeting. He should not have done so, for he understood the honorable Senator to have been among them.

[Mr. CHAMBERS said: No, sir, I was not there; I should have been proud to have been among them.]

Mr. FORSYTH resumed: He was of opinion that nothing but a spirit of faction could have prompted them to make such an exhibition on the Sabbath day. It was a well known fact that the city of Philadelphia had always acted in opposition to the rest of Pennsylvania. Now, as to the expression which he had made use of—that they had "almost committed treason," he spoke not of the acts, but of the indications of a design on the part of the people to act—not against the Senate, but to compel Congress to act.

[Mr. CLAY said: Not against the Senate?]

Mr. FORSYTH continued: No; but against Congress. He had a paper in his hand, and it was published amidst the excitement, either on Sunday or the next day.

[Here Mr. F. read two or three passages from a Baltimore print, setting forth in strong terms the cause which the people have to defend—one, resembling that for which their ancestors fought, and who had sheathed their swords only when they had gained freedom. The President and Congress could relieve the people, and, if they did not, revolution must come, &c.]

Mr. F. proceeded: Was there any other meaning intended by that language than this—that, unless Congress purposed to grant relief, by succumbing to the bank, revolution must come? No overt acts, it had been said, were committed, but moral treason had been indulged in; and such a course of conduct, he was sure, would be looked down upon by the indignant eye of the people of the United States.

Mr. CHAMBERS said: I must insist on the correction to which the remarks of the Senator are subject. He tells us that the history of the country presents no parallel to the present times; that such excitement has been unknown; that no instance has occurred where men of intellectual, moral, and religious character had yielded to feelings, which could not be restrained on the Sabbath.

Sir, I repeat, there has been such a period in our history—a period when the hand of power assumed the "custody and control" of our property, as the hand of power now assumes; when arbitrary power, in violation of an unwritten constitution, seized upon the public revenue, as arbitrary power now seizes upon the public revenue in violation of our written constitution and laws. The noble spirit of the whigs of that day was excited; they knew that, if not resisted, the lawless pretension to control their money and property would end in the destruction of all liberty; they met the approach of despotism at its first step. The same spirit is now excited, the same determined resistance will oppose the first dawnings of despotism now. Does the honorable Senator rebuke the spirit of '76, because it led his ancestors and mine to meet on Sunday, to talk on Sunday, or even to fight and conquer battles on Sunday? No, sir, they believed it was "acceptable service" to carry on the good work by using Sunday, when an occasion presented on that day which could not be found on any other day.

Sir, the people of Baltimore, who are censured by the Senator, believe that a struggle is now going on, as essentially vital to their liberties as the struggle in '76; they believe this as conscientiously as they believe in their obligations to their God, and to the day which He has sanctified. The Senator does not perceive it. Quite possible. The ministers of the King, and his partisans and supporters, in '76, did not perceive usurpation then. The excitement of the people was rebuked; it was "senseless cry," "faction," almost and altogether treason. It must be so now, and the experience of all ages and nations pre-

sented precisely this difference of sentiment and language between the friends of power and the friends of liberty and the law. The whigs of '76 could not correct their rulers by the ballot-box, and they resorted to the only weapon which could give them redress. Thanks to their patriotism and their wisdom for the better condition in which we live. The ballot-box is now effective, and nothing else could, at this moment, avert a civil war. Sir, if it were not for the abiding conviction that a peaceable mode of effectual redress is open to the people, it is my confirmed belief they would at this moment be in arms. It is not in human nature—I care not how refined or cultivated—to witness the prostration of their fortunes, the sudden annihilation of their hopes, the daily regular approach to penury and want; themselves, and those more dear to them, denied their daily bread for their daily labor, and to feel and know that it is the work of arbitrary power grasping at the vitals of that constitution and the laws which they hold sacred. It is not in human nature that men, free men, should thus observe and feel, without adopting the appropriate means of redress.

The appropriate mode of redress is undoubtedly by a calm but firm and animated expression of the popular will, by exciting a just indignation against the measures which produce the evil, and by concentrating the effective power of the people at the polls. This was what the citizens of Baltimore are disposed to do, and in due time they will give us very satisfactory evidences of it.

I thought the terms employed by the Senator from Georgia, in reference to this meeting, any thing but just. I am glad to hear him qualify them. The community to which the gentleman composing the meeting belonged, is as moral and religious as any other; the gentlemen themselves were many of them from the most estimable ranks in that community; men with whom the Senator from Georgia may consider it his pride, as I consider it an honor, to associate as acquaintances and friends.

Mr. FORSYTH said the reference of the gentleman reminded him of a piece of information he had lately received. He thought it had been said that the people of Philadelphia were those who had suffered the most from the late pecuniary pressure, yet he learned, to his great satisfaction, that the last season was the only one in which committees of charity had not travelled round to collect contributions to clothe and feed the distressed.

Mr. CHAMBERS said the whole country was in such a state of extreme suffering, as to render it almost impossible to collect money for charitable objects.

Mr. CLAY observed, that he rose with a good deal of reluctance, but since he found such additional arguments from the gentleman from Georgia, (Mr. FORSYTH,) he should make a few observations, only out of respect to him. The gentleman has announced that the President has not one dollar of the public money in his possession. True, sir; the money in the hands of these selected banks is all gone. Considering the analogies of history, it would be seen, in the manner the Executive is moving on to despotism, how remarkably striking they are. When a celebrated ancestor of the honorable Senator from South Carolina [Mr. PRESTON] once remarked on the floor of the General Assembly of Virginia, that Cæsar had found a Brutus, and Charles a Cromwell, the cry of treason resounded; and now we are told by a no less loyal supporter of the Chief Magistrate, that we are committing treason. Treason, sir! When and where, and against whom? Why, he had hoped that treason consisted only in some overt act, as it was defined in the constitution; but now, it seems, that treason can be committed against one of the parts of this Government. In the reign of terror we had only sedition; but now, opposition to the President was treason. The honorable member, said Mr. C., tells us that the people will sustain the acts of the Executive, and that we shall see it when the people come to a decision. The gentleman might have taken lessons from the recent results of the elections both in the North and in the South; and yet one of his most constant arguments is to tell us of what he hopes from the people. He may yet have to place himself in the anxious seat of the constituents of the member from Maryland, and, like them, repent the support he has given to those who have brought such disasters on the country.

With respect to the resolutions of the Legislatures of New Jersey and Maine, the President records them in his protest as a censure of the Senators from those States, and asks the Senate to record them on their Journal as authentic; yet all this is not to be taken as a rebuke of those members for their votes in the Senate. Why, the honorable gentleman might see, at once, that in this the President had committed a gross and palpable abuse of the privileges of this House.

He rose to ask the gentleman from Georgia if he had done him justice in relation to the conversation he had referred to as having taken place between the President and the ex-King of Spain. The President said he had made the ex-Emperor Napoleon his model. Now he, Mr. C., did not say that he feared that the President could use the army and navy to disperse the National Legislature; but that he had too much confidence in the patriotism of the army and navy to fear that they could be used for any such purpose. On the contrary, he said that two of the officers of that House would be sufficient to meet any force that could be sent.

Mr. WEBSTER said he was very sorry to be compelled to rise again on this question. But circumstances had come within his own knowledge, which he deemed it necessary to mention. When he arrived in Philadelphia, on his return to Washington, he received information of the very extraordinary communication sent by the President to the Senate; and certainly all that he conversed with viewed it with the utmost alarm and disapprobation. When he arrived at Baltimore, he found multitudes of people in the streets, certainly not assembled in a riotous manner, but evincing a deep state of feeling from some great cause. When the boat arrived at the wharf, a gentleman came forward and introduced one venerable man, who addressed him, by saying, "I am a member of the Presbyterian church, and you may be surprised to see me in the crowd on such a day; but I remember that we had no Sundays in revolutionary times to interfere with our duty to our country. We know that our liberties are in danger, and we come down to you for the purpose of making you acquainted with our true situation, and to ask what we are to depend on."

The honorable gentleman says this crowd was composed of men influenced by the exasperated feelings of faction. Was there no feeling of exasperation separate from faction? Did the honorable gentleman never hear of the exasperated feelings of patriotism? And did these feelings never call forth crowds to assemble in the streets, even on a Sunday? With what eyes did the gentleman look on the many who meet on every day of the week through the whole Union? Were they exclusively of the classes of one particular party. He must know that these masses were collected by a general feeling of oppression. Did the gentleman never see such crowds collected at a steamboat wharf that he could not get through without being jostled? So far as he (Mr. W.) was concerned, it was a matter of no importance. But so far as the city of Baltimore was concerned, which was behind no city in the Union for high patriotism, intelligence, moral worth, and religious feeling, the observations of the gentleman deserved some rebuke.

The honorable gentleman seemed to have in his eye some *terra incognita*, out of which that great voice is to come, which is to settle this great question in favor of

the administration. He himself decides that this *terra incognita* was not on the seacoast—and he knew in this he was correct, for from Maine to South Carolina, that feeling which the gentleman calls exasperation and faction, the people call patriotism—a sense of injury and oppression. Where, then, is the *terra incognita* to be found? The gentleman said that Philadelphia always thought against Pennsylvania, but recent events seemed to incline the gentleman to think that all great cities differed from the country. On the great question which now agitated the people, he apprehended that the cities and the country thought alike. If a question affected the cities only, the country might, from not understanding it, view it in a different light. But on the constitutional question, whether the free institutions of the country are to be preserved, the man who is the most deeply interested is the agriculturist; and, if the inhabitant of the cities is the earliest to move in it, it is because he has the earliest means of information.

Mr. FORSYTH said that he had received a very different account of the meeting at Baltimore from that which had been given by the honorable Senator from Massachusetts. According to his account, there were no cheers given—no cries of "Down with the tyrant—Down with the usurper," and no voice or clamor was heard. No: but all was peace, peace—nothing but a spirit of calmness pervaded that meeting. And the place at which the people assembled was particularly appropriate—it was at the door of a public hotel! He (Mr. F.) hoped he did know the difference between a spirit of faction and a spirit of patriotism. He judged of the character of meetings by the indications they manifested; and he would tell the gentleman from Massachusetts how he (Mr. F.) looked upon crowds which gave vent to such language, and conducted themselves as he had just stated—it was with the most profound pity and feeling of regret. When he saw crowds parading the streets and huzzaing, he must be permitted to say that it was conduct unbecoming freemen. He would say to them, "You have forgotten it is your power which controls the mighty destinies of this Union. You have forgotten this, and have degraded yourselves by imitating the conduct of the brute rabble in the old country." A great moral revolution, he would tell the people, was to be effected only through the ballot-boxes.

The honorable Senator had said that he (Mr. F.) was mistaken in regard to what he stated respecting Philadelphia having been always opposed to the rest of the State. Now, he (Mr. F.) thought the remark universally correct; and it was to be accounted for by the great mass of the population of that city being dependent for their daily bread upon those who were at present exciting them in defence of a great moneyed power. But go into the country and ask the people there to huzza for any body, and see whether they would do it. No, they would not. He had seen a meeting assembled for the purpose of receiving General Washington—that greatest and best of men—when he was travelling the country, and at that meeting not one cheer or loud huzza was given. No; they looked on him with reverence, and he beheld them with affection. When he reached the place of his residence, the people went to him and took him by the hand, as children would their fathers. No outcries were raised—none. They evinced the heartfelt gratitude of freemen in a very different way. The honorable Senator had said there was a certain *terra incognita* from which a certain voice was to come. The gentleman had not found it, although he had been anticipating it for many years. He (Mr. F.) alluded to that part of the country which had so triumphantly sustained our Chief Magistrate, and which, he believed, would sustain him again. The people were not to be deceived—they would not be diverted from the object of their choice, notwithstanding the course which this dignified body had chosen to pursue against the President, who, for the first time, had now appealed to the people. That high functionary had come before the Senate with a most respectful statement of his belief, that they had transcended their authority. And how was he treated? He had been called a tyrant and a usurper, who trampled down the [illegible], and had violated the constitution and laws of the Union. This was the manner in which he had been assailed, for merely asking that his message should be put upon the Journal of the Senate along with the resolutions that had been passed, censuring his conduct.

Mr. CLAY said he could not withhold his congratulations, that the gentleman from Georgia was about to leave his party. He had grown weary of the hurrahs. The shouts had become unpleasant to his ear. Perhaps, however, this was because the party got no more of these shouts, and the grapes were sour.

The proceeding were then referred as usual.

PRESIDENT'S PROTEST.

The Senate next proceeded to the consideration of the special order, being the appeal against the decision of the CHAIR, that the amendment of Mr. FORSYTH was in order.

The yeas and nays were then ordered, and the question was taken without discussion, and determined as follows:

YEAS.—Messrs. Benton, Black, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Morris, Robinson, Shepley, Tipton, White, Wilkins, Wright.—17.

NAYS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Leigh, Mangum, Moore, Poindexter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—26.

So the decision of the CHAIR was reversed, and the amendment offered by Mr. FORSYTH was declared to be out of order.*

---

*SENATE CHAMBER, April 23, 1834.

Messrs. Gales & Seaton:

Gentlemen: In looking over the Intelligencer of this morning, I find that the report of the proceedings of the Senate of yesterday is calculated to do me great injustice. To correct misrepresentation, not, I presume, intentionally made, I must request you to insert in your paper a true account of those proceedings, with the reasons, stated at the time, upon which the decision of the Chair was founded, which I now transmit to you.

Respectfully, your obedient servant,

WILLIAM R. KING.

On Monday, the 21st instant, Mr. POINDEXTER substituted for his previous motion, not to receive the paper sent by the President on the 17th, several resolutions, the last of which was, "Resolved, therefore, that the paper be not received by the Senate." While these resolutions were under consideration, Mr. KING, of Alabama, was called to the Chair. When Mr EWING, of Ohio, then on the floor, had concluded his remarks, Mr. WILKINS made a motion to postpone their further consideration until the day following, that the Senate might proceed to the consideration of Executive business. It was rejected by the Senate. Mr. FORSYTH then moved to amend the first resolution, by inserting the President's communication of the 17th, and that of the 21st. Mr. CALHOUN required that the motion should be reduced to writing. Mr. FORSYTH tendered the written papers then on the table of the Secretary. It was objected, that they had not been written by the mover, and a question of order made. The CHAIR stated that the object of the rule was nothing more than to place motions before the Senate, in such form as would enable Senators to examine and understand them; that it was not necessary, nor was it intended that propositions made must be in the handwriting of the mover; that the rule was substantially complied with; and that the reception of the motion, in the manner proposed, was in order. From this decision Mr. CALHOUN took an appeal. On the following day this appeal came up for consideration, (Mr. KING again in the Chair,) when Mr. CALHOUN withdrew it.

Mr. FORSYTH then demanded that the question be taken on the resolutions separately.

Mr. CLAY then moved to strike out all the resolutions after the word "Resolved," in the first resolution, and to insert the following:

Resolved, That the protest communicated to the Senate on the 10th instant, by the President of the United States, asserts powers as belonging to the President which are inconsistent with the just authority of the two Houses of Congress, and inconsistent with the constitution of the United States.

Resolved, That while the Senate is, and ever will be, ready to receive from the President all such messages and communications as the constitution and laws and the usual course of business authorize him to transmit to it, yet it cannot recognise any right in him to make a formal protest against votes and proceedings of the Senate, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the Senate to enter such protest on its Journals.

Resolved, That the aforesaid protest is a breach of the privileges of the Senate, and that it be not entered on the Journal.

Mr. POINDEXTER then presented a paper stating several questions of order, and demanding their decision by the Presiding Officer. As these points of order were not directly connected with the subject under consideration, the Chair declined to decide them, being, as was believed, beyond the scope of its duties; but stated most distinctly, that, should a question of order be raised as to the reception of the motion of the Senator from Georgia, the only subject now before it, the Chair would feel itself bound, and would not hesitate to decide it. Mr. POINDEXTER, on consultation with his friends, withdrew the paper, and then objected to the reception of the motion of the Senator from Georgia, as inconsistent with the design of the resolutions offered by him, and calculated to defeat the object in view by the action of less than a majority of the Senate, and therefore not in order. Considerable discussion took place. After which, Mr. KING thus addressed the Senate:

This subject is one of exciting interest. The individual who temporarily occupies the Chair, most anxious to decide the question of order correctly, although not in strict accordance with usage, desired, and has availed himself of, the views of honorable Senators, to enlighten his mind, and thus enable him so to determine the question as will save our rules from violation, preserve the rights of the Senate, and of each individual Senator.

These, and these only, will be steadily kept in view by the incumbent of the Chair. Could he evade a decision, without a loss of self-respect, by shrinking from the discharge of a duty which accident has devolved upon him, most willingly would he do so: or, did he entertain a reasonable doubt on the question, he would unhesitatingly place it before the Senate for its advice and determination. Entertaining, however, no such doubt, the occupant of the Chair feels that he cannot, with propriety, avoid the responsibility which he sincerely regrets has been imposed upon him. It would be as ill-timed as improper for the Chair, on this occasion, to enter into any examination of the principles of the resolutions offered by the Senator from Mississippi; or of the doctrines or arguments contained in the paper proposed as an amendment by the Senator from Georgia. Waiving, then, all these, the Chair will come directly to the examination of the question of order, presented for its decision. What is that question? As understood by the Chair, it is simply this: whether, under our rules, and in strict conformity with parliamentary usage, a power exists to offer an amendment to a resolution under consideration, which is inconsistent with, or destructive of, the objects which that resolution proposes to effect. If I have stated it incorrectly, Senators will please to correct me. I presume I am correct. As a general power, I had supposed there could not be found on this floor a Senator who would question it. Let us, then, endeavor to ascertain what there is which will take this particular case out of the general rule. By the constitution, each House may adopt rules for its own government. Under this power, the Senate has adopted certain rules for the regulation and control of its legislative action, but principally to protect the rights of individuals and minorities. If a rule, thus deliberately enacted, can be varied at pleasure, and in a moment of peculiar excitement, by the instantaneous expression of the will of the majority—where, I would ask, is this security to be found? If a rule, in its practical operation, is likely, in the opinion of the majority, to produce what that majority may consider a particular inconvenience, are they at liberty to set it at naught, and break over all the checks and restraints intended to shelter and protect the minority. If the rules are defective, let them be amended. If unnecessary, or injurious, let them be repealed. But until changed, or abolished, let not the fear of possible inconvenience cause them to be disregarded, and set at naught. The Chair has no discretion; to enforce them as they are, is his imperative duty.

It has been stated that this proposition to amend cannot be in order, because, should the yeas and nays be directed, it would cause the paper presented by the President to be placed on the Journal, which is precisely what the resolutions propose to prevent. To this, I can only say, that such is not the effect of the present motion, nor does it belong to the Chair to look beyond the question presented, nor to decide points of order upon the supposition that some subsequent act of the Senate may produce inconvenient results. The Journal, however, is always under the control of the Senate. But it is said the proposed amendment will effect by indirection what it is proposed to prevent. Be it so; yet it does not belong to the Chair to interpose and prevent its reception. The propriety of the course must be judged of by the mover. It is expressly laid down in the Lex Parliamentaria, that "the Chair is not permitted to draw questions of consistence within the vortex of order, as he might thus usurp a negative on important modifications, and suppress instead of subserving the legislative will." And again: "Amendments may be made so as totally to alter the nature of the proposition; and it is a way of getting rid of a proposition, by making it bear a sense different from what was intended by the movers, so that they vote against it themselves."

It has been contended that, if this amendment is in order, it would be in the power of a Senator to propose to amend any pending proposition by the insertion of newspapers, books, or any thing else. Certainly the only limit is the sound discretion of the Senator, his self-respect, and his respect for this body; but it would not be in his power to encumber our Journal with such irrelevant matter but by uniting with him at least one-fifth of the Senate. The Chair admits that a case precisely similar to this has not occurred: still it comes within the principles of the rules laid down for the government of the Senate; is in accordance with the usages and practice which has heretofore prevailed, and which the Chair cannot consent to be instrumental in changing, on a question of order. The decision of the Chair is, that the amendment proposed by the Senator from Georgia is in order, and must be received. It will be for the Senate to sustain or reverse this decision of the Chair, and to their just judgment he will most cheerfully submit.

Mr. C. explained that his modification varied only from the original resolutions in two particulars. The modification places on record what must indeed have otherwise been obvious, the readiness of the Senate to record, at all times, such proceedings and messages as the President may think proper to transmit, in compliance with his constitutional duties. There was another difference, consisting in this. The proposition of the gentleman from Mississippi is, not to receive the message. The last resolution of the modification proposes not to record it on the Journal. In his opinion, the recording of a paper was its reception. According to the uniform practice, the messages are all recorded. The last resolution marks the distinction between the regular and usual messages of the President and the present, and refuses to the latter that place on the Journal to which all messages, agreeably to the constitution, are entitled.

Mr. POINDEXTER expressed his readiness to take either course which might be most agreeable to the Senate. After some few remarks, he moved to lay the resolutions and modifications on the table, in order to give time for reflection on the subject. He withdrew his motion.

Some discussion ensued, in which Mr. CALHOUN,

Mr. CLAYTON, Mr. PRESTON, and Mr. BIBB, took part.

Mr. BIBB sent the Chair the following amendment, which he proposed to move when the amendment proposed by Mr. CLAY should be called up:

After the words "President of the United States," in the second line of the amendment, strike out the residue of the amendment, and insert "be not received."

Mr. POINDEXTER expressed his intention to accept this modification.

On motion of Mr. KANE, the Senate then adjourned.

THURSDAY, APRIL 24.

UNION COUNTY (PA.) MEMORIAL.

Mr. WEBSTER said, he rose to present a memorial from four hundred and ninety of the farmers, mechanics, and traders of the county of Union, in the State of Pennsylvania. This memorial, said Mr. W., coming from the centre of a great and commanding State, and signed, as I believe it is, by very respectable persons, is well entitled to consideration. It cannot be supposed that it has originated in any party feeling, as I understand the county has been heretofore almost unanimous in favor of the present Chief Magistrate. The memorialists declare that they are neither stockjobbers, speculators, nor traders on borrowed capital; that their industry is their capital; that their livelihood is obtained by the labor of their hands; that whatever affects the markets of Philadelphia and Baltimore necessarily affects them; that the price of wheat has fallen from a dollar to seventy-five cents; that sales are dull and difficult to be made, even at that price; and that the effect of this state of things, on a community chiefly agricultural, cannot but be, and is, seriously distressing.

They say, sir, that, for these evils, they find little consolation in being told that an experiment is going on, and that the Government is trying to get along without a bank. They have no relish for this experiment; they protest against it; they protest against making experiments upon the happiness and prosperity of a whole people. Against this experiment they pray protection and relief from Congress. They think, sir, that, since we have got along very well with a bank, it is hardly worth while to try a dangerous experiment for the sake of seeing whether we can get along without it. And they use rather a forcible illustration. They say they walk very well on their legs, and, this being the case, they should be rather surprised if the President were to propose that they should cut off their legs, in order to learn whether they might not be able to walk on their hands. This memorial, sir, is transmitted to me by a respectable gentleman, the son of the late Governor Snyder, and is signed by him, and others of the family. The descendants of Governor Snyder are not likely to be found advocating a cause which they do not believe to be the true cause of liberty and the country. They will not be found suporting either aristocracy or arbitrary power. And when, sir, will the administration listen to the voices of its real friends? When will those who possess the confidence of the President, do their duty in laying before him the real state of the country? When will they be convinced, that disordered currency, destroyed confidence, and the danger of paper money, are evils to which the industrious and intelligent people of the country will not submit? Sir, let honest industry have its earnings. Let hardy labor be made sure of its rewards. Let the Government and the laws protect the people, and the people will then cheerfully protect the Government and the laws. Such, sir, I am sure is the sentiment of the citizens of Union county. They begin to learn, that though bad seasons are bad, and bad crops bad, yet that bad laws and bad government are worse than both.

I hope, sir, that these memorialists may escape the severe denunciation, which a member from Georgia pronounced yesterday against the citizens of Baltimore. In the interior of Pennsylvania, at least, it may be hoped, that men may assemble to memorialize Congress, or to consult on the common good, without offence. The gentleman declared recent proceedings of the citizens of Baltimore to be noisy, riotous, clamorous, factious, almost treasonable. The inhabitants of the monumental city, he thought clear gone, at least in moral treason. They will judge, sir, for themselves, of the justice and propriety of giving them this character. As to Union county, sir, I am informed that, when the President was elected, there were hardly thirty votes against him. Here are now 490 signers to this paper, complaining, in strong terms, against Executive conduct. Is not this proof of real suffering and real alarm? Have these freemen come out, without any reason whatever, against the President of their choice? It cannot be believed. They speak because they suffer evil, and have a right to have that evil redressed. They ought to speak, and they ought to be heard; and depend upon it, sir, the people of the country will continue to speak, till they shall be heard, and heard to good purpose.

The memorial was then read, referred to the Committee on Finance, and ordered to he printed.

KENT COUNTY (DEL.) MEMORIAL.

Mr. CLAYTON said that he had been requested by a committee of highly respectable gentlemen, appointed at a public meeting in the county of Kent, in the State of Delaware, to present to the Senate certain resolutions adopted at that meeting, the purport of which Mr. C. proceeded to state; and also a memorial signed by 736 citizens of that county, praying the restoration of the public deposites and the re-charter of the Bank of the United States. Mr. C. regretted that the late proceedings in the Senate had prevented him from offering them sooner.

This memorial, said Mr. C., is signed by my friends and neighbors, by men, in relation to whom, of all others, I may be permitted to speak with the greatest confidence. They will, I trust, escape the imputation of bank influence; not a man of them all, as I believe, owns a share of stock in the Bank of the United States, or is, or ever was, indebted sixpence to that institution. They live in a section of country, the interests of which are almost exclusively agricultural, remote from the contagion of Executive influence, and unmoved by the seductions of official patronage. They are the descendants of the old Blues of the Revolution, and of their kindred and friends; and are truly intelligent and patriotic freemen. Imbued with the spirit of the whigs of former days, they complain more, much more, sir, of executive usurpation, and the exercise of arbitrary power, than of any distress which they have felt or expect to feel. Although they acknowledge that the price of their produce has greatly fallen in value by the conduct of the President in removing the deposites, and that they are suffering by that act of infatuation and folly, yet their loudest note of remonstrance is sounded, not on their losses, but on what they justly term "the arbitrary and unconstitutional exercise of power, subversive of the rights of Congress, and dangerous to the liberties of the people."

Long before this, sir, they have heard the response of their Senators in Congress, expressing precisely the same opinions, and almost in the same language, by their votes on that resolution which has recently been made the subject of the President's denunciation. They will now see, with mingled feelings of surprise and indignation, that the same executive course which they have deprecated, is still maintained and persevered in, and that the President has at last boldly rested his pretension to power over the public treasure of the nation, on the very same ground

upon which he claims the uncontrolled possession of the sword. They will now learn that he has actually charged the Senate with usurpation, because it has dared faithfully to represent the very sentiments which they themselves have directed us to express. They will remonstrate in future only through the medium of the ballot-boxes.

It is true, sir, that the offence for which my colleague and myself, in common with other members of this body, are impeached by the Presidential manifesto, is precisely that of truly representing both the Legislature and the people of Delaware. We have spoken the very language which the freemen who sent us here have taught us. The Chief Magistrate complains that this is not to be endured, and appeals to the people, of whom these are a part. He denies to us the poor privilege of even expressing their opinions as to his conduct, because, he says, in a possible event, but which he knows will never happen, (that of his impeachment,) we may be his judges. Sir, when the people of this country shall become so ignorant as to be incapable of discriminating between a charge against the President, of having been wilfully and corruptly guilty of violating the constitution, and a vote of the Senate simply declaring an executive act unconstitutional, and carefully abstaining from the slightest imputation of bad motives or wilful corruption, then we may be in danger from his appeal. Until that period, it will probably share the fate of other electioneering appeals to the ignorance rather than the intelligence of the country.

The President, in his first message to Congress, announced his preference for a Government bank. This annunciation has been repeated in his succeeding communications, yet so monstrous was it ever deemed, by men of all parties, that no man would defend it. His warmest partisans revolted at the enormous accumulation of executive power in the hands of one man, which such a proposition contemplated. Yet, what do we see now? An affiliation of some fifty State banks under one head, depending every moment for existence on his will, and deprecating his vengeance! In many instances the public deposites exceed the amount of the capital of the selected bank. Many of these corporations have discounted, by order of the President, on the faith of the deposites, to the whole amount of those deposites, and should he, at any moment, in a sudden fit of passion, withdraw from any one bank so circumstanced, the public money in its vaults, that bank is inevitably ruined. Under such circumstances, is it possible that it can escape a thinking intellect, that it is in his power to control these banks, and the disposition of the millions, not of public revenue, but of banking capital, they possess? Is it not entirely within his power to direct any one of them to lend or not to lend money to particular individuals? May he not actually wreak his vengeance on any city or district of country which may fall under his displeasure, in consequence of its political or other conduct, by removing the public deposites from it at any moment, and compelling the banks of deposite there, with a view to meet the call, to spread ruin and distress among the people, by the curtailment of their accommodations and the collection of their debts? Nay, has it not been actually proposed to pursue this very course towards at least one city of this Union?

Sir, the claim of Executive power now, is to control the whole monetary system of the nation; to regulate its currency; to increase or depreciate, at pleasure, the value of money; and to prostrate, at discretion, the whole structure on which the contracts of the country depend. It is a claim to confiscate the property of the landed interest; to break down every man trading on credit; to increase or diminish, by the operations of a fluctuating currency, the duties on foreign importations; to work a general transfer of property from one class of men to another; to fix the standard by which the property of every man in the country shall be valued—in a word, to contract the sound and to expand the unsound currency, whenever a single man shall will it. It is a claim which no British monarch, since the English revolution, has ever dared to maintain; and its exercise by the President has resulted in the establishment of that very Government bank; yes, sir, in the consummation, by Executive action alone, of that very plan, for the accomplishment of which, in the first year of his administration, he invoked the aid of Congress. I now demand of any man on this floor, who thinks himself competent to the task, to point out one shade of difference between the dangers of that engine of power, which we all condemned a year ago, and those dangers to public liberty which must inevitably attend this confederation of so many State banks, under the control of the President. I invite any Senator here to debate the comparative power of the present affiliation of State banks established by Executive action alone, and that of the very Government bank which, less than twelve months since, every body seemed to agree was an institution so frightful and pregnant with danger to civil freedom.

In the House of Commons, on this very day last year, Lord Althorp, the British minister, thus expressed himself, on this subject of a Government bank:

"It is, certainly, a question of great importance whether it is desirable to trust such a power in the hands of persons not legally responsible, or in the hands of a Government which is responsible; and another point is, whether the profits necessarily to be derived should belong to the Government, or be allowed to the company. The advantages, and the only advantages, I have been able to discover in a Government bank, instead of a private company, are the responsibility of the managers and the profit to be derived from the undertaking. It seems to me that they are much more than counterbalanced by the practical evils of such a system. I think the effect of having the Government the great bankers of the state, having the command of the circulating medium in their hands, might be most mischievous. In the first place, I refer to the temptations of the Government to abuse its power, and to the impossibility, or to the extreme impolicy, in that case, of permitting any assistance to be given to the commercial interests of the country in periods of difficulty—a course hitherto frequently pursued by the Bank of England. If once Government were at liberty to assist those whom they thought fit in times of difficulty and distress, it appears to me that it would be such an enormous power in the hands of the minister of the day as would be almost destructive of the constitution."

Such, sir, were the sentiments of a minister of England—the servant of a crowned head—the organ of a monarch. Yet, in this boasted land of freedom, we have been actually reduced to a condition in which the Executive magistrate is at liberty to assist those whom he thinks fit, and is in the habit of ordering transfer drafts to meet the wants of particular institutions which are the objects of his favoritism. I repeat it, sir, we have now fastened upon us what is, to all intents and purposes, a Government bank. To this complexion we have come at last!

I concur, therefore, with my friends and neighbors, who have honored me with the presentation of this their memorial, that the recent acts of the President are not only most disastrous in their operation on the industry of the people, but dangerous to the liberties of the country. I therefore move, sir, that these resolutions and this memorial be read, printed, and referred to the Committee on Finance; that they may receive the earnest attention and consideration of that committee.

They were ordered accordingly.

RHODE ISLAND MEMORIALS.

Mr. ROBBINS presented memorials from the counties of Bristol and Providence, in the State of Rhode Island,

upon the subject of the present embarrassments of those counties.

On presenting these memorials, Mr. R. addressed the Senate as follows: I am again charged with the presentation of memorials to Congress, coming from the people of the State of Rhode Island. They are preferred by more than four thousand petitioners, nearly all of them freeholders—all business men—that class of men by which all other classes are sustained—that class to which society owes all its prosperity. They come to complain of the wide-spread ruin that has prostrated all business in all its pursuits; of the causes which have produced that ruin; and with prayers for relief.

These memorials are from the two counties of Bristol and Providence, both located on the head waters of Narragansett bay, and possessing great natural advantages for commerce, foreign and domestic. The small but interesting county of Bristol, (the more interesting from early historical associations: there was the memorable seat of a mighty warrior among the native tribes, known to traditionary fame as King Philip—his seat, now called Mount Haup, still overlooking, as then, one of the most varied and magnificent scenes that eye has ever beheld)—this county is commercial. Of its three towns, two are eminently commercial, embracing more than four-fifths of the county population. Their canvass has been spread on every sea, in every quarter of the globe, and success has attended their persevering industry and hardy enterprise. But now, the career of their prosperity has been suddenly checked, in common with that of the whole country, by the causes which have so often been alluded to, and which are well stated, and properly reprobated, in their memorial.

I have said that these two counties are located on the head waters of Narragansett bay. That spacious bay extends inland thirty miles from the ocean—an archipelago, interspersed with various islands, vying in beauty, and surpassing in salubrity, the islands of the Grecian archipelago; and though less known to fame, not less deserving to be known. At the head of this archipelago stands the city of Providence, on Providence river, already surpassing the ancient Byzantium, on the Bosphorus, and bidding fair, from the rapidity of its growth, (if it be not repressed by the iron hand of arbitrary power,) to rival, at no very distant day, the modern Constantinople.

Providence, fortunately, has always had one resource, without which all other resources are vain, and which goes far to account for the difference in the growth of different places, though possessing equal natural advantages—namely, a succession of minds, from race to race, full of the spirit of enterprise; enlightened on all the subjects and as to all the fields of commerce; and prepared to encounter the hazards for the chances of success in all. All our vast trade beyond the Cape of Good Hope was begun by a distinguished gentleman of that city, now no more. He led the way, and others followed, till it has grown up to what it now is. And their success has been equal to their enterprise.

At the north, and on the west, the land rises on the shores of that bay into a broken, hilly country—a granite region, presenting a soil generally not inviting, nor promising for cultivation, but abounding in living streams, and these abounding in precipitous falls.

Here, in these barren streams, amidst these barren rocks, lay, as it had laid for ages, the secret power of wealth untold. But the mind and enterprise of this people, when once taken under the fostering wing of the national policy, at once called forth this secret power; converted their barren streams into streams of silver, and their barren rocks into rocks of gold. You might have seen, rising as it were by enchantment, at each of these numerous falls, a populous village. You might have seen the numerous roads leading to them from Providence, their common mart, in all directions thronged with the business of transportation, to and fro, resembling, at times, and in places, the throng of a crowded city. In the single county of Providence, at these several falls, they have over seventy different manufacturing establishments; they have over three millions of fixed capital in these establishments; they have (I should have said they had) over five thousand manual laborers employed in them. Already over seventy thousand spindles have suspended operation, and their operatives are thrown out of daily employ, and of course out of daily bread. These laborers were receiving, for wages, at the rate of eight hundred thousand dollars per annum.

What a spectacle in a free country! To see these noble works of human hands, and noble means of human happiness, struck down at once, as has been the case, by the arbitrary hand of one man—and he, rending the constitution and the laws, and breaking through all their restraints, to strike the fatal blow! The effects of that blow, its ruinous, its disastrous, its distressing effects, are detailed in these memorials, which, therefore, it is unnecessary for me to describe. I will only say, that if there be a man who could inflict all these calamities, knowingly, or, if unknowingly, could contemplate, without remorse, the sufferings he had caused and was causing, and could refuse relief, when relief depended on his nod—that, if there be such a man, he could

> "Wade through slaughter to a throne,
> "And shut the gates of mercy on mankind."

These memorials contain two prayers to Congress—one, that they would adopt the necessary measures to restore and secure to the country a stable currency; the other, to take the necessary measures to vindicate the violated constitution.

Concurring with the memorialists in opinion and sentiment, as I heartily do, I beg the indulgence of the Senate while I explain my views on both questions. I will endeavor to do it in a very few words.

These memorialists think a national bank indispensable to a sound and stable national currency. In this opinion I concur with them.

Such is now the state and nature of things around us, and in which we are placed, that the currency of this country must be a paper currency. This is imposed upon us by a necessity which controls, and cannot be controlled; for it is imposed by circumstances which do, and will exist, and over which the Government can have no control. I allude to the power of the States to create banks—a power which they have exercised, and will exercise, *ad libitum*. The paper of each of these banks will have a local currency, more or less extensive, and together, will cover the whole country with a paper currency. Now, I suppose, no one pretends that Congress can deprive the States of this power, or control its exercise.

Congress, it is true, have the constitutional power, or right, to establish a national currency, to consist of gold and silver; but they have not the physical power to attain this object. For what can Congress do? They can require all the dues to the Government to be paid in gold and silver; and they can require all the disbursements of the Government to be made in gold and silver; and when they have done this, they have exhausted all their power upon the subject. Between the receipt and the disbursement, this gold and silver will make no part of the currency; for then it will be locked up. When it is disbursed, what will the claimant or creditor do with it? He will immediately place it in some State bank, in which he has confidence, on deposite, for safe keeping, and to check out as he wants it; and these checks will be paid in bank paper. Common prudence will dictate this course to the specie-holder. The effect will be, that the specie capital of the State banks will be augmented by this operation of the Government, but the currency will still remain a

paper currency; and there will be no more gold and silver in circulation than enough for exchanges below the lowest denomination of bank bills that pass in exchange.

Such, then, is our situation, amid circumstances which, as I said, we cannot control, and which must control us, whether we will or not; which make it a physical impossibility to establish a currency to consist of gold and silver; and which constrain us, whether we will or no, to submit to the necessity of a bank paper currency.

Then, can it be a question, whether a national bank be expedient? Is it expedient to have a national currency, though paper, yet equivalent to gold and silver? We have that, by means of a national bank, and cannot have it without. Is it expedient for the Government to have all the public moneys received and disbursed, wherever wanted to be disbursed, without risk and without expense? This the Government has, by means of a national bank, and cannot have without. Is it expedient for the people of this country to have a medium, in which they can make all their exchanges at the par value of that medium? This they can have by means of a national bank, and cannot have without. But above all, is it expedient for the people of this country to have a stable measure of value to all property, the same at all times, and in all places? This they can have by a national bank, and cannot have without. Now, that a national bank is recommended by all these three great national advantages—to be had by one, and not to be had without one—has been proved by all our experience, both of a national bank, and of being without one.

But a national bank is unconstitutional. This is not the time nor the occasion for a full discussion of that question. I will content myself, therefore, with only saying, that, as by the constitution, Congress are to collect and to appropriate all the public moneys, they must have an agent for keeping and disbursing those moneys; and that I see in this necessity a full vindication of Congress in creating a bank for this agency. And if this agency be incidental to the bank, as some hold, (though I cannot see how it is more incidental than every other function of the bank,) I cannot see how that makes any difference, if that mode of agency be imposed by the same law of necessity, as it obviously is. At least I cannot conceive of any other mode of constituting that agency by that agent. But I waive that whole question; for I do not consider it an open question, unless it be so, indeed, from the fact that nothing is to be considered as settled under this constitution.

I admit, as I suppose all do, that the good of the country, or what the constitution denominates "the general welfare," is to be pursued by constitutional means. But who is to judge of and decide upon that constitutionality, and put the question at rest? Is it the Legislature? They have decided a bank to be constitutional. Is it the Judiciary, whose peculiar province it is to decide and settle all constitutional questions? They have decided a bank to be constitutional. Is it the people? They, too, have decided the question, by their acquiescence now, for nearly forty years out of forty-five, of our national existence, under the present constitution; and that acquiescence not tacit, but expressed by the voices of three-fourths of their Legislatures, and manifested by their own elections; not one of the representatives, to my knowledge, ever having lost his election for having voted for a national bank. Or is there to be no final decision of the question, in any way, by any authority?

Is every constitutional question to be held a matter of eternal debate? Is the constitution never to have any steady and certain execution? Is it to be one thing to-day, and another to-morrow? Are we, is our posterity, never to know what our constitution is, or is to be? Is there to be no plain sailing by the constitution? Is it to be at sea, forever agitated, and vexed with one eternal tempest?

How would a court of law get on without the "*stare decisis*" of the lawyers? They could not get on at all. Without it, in every case, the very foundations of jurisprudence would be to be settled, and then would only be settled for that case. In the very next, if they ever should get to the next, the very same battles would have to be fought over again, with the same uncertainties as to the issue. No case would be settled by any precedent; no principle would be settled by any adjudication; no statute would be settled by any judicial interpretation.

Why the maxim of "*stare decisis*," so expedient, so necessary, as well as so admirable in the administration of the law, should be repudiated in the administration of our constitution, I never could understand.

But waiving this topic, too, I would say to gentlemen who, admitting the expediency of a national bank, yet doubt its constitutionality, among whom are great names, and of these not the least on this floor—(I say doubt, because, even they, I presume, admit the question to be doubtful, if they admit themselves to be fallible, as they differ in this opinion from names also great; indeed, it is impossible that a question should be without its difficulties and doubts, which has divided the opinions of great minds after mature deliberation)—I would say to these gentlemen, "Here, in one scale, you have the good, and well-being, and prosperity, of the country, to be had by means of a national bank, and not to be had without one; and, in the other scale, you have a constitutional scruple as to the use of a bank; but connected with that scruple, if indulged, and it govern, the ruin of the country, so far as its being destitute of a sound and stable currency can work its ruin. Now, I ask you, which scale would you have to preponderate? I put it to you as patriots: Shall it be the ruin of the country, for the sake of the triumph of this constitutional scruple? And that scruple, too, predicated upon a philological controversy, as to which meaning of the several different meanings of the same word in the constitution, is the true constitutional meaning, namely, the word "*necessary*."

Necessity having in it degrees, as all admit, the dispute is, whether the constitution mean, or does not mean, the absolute degree, to the exclusion of every inferior degree of necessity. Now, would you have the great interests of the country, involved as they are in a sound national currency, sacrificed to this verbal dispute?

Moreover, would you have sacrificed to it the constitution itself, as to one of its great leading and acknowledged objects, for this would be a necessary consequence? For all undoubtedly acknowledge, that to establish a stable, national currency, was a great and leading object of the constitution, intended, if you please, to consist of the precious metals; still, a stable currency was the end in view, and the precious metals but as means to that end. Now, if it has become a physical impossibility, by a state of things since arisen, and not then foreseen, to establish a national currency, to consist only of the precious metals, and it is possible to establish a national currency, equivalent to that of the precious metals, by means of a national bank, answering all the same purposes equally well, and more conveniently; and, if you refuse to adopt those means, do you not sacrifice the constitution itself as to one of its most important objects, and your country with it, to a verbal controversy, whether this shade of meaning, in preference to that shade, is to be given to a given word in the constitution?

I remember that Demosthenes, on one occasion, warned his countrymen against undertaking a war, in which they might have all Greece combined against them, for what he termed "a shadow in Delphos." Is it not equally imprudent in us to risk the experiment to the country of getting on without a national bank, and for as mere a shadow?

Suppose the venerable, but now departed sages, who framed the constitution, were to descend from their sainted abodes to counsel and advise us, with Washington at their head, and he should say to us: "We saw, and had felt, that the great desideratum of this country was a stable currency, and this object we labored anxiously to provide for. The means we prescribed to this end we thought necessary to this end, as being the only efficient means. But, if these means have become impracticable, and other means are practicable, and no less efficient, why should you abandon an object so vital to the country, when the thing intended may be effected, though not in the way intended? You supplied to the country this great desideratum by means of a bank. Why deprive yourselves of this resource, and thereby destroy your country? We see no wisdom in this." Who among us would rise and venture to reply in opposition to this address, and in disapprobation of this counsel?

So much for the first question arising on these memorials. These memorialists also denounce the act of the Executive, which, by its consequences, has involved the country in so much ruin and distress, as an act of lawless power; as an act in direct violation of the constitution. And is it not so? Suppose now, it had not taken place; suppose it had not been thought of—and this question had been put to any gentleman on this floor: "Has the Executive of this country a right to make himself trustee of all the public moneys?" I think he would have smiled at the simplicity of the inquiry, but would have said to the simpleton, if he answered him at all, "Certainly not. By the constitution, you see that Congress is to collect and appropriate all the public moneys. Congress, therefore, must be the trustee of those moneys."

Now, I ask, has not the Executive of this country made himself that trustee? Has he not claimed the right to control the keeper of those moneys, as to those moneys? And has he not so controlled him? If he control the keeper as to the trust-fund, does he not control the trust-fund? I do not see how he could make himself more the trustee, if he had taken the key of the Treasury from the keeper to keep it himself in his own pocket.

It is astonishing to me that it should be denied, that the Executive has thus made himself the trustee of the public moneys; yet this has been denied by many. It is yet more astonishing to me that the fact should be admitted and yet be defended, as it is, by a still greater number.

This I consider as the symptom of danger to the liberties of the country, by far the most portentous of any in our alarming situation, or that has ever occurred in our history. Here now has been the assumption of a lawless power by the Executive of this country—and what power? That power, which rides over all others; that power, which, like Aaron's rod, swallows up all the rest; that power, which, when united to the physical force given by the constitution to the Executive, becomes irresistible. By that union, absolute despotism is at once consummated. And then how assumed? By an act that, in its immediate operation, has brought distress and ruin upon the whole country.

Yet what have we seen? We have seen the act defended here in the councils of the nation; and by the presses in all parts of the country. We have seen the Executive sustained in the assumption of this arbitrary and absolute power by a majority of the immediate representatives of the people in Congress. Now, what does this indicate? It indicates that, as to them, the noble spirit of freedom is extinct—that spirit, without which all the forms of liberty, as they exist in models of constitutions, are but idle things—but the lifeless body without the soul. And if that majority shall be sustained (which is yet to be seen) by a majority of the people, it will not only indicate, but demonstrate, that the spirit of liberty no longer animates and actuates the people. Then corruption will have done her work, and American liberties will, thereafter, be among the things that have passed away. Then, of those glorious liberties it may be said, as was said when the victorious forces of Greece were consuming the glorious city of Troy, and in the pathetic tones of her deploring patriot—

"Ilium fuit et ingens
"Gloria Teucrorum."

The fearful and momentous struggle has already commenced, and is now going on in the several States, between liberty on the one side, and despotism on the other; and God only knows what the issue will be. Should liberty be doomed to fall in the struggle, (which God forbid!) it will be her last struggle—at least the last of her bloodless struggles—for the people will then (seeing and feeling the tyranny) have been not the deluded, but the conscious, the willing, and the active instruments of their own servitude. But then, and after that, what will follow? Certainly not the calm of despotism. Civil commotions must follow, blood must flow, and the fortunes of civil war will dispose of the fortunes of this country. But how, He only knows in whose almighty hands are the destinies of nations.

Mr. ROBBINS having concluded—

Mr. FORSYTH inquired what was the date of the memorials, and whether they had been got up prior to or since the elections in Rhode Island. He also wished to know how these elections had terminated.

Mr. ROBBINS replied, that he had received the memorials ten days ago, and prior to the Rhode Island elections; and that the elections had terminated in a victory in favor of the memorialists.

The memorials were then read, referred, and ordered to be printed.

PRESIDENT'S PROTEST.

The Senate then proceeded to the consideration of the special order, being the resolutions offered by Mr. POINDEXTER, as modified by Mr. CLAY.

The question being on the amendment proposed by Mr. BIBB—

Mr. KANE rose and said: Mr. President, I am amongst those who believe that this session has been already sufficiently extended; and that the time for action upon the necessary business of the country has arrived. My sentiments upon the present subject will be therefore delivered as briefly as possible. The proposition first made, in haste and without due consideration, not to receive she communication of the President, has, in some measure, given way to more sagacious counsels; more sagacious, because formed upon more reflection. Gentlemen in the opposition have trodden back their steps, and have consented to present their reasons upon record, in the shape of the resolutions now before you. It will not surprise me if our further progress should lead to further recessions. I take no pleasure in retorting upon Senators who have charged retraction of opinions upon the President, because of his supplemental explanations, the fact that their propositions have been thrice altered, and that down to this moment they have not agreed upon the course to be pursued.

The more generous, just, and manly ground to take, is to allow every gentleman, in public or private life, to explain his own language in his own way, to avoid either misapprehension or misrepresentation. I must say, however, that the notes I took before the appearance of the President's explanation, will show that I had come to the same conclusions. Great surprise was manifested upon the first presentation of the protest. One Senator after another rose in his place and declared it an extraordinary paper—most extraordinary indeed. This feeling of wonder grew stronger and stronger, until it was augmented to such a degree, as to impel one gentleman to pronounce it an impertinent interference with the affairs of the Sen-

ate. What produced this surprise? The paper had been but once hastily read by the Secretary, had not been examined, and its doctrines and arguments could not have been accurately understood by any one. Where, then, is the reason for all this petrifying astonishment to be found? Is the fact which gentlemen saw before their eyes, and about which there could be no mistake, that a human being had, perhaps for the first time in the history of our proceedings, ventured to remonstrate and defend himself against the injustice which the Senate had done him, without constitutional warrant? If this be the first incident of its kind, it is first only, because no necessary occasion for such a procedure on the part of the Executive was ever before furnished by the Senate.

Let us look back and see what the Senate was, and then compare it with what we now know it to be. For many years after the adoption of the Federal constitution, the Senate was composed of men of the greatest discretion, of the profoundest wisdom, and of well-regulated, patriotic ambition. Impressed with a proper sense of their heavy responsibilities, they consulted the public good, the interests and wishes of their respective States, of the nation, and nothing else. Satisfied with the reputations they had already acquired, and that the stations they occupied had as much of dignity and consequence about them as sensible men could desire, or as any which a free country could or ought to furnish, they neither courted the applause of surrounding multitudes, nor desired to exchange the calm, dignified occupations of the Senate chamber, for the uncomfortable, turbulent, and tempestuous employments of Executive office. For some time they sat with closed doors, confined themselves to revising the business sent from the House of Representatives, and to their executive and judicial duties, always careful to preserve the rights of the body from encroachment from any quarter, and studiously avoiding all interference with the just rights of other departments of the Government. To a course of conduct like this was the Senate indebted for its security from all disputes with the other branches of the Federal authority, and for the respect and affection which the American people bore towards it.

I fear, sir, from the developments of a few hours past, that Senators will not always continue such a course. Already have we heard more hard things said in this chamber, than was ever heard in any public deliberative assembly under the sun. It has become the battle-ground, upon which we daily witness the severest political struggles, in which are exhibited not unfrequently violent denunciations of men unconnected with this Government by any official station; of State functionaries, of State laws, and the policy of the States. Sometimes, too, sir, our time is occupied in hearing from Senators complaints of their own constituents. This session, so far, has been signalized beyond all others for the heat and violence of debate. Time was, when Senators wished to witness a political gladiatorial conflict, they went to the other House of Congress, where a younger, a more enthusiastic, and a fiercer spirit prevailed. Now, sir, we see, day by day, members of the House crowding in to witness our spasmodic exhibitions. Is it wonderful, Mr. President, in the exciting circumstances of party conflict, that even the spirit of Senators should sometimes effervesce so violently as to overflow the just measure of their authority, and lead the Senate to the adoption of measures trenching upon the constitutional rights of others? I believe most sincerely, that we have proceeded against the Executive department of the Government, and against the President of the United States, in such a mode as to impair the just constitutional powers of the one and the personal and political rights of the other—that it was the duty of the President, in defence of the rights and powers of the Executive department, and his privilege as an officer and a freeman, to send us the protest.

Notwithstanding, Mr. President, the matters of grave import contained in the several resolutions submitted by the Senator from Mississippi, the first question presented for decision will be upon the amendment offered by the honorable Senator from Kentucky, [Mr. BIBB.] That question is, Shall the paper be rejected?

Before we give an affirmative answer, it would be well to consider that the President of the United States represents an authority, under the constitution, conferred upon him by twelve millions of people—that they have lodged in his hands the Executive power of this Government—that it is the duty of the incumbent to guard that power from violation, that it may neither be diminished nor carried too far—that it is as much his right and his duty to guard that power, as it is the right and duty of any other department of the Government to guard its rights and powers from violation. When questions of difference with regard to power arise between the co-ordinate branches, of a nature not judicial, there is but one tribunal to appeal to, and that tribunal is the people—the fountain and parent of all the powers of the Government. It is the duty of the conflicting parties to present the matter of difference fairly, in a spirit of candor, that the points may be clearly presented, and fully understood. Remember that our duty requires us to conceal nothing from the great arbiter; that we have no right to treat him with contempt.

The reasons, then, for rejecting this paper, or refusing to receive it, must be overwhelming, to justify us in taking the course proposed, lest we subject ourselves to the charge of treating twelve millions of people, in the person of their President, contemptuously, and their undoubted power with scorn.

Will the Senate act courteously, or consult its self-respect, to read this protest, dissect it, condemn it, answer it by speeches, and then solemnly vote not to receive it? Would it be honorable in private life for a gentleman to receive a communication from an individual, open it, read it, answer it, abuse it, and condemn it by oral declarations, and then refuse to receive it?

Let me now ask for the reasons which will govern the votes of those who will not consent to receive this paper.

Is its language disrespectful, is it indecent, is it insulting in its terms or its import? None of these things are pretended. Had the President no right to send it? If it be his duty to defend the powers of the Executive department of the Government, his right is unquestionable. If he believed that the resolution of the Senate, in violation of the constitution, invaded the "Executive power," there was no course left him to pursue, than to protest against it.

He could not counteract the resolutions in any other way. If he submitted in silence, he would have acquiesced in what he believed an unauthorized interference with the rights of a branch of the Government confided to him by the constitution, and he would have been justly condemned by the people for his acquiescence. He would have surrendered the Executive office to a successor, impaired, so far as his silence against his duty could accomplish such an end. He had precedent for his course in the recorded proceedings of the Senate. How often have the State Legislatures sent protests here against the acts of the Congress of the United States, containing positive charges of violations of the Federal constitution on the part of Congress? Who ever made a motion not to receive a protest of this kind? And pray, sir, will gentlemen tell me why a co-ordinate branch of this Government cannot protest against a resolution of this body, and why, at the same time, he will allow a State Legislature to send a protest against the deliberate Legislative determinations of Congress.

Whatever objections have been made to the right of the President to send the paper, no one has denied the

right of the Senate to receive it, and spread it upon the Journal; for however much we complain of the want of power in others, we seldom deny to ourselves the authority to do any thing. I place the right of the Senate to comply with the President's request to cause the protest to be spread upon the Journals, upon its unquestioned and unquestionable power over its own Journal. The President has no right to interfere with the Journal in any way, and therefore he appeals, in the form of a request, to your justice, to cause the protest to be placed side by side with your resolution.

It has been urged that the doctrines of the protest are unsound, its objects and designs impure, and that it is a declaration of war against the Senate. If this be all true, it would seem to be good policy in us to make these unsound doctrines and impurities of object and design as conspicuous and as durable as possible, that the world may know, and that posterity may justify, the defensive operations of the Senate.

Suppose, however, sir, that the judgment of the country, as to these doctrines, objects, and designs, should be different; that the people should believe them sound and irreproachable, in what condition, then, will the Senate be placed? Will not the world suppose the reasons of our refusal to receive and record this document to be, that we could not controvert the principles, answer the arguments, and prove the charges, of impurity of motive and design? Depend upon it, sir, that the people of this country will not be pleased with efforts to degrade the President, unless such efforts have for their solid foundation, truth, justice, reason, necessity, and patriotism.

One gentleman has declared the paper in question to be a declaration of war against the Senate. Mild in its terms, to be sure, as all declarations of war between modern powers are required to be, by the courtesy of nations. Yet it is a declaration of war. I am totally at a loss to account for this opinion, unless, indeed, we take into view the statement so repeatedly made here, that the President had made war upon the bank. If that be true, if gentlemen have entered into the war as its allies, surely it is inglorious in them to complain that the auxiliary is treated in the same manner as the principal. If they have made it a common cause, they must abide together the common fortunes of the contest.

Let us, however, examine the facts in relation to this charge, though I shall be compelled to repeat some things often repeated. I shall do it in so brief a manner, as not to be fatiguing. The sixteenth section of the bank law confers, in terms, upon the Secretary of the Treasury, the right to remove the public moneys from the Bank of the United States, requiring him to give his reasons therefor to Congress. The terms of the law conferring this power are as general as the English language could make it; and the power given is without limitation as to time or condition. Yet the Senate, being one branch only of the Legislature, have, in effect, interpolated this section of the bank law with an entire sentence, so as to limit the exercise of this power of removal to two conditions, namely, when the deposites are unsafe, or when the bank fails to comply with the positive requirements of the charter, in transferring the public moneys whenever and wherever it may be required by the Government. I will not detain you by repeating the unanswered reasons repeatedly given, to show that it is impossible Congress could ever have consented to part with the public funds upon such grounds. If Congress intended to confine the action of the Secretary to these two contingencies, would it not have done so? That body was composed of men who could read and write and express their will. Yet we find a general power given, instead of this limited, restrained power.

The fixing this limitation by the Senate required a virtual interpolation, by one branch of Congress, of a regularly-established law of the land. Here, then, was truly an act of usurpation. One House of Congress, by resolution, amending a law of the United States.

Having thus made a law to suit themselves, gentlemen declare that the President has violated it, and the constitution also, because of the part he has taken to accomplish the removal of the public funds. Now, sir, it is easy to make out a charge of usurpation upon another, if you first usurp authority sufficient to lay the foundation of the charge. It is literally a charge of usurpation founded upon usurpation. Having in this manner laid the requisite foundation, the Senate passed the resolution against which the President thinks it his right and duty to protest, and defend himself. That resolution declares that the President, in the late Executive proceedings in relation to the public revenue, had assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both; and it is because he has sent us a defence against this declaration, in the mildest and most respectful terms, that he is charged now with making war upon this body. That the principles and arguments upon which his defence rests, are at war with the grounds assumed in support of the resolution, there can be no doubt. In this sense, and in this sense alone, does a war exist, and the declaration of it came unquestionably from the Senate. The Senate first charge him with a violation of the constitution, and all he has done has been to send us his vindication. He has not only been accused and found guilty by this body of violating the constitution and laws, without an opportunity of defence, but the resolution itself implies design and criminal intentions. The fact of violation is averred in terms without qualification; and what is the legal inference to be drawn from the finding of the fact, the naked fact, without extenuation? Was it intended to say that he did so innocently and ignorantly? If so, you draw a distinction, unknown to our constitution and laws, between the highest officer in the Government, who is supposed to be well acquainted with the laws of the land, and the lowest of our citizens. The rule universally applied to crime is, that ignorance does not excuse it. If this were not so, few crimes would be punished. The Senator from Virginia [Mr. LEIGH] was understood to say that indictments for crimes always charged a criminal intent; and from thence the inference was drawn, that the resolution in question was not a charge of designed violation. Is this resolution of the nature of an indictment? The Senate has no power to originate prosecutions of any kind. It is the jury which finds the fact, and the court which pronounces judgment. When a crime is proved to have been committed, the inference is necessarily drawn that the intent was criminal, and the accused is thrown upon the necessity of proving facts inconsistent with the inference. If the speeches made by legislators in favor of the passage of laws, or of the adoption of resolutions, may be referred to as evidence of their meaning, I need not remind the Senate that a most prolific source of proof is before us, to show that the violation charged was meant to be a wilful, arbitrary, tyrannical one.

But, sir, will any man, after examining precedents, say, that, had the House of Representatives sent us an impeachment against the President in the very words of this resolution, so far as the point before us is involved, that the Senate would have refused to arraign, try, and condemn the accused, for the want either of jurisdiction or of an expressed charge of criminal intent? No, sir, the language which all Senators would use, would be, that the intent was implied, and that the accused must clear himself from its effects by proof. I shall have occasion hereafter to advert to a precedent to show what has been in this respect pursued in impeachments. After this view of this part of the subject, it will be perceived, that if the Senate has not convicted the President of a criminal vio-

lation of his duty, with pursuing the regular constitutional course, the members voting for the resolution have, at least, forever disqualified themselves from being his triers upon a regular prosecution for this alleged violation of duty, by forming and expressing an opinion of his guilt. And whether the one or the other of these things has been done, the constitution has been equally and flagrantly violated.

Gentlemen object to receiving this protest, because they say it is an appeal to the people. If by this is meant that the President is desirous to submit, in a spirit of candor and decency, to the people of the United States, whose servant he is, an account of his stewardship in this matter of the bank, and to justify himself before those who have a right to call him to an account for his conduct in relation to it, the charge is true. He is neither afraid nor ashamed to acknowledge that all his powers are derived from the people, and that he is accountable to them. If he has consulted their substantial and durable prosperity, by interposing his character, and the constitution of his country, soundly construed, between the power of gold and the pending destruction of the liberties of his constituents, it is his duty to maintain himself, by the exhibition of the truths and reasons by which he has been governed. It will be for the people to decide now, and after he shall have left his station, upon the wisdom of his actions and the virtue of his motives.

Whatever politicians may say, Washington, the Father of his country, was not ashamed to appeal to the people for their judgment upon his official conduct. I state upon the authority of Mr. Jefferson, contained in the fourth volume of his works, that, in 1793, when the country was convulsed upon the subject of Mr. Genet's conduct, who was the minister of France near the Government of the United States, when party violence ran high, and when his cabinet were divided as to the proper course to be pursued with regard to him, and other questions of a political nature, in a discussion which took place in his cabinet, Washington "manifestly inclined to the appeal to the people." His own character and motives had been impeached, and, during the same discussion, the Father of his country complained of "the personal abuse which had been bestowed upon him," and he "defied any man on earth, to produce one single act of his, since he had been in the Government, which was not done on the purest motives; that he had never repented but once, the having slipped the moment of resigning his office, and that was every moment since;" that "he had rather be in his grave than in his present situation; that he had rather be on his farm than be made emperor of the world;" "and yet, that they were charging him with wanting to be a king." What a striking parallel is here observed between the personal abuse heaped upon President Washington and General Jackson. Yet they both agree upon the propriety of appealing to the people, as the just and appropriate judges of their conduct and motives.

The President says in his protest, with regard to the condemnatory resolution, "It asserts no legislative power; proposes no legislative action." To my infinite surprise, one or two Senators have declared that legislative action was intended. The discussion upon the resolution was carried on here for about four months. It was repeatedly asserted, by friends of the administration, as an argument against the continuance of the discussion, and the adoption of the resolution, that it proposed no legislative action: this was never denied; nor did any one Senator, within my hearing, intimate, during the whole period, that any legislation was to grow out of its adoption. This resolution was referred to the Committee on Finance, an appropriate committee to report the plan of action. Yet the committee reported no legislative proposition; in truth, sir, they disregarded this resolution altogether, and did not report upon it at all. Already have five months of the session elapsed, and not a word about the legislative action has been heard, except the mere assertion referred to, in contradiction to the President's allegation. Sluggish legislators indeed! One prediction I will venture upon, that, if the Senate continues its session five months longer, we shall not see a legislative proposition brought forward in this body, to carry into effect any object whatever connected with this resolution. And for the most decisive of all reasons, viz. in its very nature it cannot be the subject of legislation. If it can, I should be glad to be informed how. The protest, therefore, is no interference with any business pending before the Senate.

Another objection is made to receiving this paper, for the reason that it contains the proceedings and resolutions of the Legislatures of three of the States of this Union, approving, in the most unequivocal terms, the course of the Executive, which has been here the subject of condemnation. It also states the fact, truly, that four Senators from these States voted for the resolution, and that had their votes been cast against it, it would not have been adopted. But the President, in thus referring to these resolutions and instructions, expressly disclaims and repudiates all authority or design to interfere with the responsibility due from members of the Senate to their own consciences, their constituents, and their country. Yet gentlemen charge him, notwithstanding this emphatic disclaimer, with the very design he repudiates. Where a pure and justifiable motive can be assigned for any particular transaction, it is the part and course of innocence and justice to assign it, rather than a corrupt one.

This is more especially necessary to avoid the suspicion that we reason from our own infirmities to those of others. Is it at all strange that the Executive, attacked in all the various ways which an ingenious and talented opposition could devise, and who had been condemned, too, by a vote of a co-ordinate branch of the Government, should, in the progress of a defence against his accusers and their accusations, avail himself of all the respectable authorities within his reach, to sustain the soundness of his principles, and the correctness of his conduct? And what authority, in this country, is more to be relied on, in the construction of the constitution, than that of the States of the Union, who alone have the power to alter and amend it? The President says that the facts belong to the history of the proceedings, and are important to the just development of the principles and interests involved in them, as well as to the proper vindication of the Executive department. No other motive could have existed than the one stated. All the facts were known to the world; had been avowed by the Senators concerned, on this floor, and they justified their continued disobedience to the instructions of their several Legislatures. The object of the President was, to present to the country his defence in a connected form, and in a mode, too, which would perpetuate it through all time to come.

Mr. President, it has been anticipated by one gentleman, that a proposition is to come from some quarter, to so alter the constitution as to give the several States the power to recall their Senators. Upon that subject, I have this to say: that whenever I am convinced that, by the election of Senators, the States part, irrevocably, for the term of six years, with the right of being truly represented on this floor, I shall advocate such an amendment of the constitution as will correct so fatal an evil. If there is any branch of this Government which represents, more exclusively than any other, the sovereignty of the States, that branch is the Senate of the United States. And whenever I discover that the sovereign power in a State cannot instruct their representatives here, or, when instructed, that there is no corresponding duty of obedience on the part of the representatives, I shall use my humble

efforts to produce an amendment of the constitution, to embrace both of these indispensable requisites of a free government. I will not now, sir, enter into the question, whether, for the purposes of instruction, the Legislature, or the people of a State, constitute the sovereign power. But I beg leave to read to the Senate a few paragraphs from a report of the Virginia Legislature, adopted some years ago, upon this very subject. This report expresses the views I entertain upon this point—is beautifully, and in my judgment, unanswerably written. After tracing the doctrine of instruction down through English history, and showing that the whigs of England acknowledged the right, (whatever our new-light whigs lately sprung in amongst us may think of it,) and after showing, in the clearest manner, that the right of the constituent to instruct the representative is an essential principle of the representative system, the report proceeds to say: "But although the position be admitted, which, indeed, it seems impossible to deny, that the people have a right to instruct our immediate representatives, or that the people composing each State in their sovereign capacity, may instruct their Senators in Congress, it may still be denied that the State Legislatures have any such right of instruction."

"It is obvious to remark, in the first place, that those who allow to the people of each State the exercise of this act of sovereignty, the instruction of their Senators, and deny the same power to the State Legislatures, give us the empty theory and deny us the beneficial practice of such instructions. It is difficult to conceive how the people can give such instructions, otherwise than through their State Legislatures."

"The several State constitutions, saving to the people the sole right to alter, amend, or abolish the forms of government—saving certain other great natural rights, which the Legislatures are forbidden to touch—and excepting certain powers specified in the constitution of the United States, which are transferred by the people and by the States, from the State Governments to the General Government, do certainly vest in the State Legislatures every power and attribute of sovereignty, which the people themselves would otherwise exercise in person. Those Legislatures are, in fact, in the daily exercise of all powers belonging to the State sovereignty, except those thus forbidden to them. Now, the power to instruct the Senators of the States in Congress, has not been forbidden by the State constitutions to the State Legislatures, and retained by the people in their own hands."

"Therefore, the State Legislatures may exercise this act of sovereignty, this right of instructing their Senators, as properly as they may exercise any of those powers which they exercise daily without any doubt about their right, and which yet are not granted to them by any express delegation."

Other objections have been taken to the protest hardly worth mentioning, because they are so totally groundless. For instance, it has been said that the President refers to his oath of office as a source of power. Upon referring to the paper, you find that the oath of office is referred to only by way of attesting the importance of the duties of the Executive office in the view of the framers of the constitution.

The resolutions now before us, charge upon the President another violation of the constitution, in sending to us his defence and protest, for which he is now upon trial again, without any opportunity of defending himself, and he is about to be tried and condemned for presenting a paper which we may, and probably shall, refuse to receive. So inexpressibly sublimated is the dignity of this august body, that we may well expect a proposition to condemn the Executive for violations of the constitution, whenever he shall look at the Capitol. But of all the extraordinary pretensions which any branch of any free Government ever set up, is the one contained in one of the resolutions declaring that the President had violated the privileges of the Senate, for daring to question the infallibility of their opinions and decisions. Gentlemen, too, with a wisdom and research which marks the course of the opposition to the present administration, refer us to the British history of parliamentary proceedings, to show that the King cannot interfere with pending subjects of legislation before the House of Lords!

Yet, we have not been shown a case where the Lords have considered their privileges violated by the King's sending his defence and protest to them upon a matter determined, and no longer pending in a legislative shape, as was the case with the resolution against which our republican President protests.

Let us examine, however, the British doctrine of parliamentary privilege. The only definition of privilege which I have ever met with, is that given by Sir John Fortesque, described by Blackstone, as follows:

"The privileges of Parliament are likewise very large and indefinite. And, therefore, when, in 31 Henry Sixth, the House of Lords propounded a question to the Judges concerning them, the Chief Justice, Sir John Fortesque, in the name of his brethren, declared that they ought not to make answer to that question; for it hath not been used aforetime, that the justices should in any wise determine the privileges of the high court of Parliament. For it is so high and mighty in its nature, that it may make law; and that which is law, it may make no law; and the determination and knowledge of that privilege belongs to the Lords of Parliament, and not to the justices."

To exemplify this doctrine, I have looked into the practice of the British Parliament upon this their theory, and now beg leave to read to the Senate a case from an old standard English work, called "*Lex Parliamentaria.*"

"Johnson, a servant to Sir James Whitlock, a member of the Commons House, was arrested upon an execution by Moore and Lock, who, being told that Sir James Whitlock was a Parliament man, Fulk, one of the prosecutors, said, he had known greater men's men than Sir James Whitlock's taken from their masters' heels in Parliament times. This appearing, Lock and Moore were called into the bar, and by the judgment of the House were sentenced, first, that at the bar they should ask forgiveness of the House and of Sir James Whitlock, on their knees; secondly, that they should both ride upon one horse, bare-backed, back to back, from Westminster to the Exchange, with papers on their breasts, and this inscription: For arresting a servant of a member of the Commons House of Parliament; and this to be done *sedenti curia.* Which sentence was pronounced by Mr. Speaker against them at the bar, upon their knees."

Thus we see, Mr. President, something of the character of the privileges of an English Parliament, and it is by the aid of such authority that we are now called upon to decide that the President of the United States has committed a breach of the privileges of the Senate, in virtue of our power derived from our English prototype, to make that which is law no law, and vice versa. Can we appeal to nothing more rational? Have not the framers of our constitution given us all the security which reason and liberty require? The constitution has secured to each House of Congress, in express terms—

1st. The privilege of freedom from arrest of the persons of members.

2d. Exemption from question elsewhere for what is said in the House.

3d. Power over their own members and proceedings.

As illustrative of this view of our privileges, suffer me to read an extract from Jefferson's Manual:

"The editor of the Aurora having, in his paper of February 19th, 1800, inserted some paragraphs defamatory

of the Senate, and failed in his appearance, he was ordered to be committed. In debating the legality of this order, it was insisted, in support of it, that every man, by the law of nature, and every body of men, possesses the right of self-defence; that all public functionaries are essentially invested with the powers of self-preservation; that they have an inherent right to do all acts necessary to keep themselves in a condition to discharge the trusts confided to them; that, whenever authorities are given, the means of carrying them into execution are given by necessary implication; that thus we see the British Parliament exercise the right of punishing contempts; all the State Legislatures exercise the same power; and every court does the same; that if we have it not, we sit at the mercy of every intruder who may enter our doors or gallery, and by noise and tumult, render proceeding in business impracticable; that, if our tranquillity is to be perpetually disturbed by newspaper defamation, it will not be possible to exercise our functions with the requisite coolness and deliberation; and that we must, therefore, have a power to punish these disturbers of our peace and proceedings.

"To this it was answered, that the Parliament and courts of England have cognizance of contempts by the express provisions of their law; that the State Legislatures have equal authority, because their powers are plenary; they represent their constituents completely, and possess all their powers, except such as their constituents have expressly denied them; that the courts of the several States have the same powers by the laws of their States, and those of the Federal Government by the same State laws adopted in each State, by a law of Congress; that none of these bodies, therefore, derive those powers from natural or necessary right, but from express law; that Congress have no such natural or necessary power, or any powers but such as are given them by the constitution; that that has given them, directly, exemption from personal arrest, exemption from question elsewhere for what is said in their House, and power over their own members and proceedings; for these no further law is necessary—the constitution being the law; that, moreover, by the article of the constitution which authorizes them 'to make all laws necessary and proper for carrying into execution the powers vested by the constitution in them,' they may provide by law for an undisturbed exercise of their functions—e. g. for the punishment of contempts, or affrays or tumult in their presence, &c.—but, till the law be made, it does not exist, and does not exist from their own neglect; that in the mean time, however, they are not unprotected, the ordinary magistrates and courts of law being open and competent to punish all unjustifiable disturbances or defamations, and even their own sergeant, who may appoint deputies *ad libitum* to aid him (3 Grey 53, 147, 255) is equal to small disturbances. That in requiring a previous law, the constitution had regard to the inviolability of the citizen, as well as of the member: as, should one House, in the regular form of a bill, aim at too broad privileges, it may be checked by the other, and both by the President; and also as, the law being promulgated, the citizen will know how to avoid offence. But if one branch may assume its own privileges without control; if it may do it on the spur of the occasion, conceal the law in its own breast, and after the fact committed, make its sentence both the law and the judgment on that fact; if the offence is to be kept undefined, and to be declared only *ex re nata*, and according to the passions of the moment, and there being no limitation, either in the manner or measure of the punishment, the condition of the citizen will be perilous indeed. Which of these doctrines is to prevail, time will decide. Where there is no fixed law, the judgment on any particular case is the law of that particular case only, and dies with it. When a new and even a similar case arises, the judgment which is to make, and at the same time apply the law, is open to question and consideration, as are all new laws. Perhaps Congress, in the mean time, in their care for the safety of the citizen, as well as that for their own protection, may declare by law what is necessary and proper to enable them to carry into execution the powers vested in them, and thereby hang up a rule for the inspection of all which may direct the conduct of the citizen, and at the same time test the judgments they shall themselves pronounce in their own case."

I take it for granted, that, until Congress shall pass laws regulating its privileges, we must look alone at the enumerated grants of privileges in the constitution, and to the ordinary judicial tribunals, for our necessary protection and safety. The only interference with the doctrines of Mr. Jefferson, upon this point, happened in a decision of the Supreme Court of the United States, in the case of Anderson vs. Dunn. Although that opinion does not, in the slightest degree, touch the privilege now for the first time claimed in this or any other country, yet I must say, I am not reconciled to its doctrines. I understand the doctrine of that case to be, not only that the power of punishment for contempts is implied from necessity, but that the degree of punishment is only limited "to the least possible power adequate to the end"—which can mean nothing more nor less than a power of punishment to any extent which the offended party may deem adequate.

That case, however, furnishes a principle totally at war with the present charge upon the President, of breach of privilege. The court declare "that it cannot be denied that the power to institute a prosecution must be dependent upon the power to punish." What punishment, let me ask, can one co-ordinate branch of this Government inflict upon another? We can have no hesitation in deciding upon what some of his triers for this breach of privilege would deem "adequate" punishment, if the power to punish existed. More than one of his triers have already declared, that President Jackson has done that, in regard to this bank, which, if done by a British monarch, would have brought his head to the block. Most righteous and merciful judges! The President's only offence is, that he has presented a view of his own rights and powers, in opposition to the expressed opinions of the Senate, which no Senator has or can answer, except by declaring that he has been guilty of a breach of privilege! And this result is arrived at, not from any view of our own constitution and laws, but from researches into the unadulterated nonsense of the privileges of a British Parliament.

Should we not rather consult the good sense of our own times, and if we can find no precedents in the history of our own proceedings, we shall not disgrace ourselves by imitating the examples of our State Legislatures. I have come across a parallel case: I mean to say parallel in every point of view where any essential principle is involved, in the legislative history of that firmly democratic and dignified State of Pennsylvania. The late venerable Governor of that Commonwealth, who was one of the signers of the Declaration of Independence, lived, also, as does our President, in high party times, when "*inter factiones leges silent.*" Amongst other violent persecutions, he was charged, in 1807, with having violated the constitution, and articles of impeachment were reported against him by a committee of the House of Representatives, and most of these articles said nothing in terms of a criminal intent. At a subsequent session, in 1808, this report was taken up and indefinitely postponed. After this decision, his biographer informs us that—

"On the next day, the Secretary of the Commonwealth presented a replication from the Governor, relative to the charges exhibited against him by the committee, which, being read, Mr. Sergeant inquired whether the commu-

nication would be inserted on the Journal? A variety of objections being made to this measure, a motion was made by Mr. Sergeant, and seconded by Mr. Ingham, that the message be inserted at large on the Journal. On the question being taken, it was determined in the affirmative." The biographer then goes on to say:

"The defence of Mr. McKean offers a bright contrast to the report of his accusers; and we cannot refrain from extracting its exordium, as an evidence of the dignity with which he repelled unestablished denunciations, of the moderation and magnanimity which he displayed throughout the replication, and of the self-command and respect which forbade him to descend to the language of his enemies. 'A long and dangerous illness,' he begins, 'the sympathy of friends, and the advice of physicians, deprived me of an opportunity to peruse the Journal, or to have the least knowledge of the proceedings in relation to an impeachment of my official conduct, for more than a month after the termination of the last session of the General Assembly. And, since that period, a proper respect for the exercise of constitutional powers has restrained every disposition, on my part, to answer the charges which have been exhibited against me, while those charges continued a subject of deliberation. But the delicacy which has thus recognised your constitutional jurisdiction, must not be allowed to absorb every consideration that is due to my own fame, to the feelings of my family, and to the opinion of the world. The accusation, though not confirmed by the ultimate vote of the House, has been deliberately framed, has been openly discussed, and will pass, among the legitimate records, into the hands of our constituents, and our posterity, with all its concomitant semblance of proof, and asperity of animadversion. The decision that expresses your renunciation of the impeachment, affects me, indeed, with its justice and its independence; but it is a decision which precludes the employment of the regular means of defence, before a competent tribunal, and, therefore, compels me, for the purpose of vindication, to claim a page in the same volume that serves to perpetuate against me the imputation of official crimes and misdemeanors. It is incompatible, gentlemen, with my view of the solemnity of the occasion, to descend to the language of invective or complaint. By exposing the depravity of other men, I should do little to demonstrate my own innocence; and an expression of sensibility at any personal indignity that has been inflicted, might be construed into an encroachment upon the freedom of legislative debate. But the tenor of my public and private life will, I hope, be sufficient to repel every vague and declamatory aspersion. The discernment of our constituents will readily detect any latent motive of hatred and malice. The justice of the Legislature upholds an ample shield against the spirit of persecution; and the conscious rectitude of my own mind will yield a lasting consolation, amidst all the vicissitudes of popular favor and applause.' 'That I may have erred in judgment; that I may have been mistaken in my general views of public policy; and that I may have been deceived by the objects of executive confidence, or benevolence, I am not so vain nor so credulous as to deny; though, in the present instance, I am still without the proof, and without the belief; but the firm and fearless position which I take, invites the strictest scrutiny, upon a fair exposition of our constitution and laws, into the sincerity and truth of the general answer given to my accusers—that no act of my public life was ever done from a corrupt motive; nor without a deliberate opinion that the act was lawful and proper in itself.' Mr. McKean then proceeds, in a circumstantial and irrefutable manner, separately to repel the charges of the committee; and triumphantly to vindicate his character, in every particular, from the aspersions with which it had been assailed. This replication comprehends a very learned and masterly disquisition upon many of the constitutional powers and duties of the Executive, and, upon repeated reference to it, it has been found to bear the cautious scrutiny of unimpassioned judgment, and to furnish a safe, a clear, and a useful guide in the elucidation of cases involving points similar to those which he professes to discuss."

Is the case before us to be distinguished from that of Governor McKean on the ground that his reply was to articles prepared by a committee, instead of its having been a reply to a resolution of the House itself? If any authority for this discrimination can be found, I will give up the precedent. Have we not received protests from the Legislatures of South Carolina and Georgia, charging upon us violations of the constitution, in passing tariff laws, and have we not entered the protests upon our Journals? Before we get round the force of the precedent, we must resort to the authority of Fortesque, and declare that to be no law which we have declared to be law. Let us, Mr. President, give up this idle and disgusting claim of privilege, and enter this protest upon the Journal, and answer it dispassionately, like rational men, if we can, and let our fellow-citizens, whose heads are not yet turned by an exhibition of the glories of the privileges of an English House of Lords, decide the matter between the President and the Senate.

I cannot conclude, sir, without remarking upon the unkind criticisms of gentlemen upon the allusions which the President makes, in justification of his patriotic motives, to the enduring memorials of that contest in which American liberty was purchased, which he now bears upon his bosom. This, too, is charged to have been done with the low design of enlisting the feelings of the people on his side in this controversy, if controversy it must be called, and some doubts have even been expressed as to its truth. *Enumerat vulnera miles.* Let the soldier count his wounds without reproach. If this be crime, and a breach of privilege too, is there a revolutionary officer or soldier living, who is not equally guilty? Search your records, and ransack the pigeon-holes of your Secretary's office, find the name of every one who has presented a petition to you, and then send your sergeant-at-arms to bring them into your chamber. Arraign, try, condemn, punish, and incarcerate them; then put a tongue in every wound you see, and teach it to sing hosannahs to the all pervading, all-absorbing, transcendent, omniscient, omnipotent privileges of the Senate. It is the duty of patriotism to ask the remnant of our revolutionary veterans to leave us all the evidences of the hardships and dangers of the struggle through which they passed. Never did Desdemona listen with a more greedy ear to the tales of Othello's disastrous chances, than we, in our childhood, to the recitals of the battles, sieges, and fortunes of our revolutionary heroes: "so well their words become them as their wounds; they smacked of honor both." When they have gone, let us repeat their stories to our progeny, till we see the tear of gratitude glistening in their eyes, and their countenances lighted up with a glow of patriotism direct from the heart. Then turn to them the other side of the tapestry. Show them the envy, malice, uncharitableness, and mad ambition of the wretch, in human form, who never perilled a hair in his country's service, stretching out his sacrilegious hand to snatch a laurel from the silvered brow of the aged warrior, sinking to his eternal rest.

May our venerable President live to count his wounds, "longer than I have time to tell his years;" and when old time shall lead him to his end, "patriotism, goodness, and he, fill up one monument."

When Mr. KANE had concluded—

Mr. BIBB obtained the floor, but yielded it to Mr. WILKINS, who moved to postpone the consideration of the special order until to-morrow, and to make it the special order for to-morrow. The motion was agreed to.

On motion of Mr. WILKINS, the Senate then proceeded to the consideration of Executive business, and remained for some time with closed doors.

At half past 4, the doors were re-opened, when

Mr. HENDRICKS offered the following resolution; which lies one day on the table:

Resolved, That, for the remainder of the present session, the Fridays and Saturdays of each and every week shall be devoted to the consideration of bills.

Mr. SILSBEE moved to take up a bill to authorize the issuing a register to the brig American, of Savannah.

Mr. CHAMBERS moved that the Senate now adjourn; which was negatived.

The bill was then taken up, acted on as in Committee of the Whole, reported without amendment, ordered to a third reading, and was then read a third time and passed.

The Senate then adjourned.

FRIDAY, APRIL 25.

ONTARIO COUNTY (N. Y.) MEMORIAL.

Mr. WEBSTER presented a memorial signed by three thousand citizens of the county of Ontario, in the State of New York. These memorialists, said Mr. W., are farmers, mechanics, merchants, and other citizens. They represent that they inhabit a portion of western New York, essentially agricultural, and second to none in fertility of soil and other natural advantages. This will be readily admitted by all acquainted with the county. It is in the beautiful lake country, is large, constituting a Congressional district by itself, and is doubtless in the very first class of agricultural counties. Its great products are wheat and cattle, and its principal manufacture that of flour; although there are, in the county, manufactories both of wool and cotton. Ontario, in its leading character, is a county of intelligent farmers. It belongs to that interest which is at once the most general in the United States, and is also the basis of other pursuits. Its rich lands and other local advantages, have invited into it, as the memorialists state, considerable capital, and stimulated strongly the industry of the people. The growth of the county is good proof of this. This growth resembles the vigor with which population has spread forth, and penetrated the wildernesses, in regions beyond the Alleghany. I am old enough to remember when he who had seen the Seneca lake, had performed a journey from the Atlantic coast fit to be spoken of; and I see it stated, indeed, in some interesting recent account of the settlement of this part of New York, that, when the county of Ontario was established, it contained only a thousand inhabitants, though it extended from the Seneca lake to Lake Erie, carrying the whole breadth of the State, between Canada and Pennsylvania; an extent of country now embracing thirteen or fourteen counties, with a population of near four hundred thousand. A country so rapidly growing, with so much necessity of sale, purchase, and exchange, of course requires credit and confidence, and a stable currency, to conduct its business beneficially. The memorialists declare that the effect of recent measures of Government has been most disastrous, on all their great interests. The farmer, the merchant, the mechanic, all feel alike the pressure of the times. Produce has fallen in price from twenty-five to thirty-three per cent. since the interference of the Executive with the public revenue; and land, land itself, the great capital of the county, the form in which the vast proportion of its property consists, has fallen, within the same time, to the same extent. I receive this information from the best sources, and to which I give entire credit. Here, then, is a reduction of the whole property of the people, twenty-five or thirty-three per cent., a striking off, at a blow, one quarter or one-third of the whole value of what they possess! Sir, is this tolerable? All this, too, done under pretence of an experiment, but really and truly out of hostility to a banking corporation; out of hostility to an institution which has existed with great usefulness to the country, which is now approaching a time when it might be modified, altered, and accommodated to any new state of things, or so as to accord with the lights of past experience, and be continued with every prospect of advantage to the country. How can conscientious men feel themselves justified in pushing, with such ruinous effects on the people, a quarrel of this kind, to this extent? How do they find within their own bosoms a monitor to tell them that all this is right? If the bank was not to be renewed, why not let it quietly expire? and why not leave the public moneys in it till it should expire? A measure, so causeless, so uncalled-for, so destitute of all reasonable object, and all just purpose, and so disastrous in its effects on the whole body of the people, is, so far as I know, no where else to be heard of. This changing the custody of the public money, without authority of Congress, is, as a measure of policy, wholly without justification, and, as a blow on the prosperity of the country, wholly without example. The people ought not to submit to it. Their respect, their attachment for any individual, however strong that respect and attachment may be, ought not to make them willing to submit to such an extension of executive power, and to the consequences which flow from it. And I am sure they will not submit. The country is effectually roused. The people feel a spirit stirring within them, which they know is the spirit which has come down to them with the blood which fills their veins. It is the spirit of their fathers, who did not wait till unjust power had crushed them, but who saw its approach in the lowering storm, snuffed it in the tainted gale, and met it, and resisted it, and repelled it. It is the most alarming circumstance in our whole condition, that in order to justify the removal of the deposites, principles are advanced by the Executive which threaten a change in the substantial character of our Government. The argument which is to justify the Executive in this instance, seems to me to leave little or no power to Congress over the public treasure. We thus see a constant advance in the claims of power. Those who defended the letter read to the cabinet, probably never expected to be called on to support such reasons as were afterwards given by the Secretary; and those who made up their minds to stand by the Secretary's report, could not have foreseen that, ere long, they must prepare themselves for the doctrine of the protest. And what is next to be put forth, time only can show.

Sir, a month or two ago, an honorable member, of New York, spoke with pleasure of the unanimity of feeling which prevailed in New York, and of the quieting, in some measure, of what he thought an unhappy controversy, which had existed, heretofore, in the western parts of that State particularly. I think, too, sir, there are signs of union, and much stronger signs than there were when the gentleman alluded to the subject. Sir, the letter addressed to the honorable member from Kentucky and myself, committing this memorial to our care, is signed by names, many of them not unknown here. They are, Nathaniel W. Howell, John C. Spencer, Mark H. Sibley, James D. Bemis, Z. Barton Stout, John Dixson, Phindres Prouty, H. R. Schermerhorn, Robert Carey Nicholas, Abraham C. Post, Samuel Rawson, Stephen Bates, and Moses Fairchild.

Those who know these gentlemen will recognise among them persons whose political opinions have not been the same, on all subjects, nor their political objects always identical. Yet they are united. They are united, as in a common cause, and seeking to remove a common evil. They come with one voice to Congress, they speak with one voice to the people; and I trust they will act with one heart and one mind, in the present exigency of public

affairs. It is to this union, to these united counsels and united efforts, to this sense of common danger, and this common sacrifice of minor differences to high patriotic duties, that I look, and look confidently, for the salvation of the country. Every day accumulates new proofs of this growing harmony of public sentiment. Far and near there is a rallying for the constitution and the laws. Three days ago we heard of the clamorous and factious shouts of the citizens of Baltimore. Another peal now reaches us from the multitudes assembled in those same streets, and in this peal mingle many new voices, of powerful tone. Sir, the American people are so well schooled in the great doctrines of free government, that they are competent to teach first principles, even to their rulers, if unhappily such teaching should become necessary. They will teach them that public complaint, for mal-administration of government, is not clamor; that indignation for unnecessary and severe national suffering, is not treason, either legal or moral; that to resist the encroachments of power, is not to cabal against government; and that the people themselves are not a faction.

Mr. FORSYTH then said, he had not seen the Baltimore papers, and therefore he could not say whether the same thing of which he (Mr. F.) spoke, had occurred. He thought, however, it could not well be. A Sabbath day had not intervened since, so as to afford them the occasion. He was not in his seat yesterday at the time the gentleman from Massachusetts made some remarks upon the presentation of a memorial from Union county, Pennsylvania, but he would take this occasion to allude to them. [Here Mr. F. read Mr. W.'s remarks as reported in the Intelligencer.] Now, Mr. F. took it for granted the report was correct, and if so, the gentleman had done him very great injustice. He had never found fault with any of the citizens of the United States for memorializing Congress; nor had he ever said that meetings for such purpose were offensive in their character. His remarks referred to a meeting in Baltimore, and was confined simply to those who were celebrating the Sabbath day in that city, in a particular way. He thought that meeting was noisy and clamorous, and prompted by a spirit of faction, and that nothing but political feeling could have caused it. He believed it had been stated that one of the speakers, on that occasion, had endeavored to avoid that violation of decorum, but was called out by the people to address them. Now, this was noise and clamor, and his remarks applied only to those who were assembled on that day. Another remark of the honorable gentleman was complimentary to Gov. Snyder, of Pennsylvania. And when, he would ask, had Gov. Snyder become a favorite with the honorable gentleman? It was not long since the party the gentleman was connected with had considered him a stupid Dutchman—that he was chosen by a community of stupid Dutch. Mr. F. spoke only of treasonable threats, and he did say that exertions were making to urge the people to the commission of treason against, not the President, but the Congress of the United States. The good newspapers of this city of Washington did not always tell the truth of what was done in this Hall. Some omitted to state what fell from gentlemen here—others suppressed it—while others put sentiments into our mouths which we never entertained, and never expressed. But it would not do to complain of it, because it would seem like interfering with the liberty of the press. But ought we not ourselves to be a little more regardful of what we say of each other? Now, these remarks of the honorable gentleman were calculated to do him a great deal of injury. Some time since, he was abused in the public papers for the expression of sentiments which he never uttered or dreamed of. And a petition had been sent to the other House, containing threats against him for saying what he never did say; and these remarks of the honorable gentleman were calculated to place him in actual danger, if he should go to Baltimore. Now, he rose on this occasion to say, that his former remarks applied to the people of Baltimore who assembled on Sunday last, in the afternoon, and no others.

Mr. WEBSTER said, he should be sorry, on any occasion, to do the slightest injustice to the gentleman from Georgia. But, he would have the honorable member to recollect, that if, in consequence of what had been said on the subject, any thing unpleasant had arisen, he [Mr. FORSYTH] was a volunteer in the matter entirely; having made allusion to Baltimore without any provocation whatever. Whilst the Senate were engaged in a discussion on the memorials from New Jersey, the honorable Senator had taken occasion to depart from it, and to introduce some observations in relation to the proceedings of Sunday last, in which he knew an individual of this body to have participated. Now, he (Mr. W.) would leave it to the honorable member and others to say, whether, on that account, notice of them was rendered desirable. The gentleman was altogether a volunteer in it. He (Mr. W.) wished to repeat, that he had no intention to do injustice to the honorable Senator, and had not ascribed any term to him, which he had not used and applied to the citizens of Baltimore. He had said, that he intended it only to apply to those who had chosen to assemble in the streets of that city, for the purpose of making a disturbance. That, however, did not help the gentleman's case. He (Mr. W.) could assure the gentleman, that among the crowd were many individuals whom he [Mr. F.] did respect, must respect, and would not say he did not respect; and that they were not only in dozens, but by hundreds and thousands. He would not succeed in drawing any line of respectability and of character between the citizens of Baltimore generally, and those who had assembled on Sunday. The honorable Senator had thought proper to make a warm speech against tumultuous assemblages—against proceedings which he thought "factious." There was, perhaps, no occasion for reading a lecture to any portion of the people of Baltimore. If any injustice had been done the honorable member, he had done it to himself. Far be it from me (said Mr. W.) to say any thing which would have the slightest tendency to place the honorable member in a disrespectful light or character, before the people of Baltimore. Far be it from me—but the gentleman must consider to whom he applies language of that sort; and he must consider, too, the occasion to which it was applied. And I think he is bound to consider, also, that it was without cause—without provocation.

Although I do not speak in a spirit of fault-finding, I must say, it would have been quite as well not to have alluded, without necessity, to an occurrence in which a member of the Senate took part, without his fore-knowledge or procurement.

Mr. FORSYTH said, that whether he was a volunteer, or not, was of no importance. He had found the subject in his way, and had used it because it was, in his opinion, appropriate. But the gentleman from Massachusetts was not aware of the injustice he had done to him. What he (Mr. F.) had said, referred exclusively to the proceedings of Sunday. The terms in which he had expressed himself were not stated with precise correctness. [Here Mr. F. read a portion of the remarks of Mr. WEBSTER.] "Clear gone in moral treason!" Now, it was impossible for any one, not present at the debate, to come to any other conclusion, than that this expression had reference to those of the people of Baltimore, who assembled in the ordinary manner, to exercise their legitimate right of expressing their opinions, and not, as was the fact, that it referred exclusively to the Sunday proceedings. The gentleman from Massachusetts had embraced every thing that had happened in Baltimore, and did not confine his remarks, as he (Mr. F.) had done, to

the proceedings of Sunday. He had no doubt that there were, among the assemblage, men of the highest respectability. But, admitting this, he must also say, that he could not doubt that these gentlemen had suffered the excitement of the moment to render them forgetful of their duty to their country.

Mr. WEBSTER said he had understood the honorable gentleman from Georgia as confining his remarks to the meeting which took place on Sunday last; and if he (Mr. W.) had not expressed himself so explicitly as he might have done, he certainly did not wish to misrepresent the honorable member. He would, however, tell him that he would do well to refrain from indulging in such remarks as he had used, in reference to the Baltimore meeting, and with which he had found so much fault. With respect to what the honorable Senator had said about Governor Snyder, he (Mr. W.) would merely say that he had never the pleasure of knowing Governor Snyder. He had, however, always understood him to be a stern and inflexible friend of liberty, a man of strong sense, honest purpose, and warm patriotism. I have never (said Mr. W.) heard those qualities denied to him; and I have no doubt his worthy descendants inherit these characteristics; and, for this reason, I cherish for them respect and regard.

Mr. LEIGH felt no desire to take part in this conversation, but he could not forbear remarking, as one of the prominent "signs of the times," the introduction of religion into the political affairs of the Union. The other day, he had heard a gentleman in another place drawing a parallel between the present times in this country and those of Charles I and Oliver Cromwell in England. He could not but wish that the gentleman from Georgia had been present. That gentleman had alluded to the meeting which took place at Baltimore on the Sabbath. The honorable Senator, with his genius, he was sure, could not fail to discover one point of resemblance in that parallel.

He (Mr. L.) did not mean to defend any irregularities on the Sabbath, or to vindicate the people of Baltimore for having assembled on the Sabbath. The President was a very religious man—so was the gentleman from Georgia! He had no doubt of it—not the least. And, as he (Mr. L.) should not interfere between the consciences of those individuals and their God, so should the gentleman not interfere between the consciences of the people of Baltimore and their God. He (Mr. L.) could not resist telling a story. A clergyman, remarkable for his piety, was speaking in the presence of a stranger, who did not know him, in terms of charity, of some irregularity, folly, or vice, which that stranger thought very enormous. He then asked the clergyman this question: "Sir, have you any religion in your heart?" The clergyman replied, "None to talk of."

Mr. FORSYTH said, that of the religion of the President he did not think it proper to speak. He knew little or nothing about the matter, and therefore should not interfere with it. But of his own, as the honorable Senator from Virginia had referred to it, he might say something. He regretted to inform the gentleman, that, with respect to his religion, as well as many other topics concerning which he had heard him express himself, he was greatly mistaken. He (Mr. F.) was very, very sorry, he was not a religious man. Now, with regard to the gentleman's story: he really did not understand his point, and could not make any reply to it; nor did he understand his allusion to the days of Charles I, and of Cromwell. He had certainly done nothing to imply a suspicion that he had attempted to address himself to the false feelings of a certain class of the community. He had seen such things done here several times, at which he had felt much mortified; but, nevertheless, he treated such efforts with the most profound contempt.

The memorial was then referred to the Committee on Finance, and ordered to be printed.

HANOVER (YORK CO., PA.) PROCEEDINGS.

Mr. CLAY presented the proceedings and resolutions of a public meeting in the district of Hanover, in York county, Pennsylvania, against the removal of the deposites.

On presenting these proceedings—

Mr. CLAY rose and said: I am made, Mr. President, the organ of communicating to the Senate the resolutions and proceedings of a respectable meeting of the citizens of Hanover district, a part of the highly important county of York, in the State of Pennsylvania. Hanover is a beautiful valley on the east side and near to the first range of mountains as you proceed westwardly, distant from Baltimore about forty-five miles. These resolutions emanate from an orderly, moral, industrious, and estimable community, embracing farmers, mechanics, and persons engaged in most of the busy vocations incident to our enterprising people. They express themselves in the manly language of freemen, firmly and fearlessly, but decorously.

The meeting express their conviction that the removal of the deposites, on the responsibility of the President, was an assumption of power which ought to be resisted by every American citizen, under any circumstances; and that they will, to the utmost of their power, resist Executive encroachments and usurpations. They declare that the restoration of the deposites would not only be an act of justice to the bank, but would contribute to the revival of the public prosperity of a country almost ruined by the Executive. They express their opinion that the charter of the bank ought to be renewed; and they condemn the conduct of the Governor of Pennsylvania as vacillating and time-serving. I concur entirely in all these sentiments of the good people of Hanover.

Mr. President, Pennsylvania has been ever distinguished by her ardent attachment to democracy. I, too, was educated, and have always followed, in the same school. All my principles have been drawn from it. But my democracy has taught me that civil liberty was its prime object, and free institutions and great measures of national policy were its means. It has inculcated on me a steady and firm adherence to first principles, without regard to men, or any individual man. It has enjoined me never to renounce my principles for the sake of any mortal being. It has instilled into my mind jealousy of executive power, executive patronage, and executive influence. In a conflict between power and prerogative, on the one hand, and freedom and liberal principles on the other, it does not allow me to doubt the course which I ought to take. It requires me to regard men in power as mere instruments to accomplish the salutary purposes for which Government was instituted—the safety, welfare, and liberty of the people. And it enforces on me to abandon them when they are false or faithless to their high trust.

The meeting in Hanover district denounce the conduct of their Governor as vacillating and time-serving. Sir, there was a moment, during the present session of Congress, when all eyes, and all hopes, and all hearts, were turned towards Harrisburg. Governor Wolf almost held in his hands the fate of the constitution, and of the country. He had repeatedly expressed himself in favor of a sound currency, and in favor of the Bank of the United States. If he had been a man of consistency, of firmness, and of patriotism, there remained for him but one clear line of conduct. But how, at this critical juncture, did he fulfil the general expectations? He shrunk from his duty, and, lending himself to executive usurpation, joined in denouncing the conduct of that bank which had been the object of his previous commendation. As the organ of Pennsylvania, he should have boldly stood up for

Pennsylvania rights, Pennsylvania policy, Pennsylvania principles. Three important points have characterized Pennsylvania, prior to the administration of Governor Wolf: Internal improvements, the American system, and a sound general currency, supplied through the agency of a bank of the United States.

The Governor has stood by and seen, with silent acquiescence, or at least without manly resistance, the first paralyzed by an unintelligible jargon about national and local objects; the second insidiously assailed, sought to be secretly undermined, and only saved from complete destruction by the compromise; and he has joined in the personal and party war which has been so unnecessarily waged against the third.

His Excellency reminds me of an anecdote. Some years ago a most worthy gentleman, but of blustering manner, with bold and brave words in his mouth, and no courage in his heart, was at a Virginia watering-place. He lodged in one of the out-houses erected for the accommodation of visiters. One night, whilst he was in bed, wide awake, a thief broke in, and deliberately rifled his purse of its contents, without any resistance. The next morning, at the place of general rendezvous, the Spring, he was relating the incident; and some of the company asked him if he did not see the thief. See him—why yes, I thought he would have taken the shirt off my back. His Excellency has seen Pennsylvania stript, one after another, of all her leading principles but one, and he has quietly laid by, wide awake, until he sees, not only without opposition but with approbation, this last garment about to be torn from her.

Mr. President, in ordinary times, and under usual circumstances, I should not have felt myself at liberty to animadvert upon the official conduct of a chief magistrate of any State. But as Governor Wolf chose, at an eventful period, to throw his official weight into the scale against what I believe to be the constitution and liberties and prosperity of my country; as his intervention was at the moment perhaps decisive in another part of this Capitol; and as the people of Hanover district have expressly alluded to his conduct, I have felt myself justified in the remarks which I have made.

Mr. President, will nothing open the eyes of this mad administration, and its infatuated supporters in Congress? Will gentlemen heedlessly rush on to their own destruction, and the ruin of their country? Will they not pause in their frightful career? Will they conceal from themselves the light and the hope which are every where bursting forth around us? Are they ignorant of the gratifying results of numerous elections, to the North and to the South, of which we daily receive intelligence? Have they heard of the recent issue of the election in Hanover county, Virginia, of revolutionary memory, that genuine Whig county? As my native county, I shall be pardoned, I hope, for adverting to an event which fills me with heart-felt satisfaction.

Hanover county was the first in Virginia to raise its arms against British oppression. Lord Dunmore, the Governor of the colony, was about to transfer, and had actually transferred, a part of the public deposites, in the arsenal at Williamsburg, from their lawful position, to a British vessel in the river. Patrick Henry, a native of Hanover, put himself at the head of a company of Hanover volunteers, and marched towards Williamsburg, to compel a restoration of the munitions of war. And Governor Dunmore found it expedient to compromise the matter with the gallant and patriotic commander of the volunteers. Hanover was the early theatre of many of those eloquent and thrilling orations of Henry that subsequently aroused his countrymen, and stimulated them to the exertion of all their energies in the establishment of their independence and their liberty.

Hanover, in both the elections of the present Chief Magistrate, sustained him by vast majorities. The election for her Representative came on a few days ago. On the side of the administration was the old member, a gentleman whom I well know, whom I personally esteem, of excellent character and high reputation, of great personal and hereditary popularity. He was the grandson of Patrick Henry himself, and the only surviving son of one of the most eminent judges and jurists of his day—the lamented Spencer Roane. On the other side was a gentleman who had never served in public life; never been, I believe, a candidate for office. He was, it is true, of pure and unsullied character and fame, and of high moral and intellectual attainments.

Well, sir, we heard yesterday from Cold Harbor and the Court-house, and there the administration was beaten, horse, foot, and dragoons. Cold Harbor and the Court-house could stand a great deal from the modern Roman, but they could not stomach the protest. It remained for us to hear from Negro-foot, which included two other districts, Long-and-Hungry, and Hell-town. There was some congeniality between these names and the protest, which induced me to fear that old Hanover might not sustain her ancient whig principles. But, sir, we have got the tidings to-day, and glorious tidings they are. Hanover is herself again. The protest stood no chance at Negro-foot, Long-and-Hungry, or even in Hell-town. And the descendant of Patrick Henry, and the son of Spencer Roane, after proudly walking over the undisputed turf for years, has been distanced by a new and untried steed.

The fate of this protest reminds me of another anecdote. Several years ago an inhabitant from Buncombe, in North Carolina, going to Kentucky, met a Kentuckian, leaving his State, on the mountains which separate it from the parent State. The Buncombe man asked the Kentuckian what was the news in Kentucky. He said, Nothing, but that there had been a great revival and stir in religion; almost every body was converted; and they had driven the devil out of the State. Ah! says the Buncombe man; and pray, sir, can you tell me where he is gone to? We are not certain, replied the Kentuckian, but according to our latest accounts, he had taken refuge in Buncombe, in North Carolina. I am sure, Mr. President, he did not long remain in that peaceful and orderly community, and I rather think that, at this time, he has taken up his abode in the kitchen cabinet.

I assure gentlemen that, in adverting to the late most gratifying demonstrations of the popular will and judgment, it is in no spirit of vain boasting or exultation over their fall. The mass of all parties I believe to be sound, well-intentioned, and patriotic; and that of the Jackson party as much so as most others. What other interests than those of the character, fame, and prosperity, of our common country, can the mass have? No, sir; it is in no party feeling or party spirit, that I rejoice, sincerely rejoice, in the signs of the times. It is from motives far, far above any party feelings or party spirit. It is because I hail the approach of the day when reason and truth, virtue and justice, the constitution and civil liberty will triumph over error and delusion, folly and wickedness.

I move the printing and the reference to the Committee on Finance of the resolutions of the meeting in Hanover district.

Mr. FORSYTH thought it hardly regular to call in question here the official conduct of the Governors of the States. No doubt the gentleman from Kentucky disapproved of what the Governor of Pennsylvania had done, because it was a damper. The Senators from New Jersey had attempted to vindicate their course of conduct on this floor, for having acted contrary to the instructions of their Legislature, by pointing to the indications, on the part of the people of the State, as being against the opinion of the Legislature. That the people of the States

might say what they liked of their officers, and could send denunciations to Congress, was perfectly true. He had nothing to say against the exercise of their right. But he would insist on it, that, to take up the official conduct of a Governor of a State, and make it the subject of censure, was not decorous. The Governor of Pennsylvania had, however, proved, by the practical operation of his message, that he understood the true interest of his State, under the pressure which was produced, not only there, but in all portions of the Union, by causes which it was not then necessary to refer to. All the great and magnificent works that were going on in Pennsylvania, under her own laws, had been stopped, and might have remained so for ever; but the stand taken by the Governor produced the funds necessary to carry on the improvements, in despite of an institution which he had had the hardihood to denounce.

The honorable Senator from Kentucky seemed to think the conduct of the Governor highly censurable, because he had united with the President in regard to the Bank, he having believed, twelve or eighteen months ago, that the institution ought to be re-chartered. Now he (Mr. F.) would ask, what were the reasons which had produced this change in the mind of the Governor? If honorable Senators imagined it was man-worship, they did that officer great injustice. Could gentlemen blind themselves to what had taken place in Pennsylvania, to the circumstances that had wrought so great a change there? Let Senators ask themselves what had produced the revolution which had taken place in the Legislature of that great State? If they believed it was a mere disposition for man-worship, then they were unjust to the State, the Governor, and the Legislature. The gentleman from Kentucky seemed to derive great gratification from what he had heard in regard to the elections in Hanover county, Virginia. It had been said that the glorious spirit of Hanover had been aroused, and it was true that the people there were turning to *Clay*. Well, if that circumstance could give the honorable Senator so much gratification, then all he (Mr. F.) would say was, that the gentleman had derived consolation from a very small source. The Senator had amused them by alluding to some districts, the names of which were most singular; but he (Mr. F.) need not repeat them. Now, he should like to know what district had the honor of giving birth to the Senator from Kentucky.

The gentleman had appealed to certain Senators, for the purpose of inducing them to use their influence with the President, to prevail on him to retrace his steps, and to restore the constitution and laws of the country. What can we do, said Mr. F., who are in a minority? The honorable gentleman, and those who acted with him, had the power; why, then, did they not do something to restore the constitution and laws? At the commencement of the session, it had been said that action was unnecessary, as every thing was going to ruin; and now gentlemen asked for a measure of relief. How many months had they been sitting there, and what had they done? The only measure of redress which had been proposed, was the bill of the honorable Senator from Massachusetts, and which now lies dead asleep on their table. He would repeat, What consistency was there in making those appeals which they had so frequently heard from some honorable members? Why did not gentlemen exercise the power which they knew, and the people knew, they possessed here? Let them produce their measure of relief; let Senators do their duty; and let the consequences, if the measure proved a failure, fall upon the heads of those who are responsible for it. He hoped honorable Senators would spare their appeals, and content themselves with the exercise of that power which the constitution gave them, for it was amply sufficient. The gentleman from Kentucky had complained that the President did not retrace his steps; and, as he (Mr. F.) had before observed, had appealed to individuals here to use their influence to induce the President to do that which every man knew would not be done—to retrace his steps. Every one knew that it was impossible for mortal man to prevail on him to undo that which he believed it was his duty to do. Why, then, these personal appeals? He would tell gentlemen, it was for the purpose of causing public excitement against the President, who had indisputably the power to do what he had done.

Mr. CLAY said, the *venerable* Senator from Georgia [Mr. FORSYTH] inquires in which of the sections of Hanover described by me was I born. I apply to him that epithet, because he recently told us that he had witnessed the salutations and the shaking of hands between General Washington and his fellow-citizens, on his Southern tour, during the first term of his Presidency. If I am not mistaken, that was about forty-two years ago; and as the Senator appears to recollect, with great particularity, even a shake of the hand, he must have enjoyed at that time faculties very nearly mature. I was very young at that period, and must suppose the Senator my senior. As to the exact spot of my nativity, it has been a good while ago, and it will be readily conceived that I was very young at my birth. The place where that event happened, which enables me to stand before you, was between Black Tom's Slash and Hanover Court-house, or, to fix the spot more precisely, between the Merry Oaks and the Court-house, about half-way between them, and not very far from St. Paul's church, at the vestry-house of which I went to school several years.

The honorable Senator thinks it not proper or decorous to refer to the official and public conduct of the Governor of Pennsylvania, whose course, he says, was sustained by the majority of the Legislature; and that it is not treating the State of Pennsylvania with due respect. As to what is decorous towards the Governor, I cannot consent to be governed by the sense of the honorable Senator, or by any other than my own. The Governor is a public man, whose official acts have exerted an important influence, at a highly critical moment, upon the deliberations of Congress. They were probably put forth to produce effect, and they produced great effect. The Senator himself acknowledged that they operated as a damper. Have I not a right to examine them, and to compare the Governor with himself? Have I not the privilege, as a public man, of scrutinizing the conduct of another public man, and showing that it ought not to have the weight which has been unfortunately attached to it? Have I not as much right to comment upon the course of the Governor as the Senator has to criticise the violation of the Sabbath by citizens of Baltimore, and to upbraid them for a disregard of the duties of a religion which he admits he does not profess? No one respects more highly the great, powerful, and patriotic State of Pennsylvania than I do. But neither the Governor nor the majority of the late Legislature are the State monarchs. The late Emperor of France, a former French King, may claim to be the State; the President may imagine that he is the Government—but I am not prepared to subscribe to these doctrines. If the people of Pennsylvania shall sanction the course of their Governor, and of the majority of their Legislature, no one will be more ready than I shall be to bow with all deference to the decision of the people; but that remains to be pronounced. The Senator asks, Why don't the majority of the Senate do something to reinstate the laws and restore public prosperity? We have been before taunted in the same manner. What can the majority of the Senate, without co-operation, do? If it expresses its opinion, in the form of a resolution, instead of conciliating co-operation, it provokes a protest. Why will not the Executive, instead of transmitting to us an unauthorized protest, send us a con-

stitutional recommendation, adapted to the exigency of the times? The gentleman says that every man knows that the President will not retrace his steps. He will not retrace his steps! and why should he not? Why should he be above the reach of public opinion? No Emperor nor King in Europe, dare disregard public opinion. And yet we are told that our President (and who is he but the servant of the people?) will remain unmoved in his ruinous course. He has himself, indeed, declared that neither the voice of the Legislature, nor the people themselves, shall divert him from his purpose. But we have recently seen that he can retract, either voluntarily or by the influence of others. He sent us a protest last week asserting the exclusive right of the Executive to the custody of the public treasury. He claimed, indeed, that the possession of all the public property of the nation, and the public purse, as well as the sword, belonged to him, and not to Congress, and that Congress could not deprive him of it. On Monday last he transmitted a supplemental message to the Senate, disclaiming the doctrines, in this particular, of the prior message. Unless the affirmative and the negative—can and cannot—yes and no—mean precisely the same thing, he can retrace and has retraced his steps. How he did it would be a matter of curious secret history. I have heard and believe (although I will not vouch for the accuracy of the statement) that the supplement was prepared by some of the partisans of the President, collected at a certain house on Saturday night last, without consulting with him, and after it was concocted, it was presented to him for his signature.

The Senator speaks of popular excitement, and of treason. Sir, I hope the people will be excited—I would appeal to them collectively and individually; I would go to every cabin and cottage in the country, if it were possible, and awaken all, all to the perils with which we are threatened. Treason! and what is the treason, or the almost treason, of the honorable Senator? Nothing more than words—words which, during what was called the reign of terror, were considered as amounting only to sedition. But under this administration, determined to go ahead, and in advance of all others, they are to be regarded as almost treason! The parallels of history, Mr. President, are remarkable. About the commencement of the American Revolution, when the patriot and orator to whom I have often alluded (the great uncle of my friend from South Carolina, Mr. PRESTON) poured forth indignant strains in the Colonial Legislature against the tyranny of George the Third, loyal members cried out Treason! treason! and it resounded throughout the ancient capitol at Williamsburg. And now, when the people are denouncing arbitrary acts of the Executive of the present day, not less loyal members cry out again, Treason! But now, as then, I trust it will be unavailing, and that the vigilance of the people will continue to be exercised until all danger is dissipated.

Mr. McKEAN asked for the reading of the resolution that alluded to the Governor of Pennsylvania; which the Secretary read as follows:

"*Resolved*, That while we disapprove the vacillating or time-serving policy of the Governor of Pennsylvania, with regard to the Bank of the United States, we highly commend the course pursued toward that institution by Daniel Webster, Henry Clay, John C. Calhoun, Horace Binney, and Mr. McDuffie, and their associates in Congress."

Mr. McKEAN said, he was aware that the public opinions of public men were public property, and fair subjects of public animadversion; and if, in these times of indiscriminate crimination and recrimination, it became necessary for political effect, to include the name of the "unassuming" Governor of "unassuming Pennsylvania," with the other distinguished names in the resolution, even though the Governor should be characterized as vacillating and time-serving, he would not give himself much uneasiness on that account. True, the Senator from Kentucky had enlarged upon the expressions in the resolution, and even with that he was not disposed to find fault; it was the gentleman's province to do so. The Senator from Virginia, on his right, [Mr. LEIGH,] said, the other day, that he would not defend Virginia, for the very fact of an attempt to defend, implied defect of character. He was pleased with the maxim, and would adopt it on this occasion. The character of the present Governor of Pennsylvania could not suffer from imputations cast upon it by gentlemen here or elsewhere. There was, however, one allusion upon which he wished to say a word. It was said that Governor Wolf held different opinions, at different periods, in reference to the Bank of the United States. Mr. McK. said, at the time first alluded to, he stood in a relation to the Governor which gave him an opportunity of understanding minutely his opinions on the question of re-chartering the Bank of the United States, and it was almost the only one upon which they differed. However, he was at that time opposed to the bank—and he stated, as a matter of his own knowledge, that Governor Wolf was then, and is now, in favor of a national bank, and he believes the fiscal concerns of the Government cannot get along without it. He does think, however, that recent developments in relation to the management of that institution, are sufficient to create doubts as to its influence upon the public morals.

Mr. BROWN said, if his Satanic majesty had, at any time, left Kentucky and taken refuge in Buncombe county, North Carolina, it was certain he had not always remained there since; for when gentlemen who had, for some years past, and until very recently, stood as opposite to each other politically as the antipodes, had been grouped together, in one of the resolutions which had just been read, [Messrs. CLAY, CALHOUN, WEBSTER, MCDUFFIE, and BINNEY,] and had, by name, received the strong approbation of the public meeting whose proceedings were then before the Senate, he thought that some supernatural agency must have been employed to effect so miraculous a result.

The attack of the honorable gentleman upon the Governor of Pennsylvania, was entirely out of place, and uncalled for. The Governor of that State was accountable to those from whom he derived his official authority, and to none others. The Senator from Kentucky had made it a serious cause of complaint against that gentleman, that he should continue to support a President who had done much to arrest the internal improvement system, and who aimed a destructive blow against the tariff. Mr. B. was happy to hear justice done to the President on this subject. It had been attempted, here and elsewhere, to deprive the President of the merit which the honorable gentleman had very properly awarded him; and the declaration which he had made, on this occasion, should be received, now and hereafter, as evidence to establish the claims of the present administration to the credit of having done that, for which they were entitled to the highest commendation. The course of the Governor of Pennsylvania, in opposition to the bank, had done him immortal honor. The stand which the patriotic State of Pennsylvania had taken, had added another just cause of gratitude and admiration to the many others furnished by her history, for the disinterested and noble example which she has set. Elevated above those mercenary feelings which but too often influence human action, she was opposed to cherish in her bosom a proud and corrupt moneyed monopoly, which aspires to bring the country under its arbitrary control.

The honorable gentleman had congratulated his political friends on the success of the anti-administration party in Hanover, a small county in Virginia. Mr. B. said, if

the friends of constitutional liberty were destined to witness the overthrow of those principles, in quarters from which they might have expected a voice animating and cheering them in the great contest which was now waging, in opposition to the mighty power of the bank, it was a source of the highest satisfaction to perceive, that the spirit of the great democratic party in our country continued firm and invincible, and that the great body of the people were on the side of the country and against the bank.

The honorable gentleman had, in the course of his remarks, appealed to what he had been pleased to call the whig party, and urged them to exertion in the great contest which was now going on between the parties which divide the country.

Mr. B. would recur for a few moments to the history of parties in England and this country, to show what claim this new-fangled and self-styled whig party had to the appellation which they were about to assert an exclusive title to. In England, if his memory did not much deceive him as to the history of parties, the high tory party had generally been among the strongest supporters of the great moneyed monopoly which had so long existed in that country, and which had been a part of that formidable government machinery, whose power and influence had been so effectually and successfully exerted to keep the many in subjection to the will of the few.

In the writings of the illustrious Jefferson, published since his death, he expresses the opinion that the Secretary of the Treasury, in 1791, favored the introduction of a national bank in the United States, with a view of placing in the hands of the Government a powerful engine to subserve party purposes, and to assimilate our Government, in its practical operation on the people, still more to the English system of government. Mr. B. said that two great epochs had occurred in our history, between which and the present period, he thought he could perceive many points of resemblance. When the people of this country had solemnly determined to throw off the yoke of the British government, there was a party then, who endeavored to alarm and intimidate them, by depicting the ruin and distress which would ensue from it; but instead of listening to those panic-makers and alarmists, they were willing to encounter any degree of danger and distress rather than surrender their rights as freemen. They persevered and finally triumphed, when, if they had listened to those who were continually proclaiming ruin and distress, they would have remained in inglorious bondage. In the late war with England, the same attempts were made by the opposition party as now, to overawe the Government and the people, by representing the distress which an attempt to vindicate the rights of the country would bring on its citizens. The farmers and planters were told by the advocates of submission, that they would be overwhelmed in ruin if the Government went to war, but the whig republicans of that day, as in the Revolution, resolved not to be alarmed by panic-makers. They again persevered, and were crowned with the most brilliant success. At the present day, there was a party in our country which had endeavored to alarm the people into submission to the bank by the same course, and same cries of distress. He had briefly endeavored to trace the parallel between those who had appealed to the fears of their countrymen, by sketching the most gloomy pictures of distress at the two great epochs alluded to, and the party which was now endeavoring to accomplish their objects by like appeals. If party designations were to be given, he left it to others to make the application which the points of resemblance indicated by him would in a great degree justify.

Mr. B. said, he felt gratified that the condition of the State of North Carolina was such as in a great degree placed her citizens above the reach of the great efforts which had been for some months made to destroy confidence throughout the country, to produce general embarrassment, and, by means such as these, to effect a political change in favor of the party now out of power.

Most of the information which he had received from that State confirmed him in the opinion that the condition of her citizens generally, in relation to pecuniary affairs, was sound and healthful, and that the prosperity of her independent farmers and planters never rested on a more solid basis than at this time.

He had been informed, from sources in which he placed the most implicit reliance, that drafts on the North could readily be obtained from the Bank of Cape Fear, at the small premium of a quarter per cent., that being on terms as favorable as the United States Bank had ever transacted business of that kind, so far as he was informed. This fact afforded abundant proof, not only of the entire competency of the State banks to conduct the fiscal concerns of the Government, but of their ability to afford the same facilities to the commercial interest in carrying on the business of exchange between distant portions of the Union, as those afforded at any time heretofore by the Bank of the United States.

Mr. B. said, that every means which ingenuity could devise, had been industriously seized on, and dexterously used by political partisans, to withdraw the true question at issue, and to make erroneous impressions on the public mind. The opponents of the administration, well aware that the conduct of the bank cannot stand the test of scrutiny before the public eye, with that skill and address which have often been resorted to with advantage in military operations, seek, on every occasion which presents itself, to make a diversion in favor of the bank, by attacking the acts of the Executive, and misrepresenting both his conduct and his motives. Mr. B. said, that, for himself, he should keep steadily in view the great question which he considered really at issue, which was, whether the pretensions set up by an arrogant moneyed aristocracy, and the political party supporting it, should prevail in the conflict; or whether the cause of the country, and the Chief Executive Magistrate, who was defending the citadel of our liberties against the most dangerous assaults, should be sustained.

On motion of Mr. WILKINS, who desired time to supply himself with a copy of Governor Wolf's message concerning the bank, and with the consent of Mr. CLAY, the subject was laid on the table.

PRESIDENT'S PROTEST.

The Senate then proceeded to the consideration of the special order, being the modified resolutions offered by Mr. POINDEXTER;

The question being on the motion of Mr. BIBB to amend—when

Mr. BIBB rose and said: The best administrations have not been without some opposition; the worst have had more support than they deserved. The opposition to and support of the administration of President Jackson, whether for good or for evil, praiseworthy or censurable, will be more dispassionately decided by posterity. The intelligent of the present day must pass their judgment; the actors of the present age must do their duty to themselves and to their country, to preserve their institutions, and to transmit to posterity the inheritance, at least unimpaired, but improved if may be.

To perform what he considered a solemn duty, he entered upon this discussion, and he would be untrue to his feelings, if he did not declare that he felt no gratification in being impelled to the task. He felt called upon by the occasion, to prevent, as far as his powers would serve, the vital spirit of the constitution, and the essential principles of civil liberty, from being lulled by the outward forms of the constitution, and drowned in the circling eddy of executive power.

The Senate had resolved "that the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." To this resolution the President has sent his protest. Of this resolution, he complains that "there is no such certainty of time, place, or circumstance, as to exhibit the particular conclusion of facts or law which induced any one Senator to vote for it." And, in a subsequent part of his protest, he endeavors to confine the public attention to his acts in "dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion, and appointing his successor to effect such removal, which has been done." This necessarily brings into review the facts and deductions alluded to in the resolution, and draws into discussion the principles avowed, asserted, and defended by the protest. The protest had been committed to the press before it was delivered to the Senate, and thousands of copies have been distributed. The President has appealed from the Senate to the people.

Conscious of the importance of the subjects, and of the gravity with which they should be treated; believing, moreover, that the acts of the Executive have sufficiently charged the political atmosphere with electricity, I have covenanted with myself, not to utter wittingly any thing which can justly be taken in offence by the Senators who voted against the resolution, and who sustain the principles avowed in the protest. If I shall not keep this covenant, it will be by force of a habit of free and undisguised utterance of my opinions upon questions which involve the principles of free government, which those who know me best will avouch.

In voting for the resolution complained of, I was not confined to the limits supposed by the protest. As I intend that my argument shall apply to acts done by the President, to deductions from facts alone, and to principles of action avowed by him, not to mere abstractions, I will state succinctly the facts to which the resolution of the Senate was applied by me.

1st. By the message of the President of the 4th December, 1832, he recommended to the Congress to provide for selling out the stock of seven millions of dollars held by the Government in the Bank of the United States, and for placing the proceeds in the Treasury: he complained of the conduct of the bank in relation to the 3 per cent. stocks: moreover, he said "such measures as are within the reach of the Secretary of the Treasury have been taken, to enable him to judge whether the public deposites in that institution may be regarded as entirely safe; but as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for, by the credit which is given, throughout the country, to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people."

2d. These subjects of the message were referred by the House of Representatives to the Committee of Ways and Means. An investigation by that House, with its ample powers, did take place. The report of the agent appointed by the Secretary, was, that the deposites were safe, and this report was communicated to the House of Representatives. On the 13th of February, 1833, a bill for the sale of the bank stock, recommended by the President, was rejected by the House of Representatives.—(H. J., p. 325 to 327.)

The committee went to Philadelphia, examined witnesses, directors and others, upon oath—(among these Mr. Sullivan and Mr. McElderry.) They made a report—counter reports were made by the minority of the committee.

On the 2d March, 1833, in accordance with the committee, the House of Representatives "Resolved, That the Government deposites may, in the opinion of this House, be safely continued in the Bank of the United States."—Ayes 109, nays 46.—(H. J., p. 450, 463–4.)

Thus, by more than two-thirds, the suggestion of the President as to the removal of the deposites, was discountenanced by the House of Representatives. So stood the matter when the Congress adjourned. The Representatives refused to sell the bank stock; voted that the deposites might be safely continued in the Bank of the United States—the proceedings about the 3 per cents., the rumors alluded to by the President, and the funds of the bank, having been examined.

Notwithstanding these two reports concurring in the safety of continuing the deposites in the Bank of the United States, and the overwhelming vote of the House of Representatives, sufficient to drown even a veto, the President hurried to his next act in chronological order, disclosed by document A, appended to the report of the Secretary of the Treasury.

3d. By the letter of Messrs. Sullivan, Wager, and Gilpin, in answer to a letter of the President, it appears that, on the 14th of April, 1833, he had instituted another inquiry. Neither the powers of the Secretary of the Treasury, nor the report of that agent, nor the report of the committee of the House of Representatives, nor the vote of that branch of the Legislature, nor the investigation made by their more ample powers, nor the powers of the Judiciary to hear and try a *scire facias* against the bank upon fifteen days' notice, were sufficient to quiet the apprehension of the President for the safety of the "money of the people." To his own more ample powers he resorted, and by proceeding under his sign manual, Messrs. Sullivan, Gilpin, and Wager, were put to the honorable employment of secret informers. In less than six weeks after the adjournment of Congress, this new court of inquiry was instituted. What compunctions of conscience they had in performing the task set upon them by the President, will appear by the conclusion of their letter to him of the 22d April, 1833, in answer to his of the 14th; they say: "We may be permitted also to add, that the wishes and opinions which we took the liberty of expressing in our former letter, have been since more strongly confirmed; and that we should not only feel more satisfaction ourselves, but be enabled to convey to you more full and correct information, were we to proceed in an investigation whose object was avowed, and if we were strengthened by that official sanction which we suggested."

4th. By document B, appended to the same report, it appears that these informers were further stimulated by the letter of the President of the 3d August, 1833. In the conclusion of their answer, they say "that a more exact statement could only be obtained by an agent directly authorized by the Executive."

These communications formed the basis of the manifesto read to the cabinet.

5th. By the documents communicated by the Secretary of the Treasury, it appears that Mr. Kendall, the Fourth Auditor, (attached to the Navy Department,) was appointed by the President, not by the Secretary of the Treasury, as an agent to communicate with the State banks, to ascertain upon what terms they would be willing to accept the deposites of the public moneys, and perform the duties stipulated to be performed for the Government, in the charter of the Bank of the United States; and he reported accordingly.

After the report of Mr. Kendall was made:

6th. On the 18th September, 1833, the famous manifesto of the President was read to the cabinet, and published to the people of the United States in the Globe of the 20th September. The authenticity of this document is acknowledged, in his response refusing to send a copy to the Senate.

7th. In his manifesto, the President declares the first day of October as the time fixed for the removal of the deposites—avows "the proposed measure as his own"—"its responsibility (he says) has been assumed, after the most mature deliberation and reflection, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise." Mark that! The President has taken the "morals of the people, the freedom of the press, and the purity of the elective franchise" under his jurisdiction.

When he invited the Congress to interfere, the safety of the deposites was the question. But the Congress would not order the removal; and the House of Representatives resolved they might be safely continued in the Bank of the United States.

The Congress would not sell the seven millions of stock; nor would they repeal the law which declared that the notes of the Bank of the United States should be receivable in all payments of revenue. The deposites increased the profits of the bank, and the United States received their proportion of the semi-annual dividends upon their capital stock. Therefore, the Congress would not make war upon the capital of seven millions, nor upon the dividends.

8th. Mr. Duane, then Secretary of the Treasury, could not, in his conscience and judgment, see any reasons for making war upon the capital stock of the United States, and the half-yearly dividends accruing to the Treasury. He could not see the propriety of removing the moneys of the United States from a bank of safety, in which the United States had an interest and derived profit, into State banks, in which the Government had no stock, from which they could receive no dividends, and over which they had no control. He respected the powers of the Congress and the interests of the Treasury.

9th. For refusing to submit the trust confided to him by law, and his oath and judgment, to the dictation of the President, Mr. Duane was dismissed on the 23d of September, 1833, and Mr. Taney was appointed to succeed him—to do that which Mr. Duane refused to do.

10th. On the 26th of September, 1833—but three days after Mr. Taney was appointed, the orders were issued for depositing in certain State banks the revenues falling due on the 1st of October and after. Similar orders followed in succession in favor of other State banks.—(See documents C, E, I, appended to the report of the Secretary.)

Thus a movement so important to the finances of the United States, so deeply affecting the currency, exchange, and all the important interests of the people, was adopted in three days, by a new Secretary of the Treasury, transferred from the office of Attorney General, before he could possibly have studied or surveyed, much less comprehended, the vast field, and the consequences. But the Attorney General, accustomed to obey the mandates of a court, easily transferred his obedience to the mandate of the President; and so the will of the President was done.

11th. By the documents communicated to the Senate, it appears that a system is attempted by the Executive, of forming a league of banks; that contracts have been made with those banks by the Secretary of the Treasury, not only without law, but in defiance of law; that one article of the agreement is for authority to him to levy a contribution (a tax) upon them, for defraying the compensation and expenses of agents to be appointed by the Secretary to examine the banks.—(Documents D, G, I, L, and N, of Secretary's report.)

12th. The deposites being so changed, loans of two millions three hundred thousand dollars were made by four Treasury checks on the Bank of the United States, of half a million each; and three others of one hundred thousand dollars each, in favor of the cashiers of certain of those selected State banks, "to be used upon certain contingencies;" that is to say, to enable those banks to settle the balances against them, and to guard them against bankruptcy. They were loans, emphatically; they were not drawn for any financial purpose of the Government; they were in pursuance of no appropriation by law, but for the private purposes of the banks, not to be used but upon contingencies; and if those contingencies did not arise, (that is, if the bank should settle the balances demanded of them without the aid of these loans,) they were "to be returned to the Treasury, to be cancelled."

Thus the President, not content with the examination made by the Secretary of the Treasury, (Mr. McLane,) not content with the examination by the House of Representatives and the vote of that House, got on foot an inquiry of his own, by secret informers; decided on the removal of the deposites; appointed the agent to confer with the State banks; appointed the time for the removal to take effect; removed Mr. Duane for refusing to betray the trust confided to the Secretary by law, and to surrender his judgment and discretion to the President. He assumed the power over the Treasury, and appointed Mr. Taney to consummate his scheme.

I shall treat the stoppage of the public moneys from being deposited in the Bank of the United States, the removals, transfers, and loans to the State banks, as the acts of the President; the reasons assigned by Mr. Taney as the reasons of the President; and the principles asserted by that report, as the principles of the President. I shall consider the Secretary, (Mr. Taney,) as the "instrument" employed by the President for the occasion, and the report itself as having been inspected, approved, and referred to in his message at the opening of this session. My authority for so doing rests upon public documents and admitted facts.

They are notorious: they do not depend upon moral testimony; they are on record in the public offices. They are too notorious to the multitude of citizens who are enduring the tortures of mental and bodily distress, privation, and ruin, which this ill-fated measure has inflicted upon them. The honorable Senator from Tennessee [Mr. GRUNDY] has avowed these acts to be the President's, and is unwilling that he should be deprived of any part of the honor and glory of the achievement: and surely in this instance he had authority for so saying.

The report of the Secretary has been, by the Committee on Finance of the Senate, so satisfactorily exposed and refuted, and with so much more ability than I pretend to, that I shall say no more of it as a financial measure, than is absolutely necessary to preserve the chain of my argument.

But I shall examine the political principles and powers practically exercised in the removal of the deposites, in the dismissal of Mr. Duane, and asserted and proclaimed in the manifesto and protest of the President.

I shall consider them, 1st. As they have been brought to bear upon the chartered rights and franchises of the stockholders of the Bank of the United States.

2dly. As they have been brought to bear upon the officers of the Treasury, and the security of the public treasure.

3dly. As they affect the distribution of powers and safeguards ordered and ordained by the constitution.

These acts of the President in relation to the public revenue appear to me to have made an attack on private

rights: they have made a breach of public faith; and with it a wound upon social confidence and credit: have deranged the currency and exchange: have erected a new jurisdiction for ascertaining offences and affixing punishments unknown to the laws and forbidden by the constitution: have asserted and acted upon powers and prerogatives which tend to subvert the radical principles of the constitution, and to uproot the essential foundations of all free government.

In reviewing and descanting upon these measures, I feel nothing of the joy of victory over a fallen enemy: nothing of the complacency of a prognosticator, who having predicted evils, finds his forebodings verified. No, sir; far, far different are my feelings. They are the acute and pungent sorrows of one who sees but too certainly, that those in whom he put his trust and confidence are running down to ruin: that the deep foundations of former political associations are broken: that those who have been, and yet should be friends, are gloaring on each other, and looking with eyes of wild distrust: that principles which have been avowed, cherished, struggled for, and maintained by the great republican family, are betrayed, deserted, enfettered, and wounded by him, from whom assistance was expected to give them strength and activity: principles which awaken the fairest hopes and solicitudes of the friends and patrons of human liberty; and which, like the rounds of a ladder, were used as auxiliaries and supporters in his elevation.

1st. The conduct of the President towards the bank and bank directors, violated principles not to be profaned, which are at the foundation of liberty and asserted as fundamental in the State and Federal constitutions. "No person shall be despoiled of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of life, liberty, or estate, but by the judgment of his peers or the law of the land." "The right of trial by jury shall be held sacred and inviolable." "No law shall be made respecting an establishment of religion, or abridging the freedom of speech or of the press." These axioms are declared as self-evident truths, in the bill of rights of not less than eighteen States of the Union, and in the constitution of the United States. These established leading principles are declared for the purpose of limiting and controlling the actions of all government. They are the pillars of human liberty, and distinguish a free government from a despotism.

The President has despoiled the bank and the stockholders, United States and individuals, of their immunities and privileges, without the verdict of a jury, and without any law of the land. By the act of Congress proposing the Bank of the United States to such persons as should subscribe their funds for shares, and by the acceptance of the terms, the law became a contract between the Government and the stockholders; each bound to perform their respective correlative stipulations. By this charter the stockholders, foreigners and citizens, acquired private rights and immunities, not to be despoiled nor taken away, but in the manner provided by the charter and the laws of the land. These immunities and privileges they have purchased and paid for by one million and a half of dollars, and other valuable considerations, honestly paid and performed to the United States. The United States are bound, on their part, to a full and punctilious observance of the stipulations of the charter. The solemn faith of the United States was pledged. The stockholders held their immunities and privileges by the highest muniments of title; they were stamped with the faith of the Congress; they were sealed with the faith of the President of the United States, affixed to the charter by President Madison; they are sanctioned by the integrity of the Supreme Court of the United States. The charter assures to the stockholders that the deposites of the moneys of the United States should be made in the Bank of the United States and its branches, and continue there until the 3d of March, 1836, unless the Secretary of the Treasury shall at any time otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress the reasons of such order or direction. The contract says, "unless the Secretary of the Treasury shall otherwise order and direct."

On the 17th September, President Jackson announced his final determination for the removal of the deposites; appointed the day, and took the responsibility on himself. Was he the Secretary of the Treasury? Is the President of the United States *ex officio* the Secretary of the Treasury? Clearly they are separate and distinct offices, incompatible, and not to be united in the same person. The laws had appointed the Bank of the United States as the place for keeping the public moneys; and the public faith was pledged to it by contract and by a charter. But this same law and contract gave a discretion and a power to a particular officer (the Secretary of the Treasury) to suspend the execution of this law, for reasons to be reported to and adjudged by Congress. The authority given by the Legislature was to a designated officer. His judgment was to decide, his judgment was to rule, his reasons were to be reported to the Congress for their approval or disapproval. To the Secretary of the Treasury alone, the Congress had expressly and particularly confided the discretionary authority for suspending the execution of the law. Mr. Duane, then Secretary of the Treasury, not only could not see reasons for suspending the execution of the law, but his reason and his judgment rejected the proposition. He refused. For so refusing, for the honest, faithful, conscientious exercise of his reason and judgment, in the discharge of a trust expressly committed to him by law, the President removed him from office; and by the command of the President, and upon his responsibility, the law was suspended. The removal was effected by the mandate of the President.

That the discretion and authority to remove the deposites is confided and belonged to the Secretary of the Treasury, by the act of Congress, accorded with the Presidents own view of the subject, until after Mr. Duane's refusal; an event, no doubt, very unexpected. The President seems to have supposed that his dictum would have been reason with Mr. Duane. Under these suppositions, the President seems to have labored when he read his manifesto to his cabinet, on the 18th of September. Here Mr. B. read from the manifesto: "The power of the Secretary of the Treasury over the deposites is unqualified. The provision, that he shall report his reasons to Congress, is no limitation. Had it not been inserted, he would have been responsible to Congress, had he made a removal for any other than good reasons; and his responsibility now ceases upon the rendition of sufficient ones to Congress. The only object of the provision is to make his reasons accessible to Congress, and enable that body the more readily to judge of their goodness and purity, and thereupon to make such further provision by law," &c.

Here the power belongs to the Secretary; he is responsible to Congress; and the removal must be for "good reasons," to acquit the Secretary of his responsibility to Congress.

But again: in the same document, the President said, "Far be it from him to expect or require that any member of the cabinet should, at his request, order, or dictation, do any act which he believes unlawful, or in his conscience condemns. From them, and his fellow-citizens in general, he desires only that aid and support which their reason approves and their consciences sanctions."

Again: "In the remarks which he has made on this all-important question, he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a meas-

ure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the President would be as careful to avoid as ready to resist."

Here the Secretary of the Treasury was told by President Jackson, that the Secretary was responsible to Congress; that the Secretary's reasons are to be judged by Congress; they must be good to relieve the Secretary's responsibility. He is told that President Jackson does not desire the Secretary to do any act which he "in his conscience condemns" or "believes unlawful;" dictation is not intended, but only a "frank" expression of opinion. Who that is himself frank and honest could have imagined, after this, that when Mr. Duane gave his candid opinion and judgment against a removal of the deposites, and could see no good reasons to acquit his conscience, and his responsibility to Congress, in case he should order a removal, that he would be dismissed from office by President Jackson, for refusing to submit to the dictation of the President; for refusing to do an act "which he believes unlawful," and "in his conscience condemns?" But when, on the 23d of September, Mr. Duane could see no good reasons for the removal of the deposites, and therefore refused to issue such order, the relative rights and powers and duties of the President and the Secretary of the Treasury were suddenly changed.

But of the contrast between the sentiments delivered before and after the refusal by Mr. Duane, I may speak further hereafter.

It is plain that the law required the moneys to be deposited for safe keeping in the Bank of the United States; but a power to suspend the execution of this law, was confided, not to the President, but to the Secretary of the Treasury. "The power of suspending laws, or the execution of them, ought never to be exercised but by the Legislature, or by authority derived therefrom, to be exercised in such particular cases only as the Legislature shall expressly provide for." This is one of those maxims, those self-evident truths, declared by the bill of rights of the States before the adoption of the Federal constitution, and which now appears in the bill of rights of eighteen States. The suspension of the law was not by the authority of the Congress when the President thought fit so to order, but only when the Secretary of the Treasury should so order, for reasons appearing to him to justify the act. The President having taken upon himself to suspend the law, when the discretion was not confided to him, by overruling the discretion and judgment of the Secretary, to whom the authority was particularly confided by the laws, did suspend a law of Congress without authority, and in a case not provided for. The President would not suffer the law to take its course. But, under color of a power to see the laws faithfully executed, he did break the law.

Without trial, without a jury, without law, the chartered privileges and immunities, the private rights of the stockholders of the bank were despoiled, violated, and taken away. The information and trial were in secret, unavowed; the offence is not defined by any law; the offence and the punishment were measured by the President's will.

The most odious features of the Star Chamber in England were, that the trials were for offences not defined by law, created at the pleasure of the King and his privy council, "enjoining to the people that which was not enjoined by the laws, and prohibiting that which was not prohibited, and dealing out censures and punishments by the like unrestrained will." Lord Bacon called it a court of "criminal equity." To have the definition of a court of criminal equity, we must look to a court claiming a large and liberal construction in ascertaining offences, and a discretionary power in affixing the punishments—which is a monster in jurisprudence. The powers of the Secretary of the Treasury, the more ample powers of Congress, the powers conferred on the President by law to sue a *scire facias* to repeal the charter, in the circuit court of the United States, and demand a trial upon process executed only fifteen days before the term, were too slow and quite insufficient for the President. If a *scire facias* had been resorted to, then the corporation would have been informed of the nature of the accusation; must have been heard in defence; the facts in issue must have been tried by witnesses and a jury; and the court must have pronounced upon the sufficiency of the accusation. This process of law—the trial by witnesses and a jury and a court—was not sufficiently forcible and powerful. The bank monster was to be destroyed, and the operation could only be trusted to another monster, a court of "criminal equity," combining the legislative, judicial, and executive powers, in the same person; where the accuser sat judge; heard the witnesses in secret, made the offence, and declared and inflicted the punishment—the offence, the conviction, and the punishment, all being published to the accused and to the people at one and the same breath.

But the rights of the corporation are not the only private rights which have been invaded by this court of star chamber, sitting in privy council, in criminal equity. The corporation is a mere faculty—a person existing only in contemplation of law. A corporation cannot commit treason, nor murder, nor felony, nor crimes. Criminal offences may be charged upon the individuals acting as president and directors, not upon the mere faculty which exists in its name, and acts and moves only by the agency of men. The president and directors, then, are the persons who have offended, as charged in the manifesto, against "the morals of the people, the freedom of the press, and the purity of the elective franchise." Now, the president and directors are men of business, American citizens, of good name, fame, and reputation, possessing the esteem and confidence of their fellow-citizens; chosen by men of business and property, to take charge of and manage the joint concerns of a capital of thirty-five millions of dollars, of which twenty-eight millions belong to private persons. And yet these trustees, so reputable, so chosen, and so confided in, are, by the manifesto, charged with aggravated breaches of trust, with corruptions, with converting the means of their confiding employers "to embroil the country in deadly feuds, and, under cover of expenditures in themselves improper, extend its corruption through all the ramifications of society." These are serious charges. They are promulgated by a President of the United States. He has tried them in a court of criminal equity, of his own creation, by witnesses heard only by himself: he has punished the stockholders and the country for offences, made known by accusation, conviction, and punishment, simultaneously announced to the offenders and to the public. The bank, created by the Congress and President Madison, was a "monstrous golden calf," and President Jackson (as a modern Moses) has produced a new monster, a huge many-headed serpent, to swallow the golden calf.

There are passages in the manifesto which ought not to pass unnoticed. Speaking of his message to Congress, recommending an inquiry into the affairs and conduct of the bank, and the resolution of the House of Representatives consequent upon that inquiry, he says, "It is true that, in the message of the President which produced this inquiry and resolution on the part of the House of Representatives, it was his object to obtain the aid of that body in making a thorough examination into the conduct and condition of the bank and its branches, in order to enable the Executive department to decide whether the public money was longer safe in its hands."

"But it was not his purpose (as the language of his message will show) to ask the representatives of the peo-

ple to assume a responsibility which did not belong to them, and relieve the Executive branch of the Government from the duty which the law had imposed upon it." "Whatever may be the consequences, however, to himself, he must finally form his own judgment, where the constitution and the law makes it his duty to decide, and must act accordingly." The translation of these sophisticated sentences into plain language is this: that by the constitution and the law he has the custody of the public money; as the Congress did not do in that behalf what he thought their duty required, he has taken the matter into his own keeping, and will act accordingly. Do we live under a Government of laws or under the rule of one man? Has he the right thus to rate the guardians of the public treasure, and chide them for not doing his will? Has the spirit of our fathers fled to brutish beasts, and left a petty race of men to peep about and find dishonorable graves? Public opinion is seldom erroneous when founded on correct information as to the true state of facts. But, removed from the source of true intelligence, it is easy for those who have an interest in imposing upon the people to mislead them to a concurrence in measures destructive to their welfare and happiness. But there is a sense of justice and generosity in the public not often to be found in men who hold the reins of government. When the people, by candid statements of facts, and by temperate arguments, find their opinions are erroneous, they readily renounce them, and turn their resentments against their deceivers. The tax-payers have no interest in being deceived, or in deceiving the public—the tax-receivers have.

But the President has complained of the Senate for having censured him without a hearing. Of that I shall speak hereafter. But when he desired to censure the president and directors, and to punish the bank by a removal of the deposites, then no hearing, no trial, no avowal of charges or accusations was necessary. The example, set by God himself, in calling Adam to answer before he was condemned, has taught a lesson to mortals; it has been adopted as fit to be observed by all just human tribunals. This is, however, no rule of conduct when the President is to act: but if he is to be acted upon, then this and other good old principles of 1776, are all remembered and held up to shield and protect him. If the President is to act, then his own responsibility, his own conscience and judgment are to determine the true rule of his conduct and his duty. But, when Mr. Duane was called to act, then his oath, his conscience, his judgment, his responsibility to Congress, were not to determine his course, but he was to follow the President's conscience and mode of thinking. When President Jackson argues for an unqualified power in himself,* then the "concurrent authority of President Washington, of the Senate and House of Representatives, numbers of whom had taken an active part in the convention which framed the Federal constitution, and in the State conventions which adopted it," are arguments irresistible to his mind. But, when the bank is in question, then neither the concurrent authority of President Washington, of the Senate and House of Representatives of 1791, nor of the makers, nor of the ratifiers of the Federal constitution, nor the example of President Madison, nor the opinions of the Senate and House of Representatives of 1816, nor of the Supreme Court, are of any avail,† "mere precedent is a dangerous source of authority." Now these opposite opinions, promulgated according to times and circumstances, remind me of certain lines in Hudibras, applied by the author to those fanatics in religion and politics whose services Cromwell made available to overturn the Government of England and proclaim himself "Lord Protector." The inconsistencies of the leaders are thus ridiculed by Butler, in the following lines:

"The self same thing will abhor,
One way, and long, another, for:
Free-will they, one way, disavow,
Another, nothing else allow;
All piety consists therein,
In them, in other men, all sin."

With President Jackson it is all right, for him, to follow his own will, conscience, and responsibility, in construing his powers and duties under the constitution and the laws; but, in other men, it is sinful to consult their consciences, judgment, and responsibility, as to their duties and powers.

But, to prevent the "blood and treasure expended by our forefathers in the establishment of our happy system of government" from becoming "vain and fruitless," President Jackson tells us that he had determined on the removal of the deposites, and that "its responsibility has been assumed, as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise." This tyrant necessity, which knows no law, has been but too often the plea of ambition for overturning established systems of free government, for the purpose of preserving the morals and freedom and happiness of the people "from their own worst enemies, themselves."

The system of government established by our forefathers, declared that religion and the freedom of the press were rights too sacred to be legislated upon. The Federal constitution declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof, or abridging the freedom of speech or of the press." The freedom of the press is excepted specially from the powers of legislation; and yet President Jackson has, by necessity, found a power in the President of the United States for punishing the president, directors, and stockholders, for using the press in defending themselves and their interests against their assailants. When, and by what authority, was the President invested with the powers of a censor, to preserve the morals of the people and the liberty of the press from licentiousness? When was he invested with a supreme power to publish libels upon the character of respectable citizens, and to extinguish their rights of self-defence?

The liberty of the press is the great sentinel of the State, the grand detector of governmental imposition and usurpation; and when it dies, the spirit of free government and the liberties of the people are strangled and buried in one common grave.

That the President should thus proclaim that he had taken under his censorship "the morals of the people, the freedom of the press, and the purity of the elective franchise," gives just cause of alarm. For that, in the eye of power, is purity which upholds and lauds his doings, and that is licentious abuse which exposes his errors and misdeeds; examples of which have come but too near to us.

2dly. The claim to control the public Treasury, set up by the President and carried into practical operation, is thus argued: The whole Executive power is vested in the President by the constitution: the Treasury is an executive department: the power of the Secretary of the Treasury over the deposites is unqualified: the President has an unqualified power of removing all the officers except the judges; and thus he has the control of the whole Executive power of the Government. This leads me to the general head under which I proposed to consider the Executive proceedings in relation to the public revenue; the manner in which they have been made to bear upon the officers of the Treasury and the public revenue.

The President took to himself an unqualified power of removing the public deposites, and when Mr. Duane delivered his opinions and reasons, and refused to comply with the measure, he was dismissed.

I concede to the President the power to remove all officers appointed by him, whose tenure of office is not required by the constitution to be during good behaviour.

* Protest. † Veto message.

My opinion is, that it is a power resulting from the constitution; and, furthermore, the Senate has not the right, in my opinion, to call upon the President for his reasons for removing an officer.

But I am far from admitting "that the President derived an unqualified power of removal from that instrument itself, which is beyond the reach of legislative authority," as he has asserted in his protest, and exercised in the dismissal of Mr. Duane. This claim of an unqualified power is new to me, either in the State or Federal Governments. I reject it as inimical to the very genius and life of our institutions. Offices are public trusts, not private property. The powers of the office are conferred for public uses and benefits, not for the mere private emolument and gratification of the officers. Like all trusts, the powers of the trustees are qualified by the uses and ends for which the trusts and powers were created and conferred. The powers of taxation delegated to Congress, although not expressly limited to any specific amount not to be exceeded, are nevertheless qualified, that is to say, softened, diminished, and regulated by the uses and purposes "to pay the debts and provide for the common defence and general welfare of the United States." So the power of removal of officers, although not expressly limited by the constitution to any particular specified causes, is yet qualified and regulated by the public uses and benefits for which it was conferred; and is abused and perverted when exercised to attain illegal ends, or to subserve selfish ambition, or to obstruct the laws, or produce detriment to the public weal.

The Senate did not pry into the reasons of the President for removing Mr. Duane. But the causes are known from the river St. Lawrence to the Gulf of Mexico, from the Atlantic ocean to the Rocky mountains. They have been published to the people by authority of the President; we have them avowed in his protest to the Senate. Mr. Duane was selected by the President for the office of Secretary of the Treasury. His talents were of a high order; his integrity was notorious and unsuspected; his habits of business and diligence were confirmed; his sobriety might have admitted him as an honorary member of the temperance society. His moral and intellectual qualifications for office were known and acknowledged by the political opponents of the administration, as well as by its supporters. He came into office bearing the confidence of the President and of his country. He devoted his time and his talents to the duties of his office. But in a few months he was dismissed. Not because he was negligent, not for intemperance, not for incapacity, not for want of integrity. As to all the moral and intellectual requirements for the office, Mr. Duane had in the practice sustained the anticipations of public confidence and expectation. But the President anxiously looked to the removal of the public deposites from the Bank of the United States. The Secretary of the Treasury could not see reasons to justify him for adopting such a measure. The fatal manifesto was read; the President signified (not through another but in his proper person) that he desired the removal, and took the responsibility on himself. But the Secretary of the Treasury was not convinced by the logic of the manifesto. His reason and his conscience would not permit him to adopt the views of the President: the law required him to report his own reasons to Congress: his oath and his judgment told him that he held the power of removal as a sacred trust, for the people, not for the President only: he was responsible for his own conduct, and that the President could not absolve the Secretary from his oath and responsibility. Mr. Duane refused to order the removal. He refused to surrender a duty and trust committed to him by law; he refused to wrong his conscience and his judgment. Because he refused to bend his knee in token of subjection and passive obedience to Executive will, Mr. Duane was dismissed.

Until the President had dismissed Mr. Duane, and was compelled to find justification for this onward march, his own construction of the constitution and the law taught him that the power over the public deposites was confided to the Secretary of the Treasury, and not to the President; that the Secretary of the Treasury was responsible for his own acts, not the President; as I will show from the declarations and conduct of President Jackson.

Here Mr. B. read from the message of the 10th July, 1832, assigning his reasons for refusing to approve the bill for prolonging the charter of the Bank of the United States, as follows:

"If the opinion of the Supreme Court covered the whole ground of this act, it ought not to control the coordinate authorities of this Government. The Congress, the Executive, and the Court, must each for itself be guided by its own opinion of the constitution. Each public officer who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others." The constitution of the United States prescribes that all officers, "both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution." Mr. Duane, as Secretary of the Treasury, was bound by oath to support the constitution of the United States, and by an additional oath, required by act of Congress, he was bound "well and faithfully to execute the trust committed to him." According to President Jackson's own solemn declaration in his message, Mr. Duane's oath bound him to support the constitution and discharge his duty as he understands it, and not as it may be understood by Gen. Jackson. In the manifesto of the 18th September, before Mr. Duane had refused, the language of the President was equally explicit in the passages I have before read from that document. "The power of the Secretary of the Treasury over the deposites is unqualified." "His responsibility to Congress;" "the only object of the provision is to make his reasons accessible to Congress, and enable that body the more readily to judge of their soundness and purity;" "far be it from him (the President) to expect or require that any member of the cabinet should, at his request, order, or dictation, do any act which he believes unlawful or in his conscience condemns." He desires Mr. Duane to see only "the frank and respectful declarations of the opinions of the President; and not a spirit of dictation, which the President would be as careful to avoid as ready to resist." These are the sentiments so explicitly declared and repeated by the President. The power was the Secretary's—the responsibility to Congress was the Secretary's—the reasons were to be good, and to be the Secretary's reasons. Can there be any doubt about this. Suppose the Secretary had been so weak as to yield a passive obedience to the will of the President, and had reported to Congress, as his justification for removing the deposites, "The President ordered me and I did remove. My judgment opposed it as wrong; but the President took its responsibility on himself!" Would such a report by the Secretary be deemed a compliance with the law? Would not such a report have been disgraceful to the Secretary? Would it not have acknowledged a breach of the trust confided to him; a contempt of the law, and a misdemeanor in office. Such a report to Congress would be no better than the excuse by Eve, for a breach of the law, when she answered, "The serpent beguiled me and I did eat."

But if the President believed that the power to remove the deposites belong to him, where was the necessity of removing Mr. Duane. If he had the power, an order under his own sign manual would have been as effectual as if signed by his subordinate. If an order be issued to the commodore of a squadron to change his station, and cruise in other latitudes, signed by the President with his proper name, would such an order be less authoritative

than if signed by the Secretary of the Navy? If an order issued to the major general of an army or the commandant of a fort, be signed by the President himself, is it less authoritative than if it had been signed by the Secretary of the Department of War? If instructions to a foreign minister, as to the basis of a treaty, be signed by the President himself, would they be less authoritative than if signed by the Secretary of State? All these acts of the President would be lawful and effectual, because, by the constitution, he is the commander-in-chief of the army and the navy, and has the power to originate treaties for the advice and consent of the Senate. These three departments are properly and in the strictest sense Executive departments, so named in the title, so known in the body of the acts constituting those departments. The Secretaries are by the acts respectively directed to "perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to," &c., naming in the respective acts, the subjects of the army, the navy, and our foreign relations. "And furthermore, that the said principal officer shall conduct the business of the said departments in such manner as the President of the United States shall from time to time order or instruct." These three departments (formerly but two, "the Department of Foreign Affairs," and "the Department of War," embracing army and navy) relate to the powers and duties vested in the President by the constitution—they are properly and strictly Executive departments, to conduct the executive powers declared by the constitution as such, and vested in the President. Wherefore any order issuing from either of these departments, "agreeably to the constitution," are signed for convenience, not of necessity, by the Secretaries respectively, in the name and by authority of the President, but if signed by the President himself, would be regularly authoritative and to be obeyed.

But if the President himself had signed with his own name an order to the collectors and officers of the customs and revenue for removing the deposites, such order would not have been authoritative and legally binding, otherwise the President would not have been under the necessity to remove Mr. Duane, to accomplish that measure. But the Treasury Department is not an Executive department, in the sense used by the President. Much has been said about its being called an Executive department by the bill originally reported in 1789, for constituting the Treasury Department. Now, I shall not found an argument upon the mere cognomen given or withheld in the title or body of an act of Congress, but shall look to the substance and nature of the power itself, and to the department to which it is assigned by the constitution. But the claim by the President to the Treasury as an executive department, has not even the feeble foundation of the name to stand upon. Three bills were reported in 1789, by a committee: one "for establishing an executive department to be denominated the Department of Foreign Affairs;" a second for establishing an executive department to be denominated the Department of War;" the third, "for establishing an executive department to be denominated the Treasury Department." They progressed under these respective titles, until committed; and the committee reported various amendments, and the bill concerning the Treasury was shorn of its title as an executive department, and appeared and was passed under the title as it now appears in the statute-book—"An act to establish the Treasury Department." So that even the name did not pass in silence in 1789. In this there can be no mistake; the Journal is the witness.

The acts require the Secretaries of the Department of Foreign Affairs, now the Department of State, and of the Department of War, now divided into two, the War and the Navy, to execute the duties enjoined by the President, "agreeably to the constitution," and to conduct the business as the President "shall from time to time order or instruct." But, in the Treasury Department, no authority is given or admitted that the President shall "enjoin, order, or instruct," the Secretary in the performance of his duties. His duties relate to the management, improvement, and collection of the revenue; the support of the public credit; the superintendence of the public expenditures, and sale of the lands; to making reports to the Legislature, or to either branch, respecting all matters which appertain to his office; and to the performance of all such services relative to the finances as he shall be directed to perform. These are the general outlines of his duties, prescribed by the law creating the department. His duties relate to the powers and trusts delegated by the constitution of the United States to the Legislative department, not to any of the political powers or duties vested by the constitution in the President. The Departments of State, War, and Navy, relate to powers and duties delegated and confined by the constitution to the Executive department of the Government. To my mind, it is clear, that the duties of the Treasury Department are not of or belonging to the Executive department, according to the distribution of powers between the three great departments of the Government; but that they do properly belong to the Legislative department; as I shall explain more fully hereafter.

President Jackson declared, in his message to Congress of the 10th July, 1832, "Each public officer who takes an oath to support the constitution, swears that he will support it as he understands it, and not as it is understood by others." In his manifesto of the 18th September, 1833, he declared the power over the deposites belonged to the Secretary—that the removal was to be justified by the Secretary for his own reasons, and upon his own responsibility. In the message of the 6th December, 1831, the President alluded to the report of the Secretary of the Treasury, and by that message it plainly appears he had seen and read the report. The President alluded to the Bank of the United States. The Secretary of the Treasury recommended a prolongation of the charter of the Bank of the United States. He therein refers to the act establishing the Treasury Department, to the duties therein enjoined upon the Secretary of the Treasury—that his report implies "no commitment of any other department of the Government, each being left free to act," &c. Upon the principle that the Secretary was responsible for his own acts, and that the law had imposed a particular duty on the Secretary, the President did not suppress this report, although it contained recommendations and arguments at war with the opinions then entertained by the President touching the Bank of the United States, if we may judge from his veto message of the same session.

In those times, the President acted upon the principle that each public officer who takes the oath to support the constitution, and also the oath "well and faithfully to execute the trust confided to him," was responsible for his own actions and conduct; that he swore for himself; that his conscience and his judgment were to govern his conduct; that he, the President, could not absolve the officer from his oath and his duty, and smother his conscience and his judgment under Presidential responsibility.

I agree with those former opinions of President Jackson. I agree that an oath imposes a duty and responsibility upon the person who takes it. It is an adamantine chain which binds his conscience to the judgment seat of Him who is all wise, perfect in purity and in truth, and unchangeable: it subjects his conscience not to the erring, changeable, passionate dictates of earthly power.

Where the heads of departments are the confidential agents of the President, merely to execute his will in cases of political power and discretion delegated to him by

the constitution, their acts are only examinable by the tribunal of public sentiment. But where the law itself assigns to an officer the performance of a duty, and the Legislature vests a discretion in that officer, then he is the officer of the law, answerable to the law, responsible for his own conduct: and if the President takes to himself the power and discretion confided by law to that other, he usurps an authority: and if he dismisses the officer for preferring his own honest judgment of his duty and trust to the will of the President, then he abuses the power of removal confided for a legitimate beneficial use, and perverts it to an arbitrary, despotic end.

So the act of the President in ordering and controlling the removal of the public deposites from places of undoubted safety appointed by law, to places chosen by the President, was the assumption of power not conferred upon him; and the dismissal of Mr. Duane for refusing to obey such dictation, was a gross abuse of the vested power of removal.

Here it may be remarked, that the fifteenth section of the bank charter, under the expression "unless the Secretary of the Treasury shall at any time otherwise order and direct," conferred upon that officer a single naked discretionary authority to stop the deposites from being made in the Bank of the United States. But it did not give an authority to select places to which the moneys should be removed, to choose State banks, make contracts and leagues, and institute a new system of finance. By the act to establish the Treasury Department, of September, 1789, the duty of the Treasurer is enjoined "to receive and keep the moneys of the United States," and to disburse them in the form and manner therein prescribed. He is required, before he enters upon the duties of the office, to enter into bond, with security, "for the faithful performance of the duties of his office, and for the fidelity of the persons to be employed by him." The Treasurer may consequently secure himself by requiring from the persons to be employed by him, bond and security for their fidelity. Whilst the moneys remain in the hands of the collectors, they and their sureties are bound to keep them safely: when received by the Treasurer, or by persons by him employed, he and his sureties are bound to keep them safely until disposed of according to law. When, by the act of 10th May, 1800, (vol. 3, p. 385,) collectors were directed to deposite the revenues in the Bank of the United States, the Treasurer was released from the responsibility for the safe keeping of the moneys, and responsible only for the disbursements thereof, by warrants duly drawn in pursuance of appropriations by law. So, also, when by the act of 1816, the moneys were ordered to be deposited in the new Bank of the United States. When the Secretary of the Treasury undertook to order and direct that the public moneys should no longer be deposited in that bank, the power conferred upon him by the fifteenth section of the bank charter was fulfilled; and thereupon the Treasurer was laid under the responsibility "to receive and keep the moneys of the United States, and to disburse the same," as prescribed by the act of 1789, (vol. 2, p. 49.) But when the Secretary, by order of the President of the United States, placed the moneys in the banks selected by themselves, for whom the Treasurer is not responsible, they intercepted the moneys from coming to the possession and keeping of the Treasurer and the persons to be employed by him; they released the Treasurer from his responsibility for safe keeping, imposed upon him by law; they did, by so doing, assume upon themselves "authority and power not conferred by the constitution and laws, but in derogation of both." The Congress and the President together were not at liberty to establish another bank during the existence of the present bank charter, for which the faith of the United States was pledged. But the President alone has undertaken to establish the currency of other banks, to receive and issue their notes in the administration of the public receipts and disbursements, and by his orders, patronage, and management, has endeavored to bring the currency of these selected banks in competition, as far forth as he could, with the currency of the Bank of the United States. This is a violation of the spirit and intent of the engagement to which the faith of the United States was solemnly pledged, which pledge ought to have been regarded most scrupulously. The distinction between banks sustained by the President, and banks sustained by law, to cripple the currency of the country, may satisfy some casuists, of indurated consciences, but to me it seems to be but a distinction between doing wrong and avoiding to do right.

3dly. The actings of the President in relation to the public revenues, and the doctrines avowed by the protest in defence of his conduct, deserve serious consideration, as disturbing the distribution of powers, and the safeguards ordained by the constitution.

He claims every kind of executive power as vested in the President by the constitution.

He considers all executive officers as his agents—that he is responsile for them and they to him—and that he has a right "to discharge them when he is no longer willing to be responsible for their acts."

He alludes to the British Government as that from which many of the fundamental principles of our system are derived; to the power vested, originally, in the King to "appoint and remove at will all officers, executive and judicial. He says it was to take the judges out of this general power of removal, and thus to make them independent of the Executive, that the tenure of their offices was changed to good behaviour. Therefore he argues, that his power and control as to all other officers appointed by him, is left unchecked by the constitution;" that is, dependent on his will, subject to his order, and bound to obey his direction.

His power of removal he claims to be "unqualified," and that by this power he has the control over their conduct, extending not only to the heads of departments, but as "embracing every grade of executive officers, from the heads of departments to messengers of bureaus."

He claims the Treasury as an executive department; he claims the custody of all the public property and money, as belonging to the Executive power, and as "an appropriate function of the Executive department, in this and all other governments."

He claims that "the Treasury Department is wholly executive in its character and responsibilities"—"that the Secretary of the Treasury is wholly an executive officer"—that he is "the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other heads of departments, to his supervision and control"—that "the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and clerks, who fill the offices of that department, are on the same footing with corresponding grades of officers in all other executive departments."

He claims that his power of control extends, by virtue of his power of appointment and removal, to all officers and their "subordinates," (except the judges, and such officers whose appointments may, by the constitution, be vested in the courts of justice,) from the highest to the lowest, from the secretaries to the messengers and tide-waiters. But as if afraid of surrendering any power by non-claim, or as if the Congress were to make to him a formal surrender of every power he does claim, he proceeds to tell us, in a manner too explicit to admit of doubt, what he means by this entire executive power vested in him by the constitution. He proceeds, by certain specifications, so to extend his control through all the ramifications of the administration of the powers delegated to all the departments, wherever his power of re-

moval can reach the officer, either directly, or by indirection, through the head of the department; and most explicitly extends it to the Treasury Department, and all its officers, agents, and assistants.

[Here Mr. B. read passages from the protest, in which those powers were asserted as belonging to the President by the constitution. The passages following, he said, claimed marked attention.]

"The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the Executive department, in this and all other governments. In accordance with this principle, every species of property belonging to the United States, (excepting that which is in the use of the general co-ordinate departments of the Government, as means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, responsible to him, and removable at his will."

But to prevent all doubt about the claim and control asserted over the Treasury, the protest proceeds:

"Public money is but a species of public property. It cannot be raised by taxation or customs, nor brought into the Treasury in any other way, except by law; but whenever or howsoever obtained, its custody always has been and always must be (unless the constitution be changed) intrusted to the Executive department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not by the constitution at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties. The Legislature may undoubtedly bind him and the President by any laws they may think proper to enact; they may prescribe in what place particular portions of the public money may be kept, and for what reason it shall be removed," &c.—"yet will the custody remain in the Executive department of the Government."

"Congress cannot, therefore, take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution." Such are the transcendent prerogatives so explicitly claimed by the President in his protest transmitted to the Senate on Thursday the 17th. But on Monday the 21st, an explanation, as it is called, was sent "to prevent misapprehension." Here Mr. B. read from that message:

"I admit, without reserve, as I have before done, the constitutional power of the Legislature to prescribe, by law, the place or places in which the public money or other property is to be deposited; and to make such regulations concerning its custody, removal, or disposition, as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure, or any authority to interfere with the same, except when such possession, disposition, or authority, is given to him by law. Nor do I claim the right in any manner to supervise or interfere with the person intrusted with such property or treasure, unless he be an officer whose appointment is, under the constitution and laws, devolved upon the President alone, or in conjunction with the Senate, and for whose conduct he is constitutionally responsible."

Does this explanation renounce or gainsay any part of the prerogative claimed in the protest? Had the investiture of the whole Executive power in the President been changed between the 17th and 21st? Had the power of appointment and removal been changed in these four days? Had the Executive power of control over the Secretaries and their subordinates, "down to messengers of bureaus," "superintendents and keepers," been altered? Had the Treasury Department ceased to be Executive, or the Secretary and his subordinates ceased to be the mere "instruments" of the Chief Magistrate, by the remarks of the Senators? Had the power of Congress been enlarged in these four days, so as to enable them to create an officer to take charge of the public moneys and property, whose appointment would not devolve upon and who would not be responsible to the President? Had the constitution been changed so that the custody of the public moneys might not be intrusted to the Executive department? Not a particle of the Executive power asserted over the public treasury is intended to be relinquished. The cloven foot had been protruded too far into light. It stood in such bold relief in the picture, as to intimidate and alarm. The knowing worshippers at the shrine of prerogative and patronage, were afraid of the success of such an exhibition. Therefore, a pleasing veil was to be drawn over the deformed limb, to obscure it from the view of the simple followers. No claim of prerogative is abandoned. It is retained under the words "unless he be an officer whose appointment is, under the constitution and laws, devolved upon the President," "and for whose conduct he is constitutionally responsible." For the protest yet asserts "no officer can be created by Congress for the purpose of taking charge of it, (the money,) whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties." The President yet asserts that he is responsible for the agents of his own choice to aid him in the performance of his duties, and that he has an unqualified power to "dismiss them when he is no longer willing to be responsible for their acts." The Chief Magistrate has been made to stoop. In this seeming explanation he plays a part in the drama wholly beneath him and the dignity of his station. The explanation is but a cunning device, too shallow to deceive any but such as are willing to be deceived.

The grasp of the public moneys has not been yielded by the President. The reasons reported by his agents, appointed to aid and assist him, have not met with the approbation of the Congress. They have been disapproved by the Senate, and have no approbation by the vote of the House of Representatives. At yet the public moneys are not restored to the place appointed by law for safe keeping, and cannot be, unless by the concurrence of two-thirds of both Houses, the President yet holding to his possession, and having the power to interpose his veto.

He has told us "the Secretary did not concur, and declined giving the necessary order and direction" for removing the deposites; that the President therefore used the painful alternative of dismissing the head of one of the departments, (Mr. Duane;) "his place I supplied with one whose opinions were well known to me." He has told us "that the law establishing the bank did not, as it could not, change the relation between the President and the Secretary."

By the President's own avowal in his protest, we have these facts: that he decided on the removal of the deposites: that the Secretary of the Treasury (Mr. Duane) did not concur in that opinion: that the Secretary refused to give the necessary order and direction: that the President therefore dismissed him, and appointed another, whose opinions he well knew: that Secretary, so succeeding Mr. Duane, with the sanction of the President, "with my sanction," proceeded to remove the public moneys from the Bank of the United States, into the banks selected for the occasion.

These acts are the practical illustrations of the powers claimed, exercised, avowed, and defended by the protest.

The protest contains General Jackson's theory of the constitution; Mr. Duane's case, and the subsequent acts, show the President's practice.

More alarming doctrines, or greater heresies, have never been preached from high places in the United States.

I hold these to be axioms:

1st. That the constitution of the United States creates a government of limited powers in every department thereof.

2d. That a virtual curb and effective check upon the will of undelegated prevalent power, was intended by the constitution.

3d. That neither the acclamations of voluntary clubs and associations, nor the election of a President, can alter the existing constitution; nor shift, nor transfer, the distribution of powers ordered and ordained therein; nor sanction the assumption, by the Executive, of powers not delegated by the constitution.

4th. That neither the President, nor the two Houses of Congress, nor the three combined, can alter the constitution in any other manner than by the ratifications of the Legislatures, or of the conventions of three-fourths of the several States, or by a revolution.

5th. That the success of usurpation is not the standard of innocence, neither does it expiate the offence.

By these self-evident truths I shall test the claims of power exercised by the President, in relation to the public revenue, and avowed in the protest.

The first position which he assumes is, "that the whole Executive power" is vested in the President by the constitution. This is not a claim confined to the specific powers delegated to the President by the enumeration in the constitution, but is extended to the whole executive action of the Government. It is extended over the Treasury Department, as a part of that whole so vested in the President. The words and the actions of the President leave no doubt as to the extent of what is claimed and intended by "the whole Executive power."

It is true that the constitution declares "the Executive power shall be vested in a President of the United States of America," but this grant is limited to the executive powers specifically enumerated in the second and third sections of the second article. So all legislative powers are vested in the Congress. But this grant is limited to the subjects and objects enumerated and expressed in the constitution. It is not a delegation of all legislative powers over all subjects and all things which, in other Governments, are classed under the definition of legislative power. So the Judicial power is vested in one Supreme Court and such inferior courts as the Congress may, from time to time, ordain and establish. But these judicial powers are confined to the subjects and cases specifically enumerated.

The constitution is a grant of limited powers, not of general and indefinite powers, to either department; the Government, consisting of all the three great departments, legislative, judicial, and executive, is yet a government of limited powers. The whole mass of powers delegated to this Government by the States, is distributed in fixed proportions among the several departments. Each department is, by the theory of the constitution, and ought to be in practice, confined within the circumference described by the constitution.

The grant in the constitution of executive power to the President, is a limited grant. All other powers not so enumerated, can only be rightfully exercised by the President, in pursuance of a legislative grant to him.

But the custody of the public property and public moneys is not to be found among the enumerated powers of the President. If he has it, he must take it by implication. This implication cannot be indulged, because it is in conflict with the powers granted to the Congress, and at war with the genius and spirit of all free government.

Among the powers granted to Congress, are the following:

To lay and collect taxes, duties, imposts, and excises, &c. These powers are charged with their duties to pay the debts and provide for the common defence and general welfare of the United States.

To borrow money on the credit of the United States.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To exercise exclusive legislation and authority over all places purchased for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.

To dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof.

According to common sense, the powers to collect moneys by taxes; to borrow money; to raise armies; to provide a navy; to erect forts, magazines, arsenals, dock yards, and other needful buildings; to dispose of the territory and other property of the United States; connected with the imperious duty to support the armies, maintain the navy, and pay the debts of the Government, carry along with them the correlative and necessary powers to keep and preserve the money and the means out of which they are to support, maintain, and pay. The power and obligation of Congress to support, maintain, and pay, connected with the power to provide and collect the means and money, are so necessarily united with the power and the duty to preserve and safely keep, until distributed and paid, as to leave no vacancy for the implied prerogative of the President to the custody of the means and money to gain a lodgment.

The President claims the Treasury as an Executive department, and asserts a right to the custody of the moneys, and a jurisdiction and control over all the officers of the Treasury, from the Secretary down to the lowest grade. It seems to me that the Treasury is not an Executive department, in the sense and to the end for which the President so calls it. He makes the Executive department, as contradistinguished from the Legislative and Judicial action of the Government, to be the favorite residuary legatee of the whole operative power and active agency of the Government, outside of the halls of the legislature and of the courts.

The constitution, when ratified, was but a scheme upon paper; it existed in theory. Agents to bring it into active life and actual operation as a Government were required to be elected and appointed. These agents are but the servants and trustees to assist in executing the powers and trusts of the general departments, legislative, executive, and judicial. An agent elected to assist in executing the powers and duties delegated to the Legislative department of the Government belongs to the Legislative department. An agent elected or appointed to assist in executing the powers, duties, and trusts, delegated to the Executive department of the Government, belongs to that department. An agent appointed to assist in executing the powers and trusts delegated and confided to the Judicial department, belongs to that department.

But it must be perceived that the Senate must have agents to aid and assist in executing the powers and trusts delegated to this branch of the Federal Legislature, who yet are not Senators, but executive agents of the Senate. The secretary, clerks, serjeant-at-arms, door-keepers, and messengers, are executive agents of the Senate; executive officers of one branch of the Legislative department.

So the necessary officers to aid and assist the House of Representatives in carrying into effect their legislative duties, are not legislators, but executive officers of this branch of the Legislature.

Neither the executive officers of the Senate, nor of the House of Representatives, owe any responsibility to the President, neither is he responsible for them. Yet they are officers, executive officers, of and belonging to the Legislative department of the Government. The two Houses united and concurring in legislative action, must have agents under them to aid and assist them in carrying into practical effect and operation the powers and trusts delegated to Congress; and such agents are executive officers belonging to the Legislative department.

So the Judicial department must have executive officers to assist them whilst advising, and to carry into execution the judgments, sentences, and decrees of the Supreme and inferior courts. The clerks, marshals, coroners, grand and petit jurors, bailiffs, &c., are not judges, but executive agents and officers, whose duties appertain to the Judicial department; who are responsible for their conduct to that department and not to the President.

The nature of the duties and trusts to be performed must be regarded, in determining to which of the three great departments the officers respectively belong, and to which each officer owes his immediate and direct responsibility and obedience.

In this sense and meaning of executive officers, it must be evident that there are executive officers of the Legislative and the Judicial departments, as well as executive officers to administer the powers and duties and trusts delegated to the Executive department. The duties assigned to the officers respectively, compared with the constitutional division and distribution of powers among the respective departments, must determine the department to which each officer belongs, and owes his direct responsibility and obedience. By regarding this meaning of the term "Executive," in its more comprehensive and generic sense, as well as the distinctive features between the several species of the duties and trusts to be performed by the executive officers, the powers delegated to each of the three great departments, by the constitution, will, in the practical operation and execution of the plan and theory of Government, be preserved to each of the departments, Legislative, Executive, and Judicial, in the exact proportions and divisions prescribed and ordained by the great charter of the constitution. By disregarding this distinction, and the general import of "Executive," the whole order, proportion, checks and balances, provided for by the constitution, will be disordered and confused. The powers of the Chief Executive Magistrate will become augmented by the transfer of powers plainly delegated to the other departments; and his office will thereby become one of overgrown dimensions and of most gigantic and dangerous strength.

In this generic import of the term "executive officers," as contra-distinguished from legislators and judges, and yet including executive officers appertaining to the Legislative, Executive, and Judicial departments of the Government, the act of Congress of 11th September, 1789, "for establishing the salaries of the executive officers of Government," (vol. 2, p. 50,) contains no inconsistency between the title and the body of the act. Gentlemen have argued, because the officers of the Treasury are provided for by the body of this act, under the title of executive officers, that therefore they are executive officers of the Executive department, and the mere agents of the President. But this style of arguing would prove, by the same act, that the judges of the Territories are also executive officers of the Executive department of the Government, and under the control of the President; for this act does provide a salary "to the three judges of the Western Territory."

I hope, then, that I shall be understood when I say that there are executive officers of the Government, who yet are not of or belonging to the Executive department, over whom the President has no control in the discharge of their duties; over whom an attempt to exercise such control, by virtue of his power of appointment and removal, would be a flagrant usurpation.

According to the powers and prerogatives claimed by the President in this protest, and exemplified by the dismissal of Mr. Duane, the Executive department, and the President as the head, claims the whole administrative authority of the Government. He does not confine himself to the political powers delegated to him by the constitution, and enumerated, but he stretches his hand over and grasps all the effective administration of powers delegated to the other departments. Nothing is left to the other departments but to make laws and to decide in the courts of justice. But the President claims to be the sole interpreter of the laws for all executive officers appointed by him and removable at his pleasure; he claims the right to enjoin upon them what he considers their duty requires; and if they refuse, he claims (and has exercised) an unqualified right of removing them for disobedience.

If he has the right to command or require, the duty of obedience is the correlative. Thus, the President claims the right to order the Auditors, and all the officers of the Treasury, to pass and pay a claim or demand. If obedience is refused, he will dismiss and appoint, so as to have his order obeyed. In like manner he may order that a claim be rejected; and, by the same means, enforce his order. Of what use is the constitutional provision that no appropriations of money to raise or support armies shall be made for a longer term than two years? If the President has the custody of the money, and can control the officers of the Treasury, he can control whatever money is in the Treasury. If Cæsar had been the head of the department of the Roman treasury, having thereby the custody and control, it would not have been necessary for him to drive off Metellus by the terrors of death.

Under this unqualified power of control claimed and and exercised over subjects not delegated by express enumeration to the President by the constitution, but claimed under the unqualified power of appointment and removal, what is to prevent him from sending to the marshal a list of grand and petit jurors, when a victim is to be sacrificed? What is to prevent him from saying to the marshal, The bail offered in this case is insufficient, you must not take it—and thereby indirectly depriving the citizen of his liberty, and of the benefits of the provisions of law upon civil and criminal process? The whole administration of justice is drawn within the Presidential power; he may order that the judgments and decrees of the Supreme and inferior courts be not executed. In fine, this claim brings into the vortex of Executive power and control, all the active administrative powers of the other departments, and concentrates the whole in the will of one man. The whole is consolidated in a single individual, and the whole responsibility is melted into one mass, the responsibility of the President. And what is that responsibility? To impeachment. That has long since ceased to be any effective protection to the purity of the constitution. It "is in danger of being lost, even to the idea of it," in England, as has been stated by Mr. Burke; it "has ceased to be even a scarecrow" in the United States, as said by Mr. Jefferson in his day. It has become but little better than a tale to amuse, like Utopiæ, or Swift's Flying island. But, the President says "he may also be indicted and punished according to law;" "is also liable to the private action of any party who may have been injured by his illegal mandates or instructions." This is truly a most marvellous responsibility, a most wonderful protection to the constitution and to individual rights. An indictment, or

a suit against the President of the United States, for illegal mandates or instructions! The illegal act is committed in Maine, or Massachusetts, or in Louisiana, and the President is to be indicted or sued, where, when, and by whom? Is the President to go to this mountain of responsibility, or is the mountain to come to the President? Put this mountain in labor as you may, and it will bring forth nothing but a ridiculous mouse.

No, Mr. President, such is not the theory of our Government. Each officer is answerable for his own acts of commission or omission; the President is answerable only for his own acts of commission or omission. Each officer swears for himself, judges for himself, is responsible for himself to the public and to the individual aggrieved. The constitution provides that the "President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors." The courts of justice hold each officer responsible for his crimes or trespasses or other injuries to society or to individuals. Whether the illegal act has been done maliciously or corruptly, is a question upon criminal process; but mistake does not exempt him from responsibility upon civil process. The courts of justice cannot receive from an officer as excuse for breach of law or neglect of duty, that the President had so ordered: and I trust this Senate has never advised or consented to the appointment of an attorney general, or district attorney, who would advise that an officer was exempt from prosecution, criminal or civil, for an illegal act, upon the mere pretext of a command or instruction of the President.

In making claim to the unqualified power of removal, and the control over all executive officers, the President has alluded to the former power of the King to remove the judges, and to the act of Congress of 1789, establishing the three departments of Foreign Affairs, War, and Treasury, and to the solemn debate on the bill for establishing the Department of Foreign Affairs.

It is true that the King of England formerly had the power of appointing, paying, and removing the judges at his will. Under this prerogative, he did claim the power of directing and controlling the judges in the performance of their offices. Under this power, the King did appoint pliant judges, whose opinions he controlled. He sold decisions in private controversies: he commanded the judges to decide in favor of one party, and it was done: he commanded them not to give judgment, and the judgment was delayed, denied, and deferred, at the will of the King: he convicted and attainted subjects of treason, and plundered their estates: he despoiled corporations of their chartered rights and privileges at his will, and by the forced judgments of his judges. But these proceedings were considered by the nation as enormous abuses of prerogative, and produced those famous provisions in the magna charta of English liberty: "*Nulli vendemus, nulli negabimus aut differemus justiam aut rectum.*" We shall sell to no man, we shall deny to no man, we shall defer to no man, justice or right. And this power of paying and removing the judges at pleasure, was finally taken from the King by act of Parliament. The nation did consider, and yet considers, that the interference with the officers in the discharge of their duties, for the purpose of controlling by the power of appointment and removal, is a stretch of prerogative danderous and alarming to the liberties of the people. It is a maxim, that the King's prerogative extends not to do any injury; it is given for the benefit of the people, and, therefore, cannot be exerted for their prejudice; "it stretcheth not to the doing of any wrong." The King's prerogative is far from being an unqualified power. It is the discretionary power of acting for the public good where the positive laws are silent; if it is abused to the public detriment, "such prerogative is exerted in an unconstitutional manner"—and impeachments have pursued those ministers who so advised and acted. These are the maxims of the British monarchy.

As to the general bills of 1789, establishing the three departments, I have before given the history of the striking out so much of the title from the Treasury bill as called it an executive department, and remarked upon the difference in the enactments, in the Foreign Affairs and War Department, from the Treasury Department. The President has alluded to the debate. That debate was upon the Department of Foreign Affairs. That the result of that debate, connected with the body of the enaction as finally agreed to, do prove the opinion of the Congress, that the power of removal was vested in the President by the constitution, I am willing to admit. I have before so expressed my opinion of the constitution. But the President's inferences are, that the power is "unqualified;" and that the debate and the result prove the Treasury to be an executive department of the political power vested in the President by the constitution. That the power of removal was argued as "unqualified," does not appear; on the contrary, Mr. Madison expressly argued thus: "The danger then consists merely in this: the President can displace from office a man whose merits require that he should be continued in it. What are the motives which the President can feel for such abuse of his power, and the restraints that operate to prevent it? In the first place, he will be impeachable, by this House, before the Senate, for such an act of mal-administration; for I contend, that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust." Others argued in favor of the power of removal, as necessary to the public good, in cases of neglect, infidelity, loss of character, suspicions of intention to betray the public trust, as well as for those crimes and misdemeanors to be reached by impeachment, but which latter proceeding might be too tardy to prevent the mischief intended to be defeated by removal. The debate does not contend for an unqualified power, an arbitrary despotic will, but for a qualified power, connected with the public good.

I find that the causes of removal recognised in England by usage or by statute, are incapacity by age or sickness, or by engagement in other business; want of sufficient estate in the country, or living in an inconvenient part of it; or extortion, or neglect, or misbehaviour. The power now claimed and exercised over Mr. Duane, exceeds the prerogative claimed in the hereditary monarchy of England. The odious abuses of the power of removal abolished by magna charta in England, and fenced against by the constitution of the United States, are here revived over all officers whose tenure is not during good behaviour. The power is asserted, not for the purpose of general supervision, and ensuring diligence, fidelity, and capacity, but for control over their consciences and conduct and judgment; for the very control which was used to sell, delay, and hinder justice and right, and for despoiling corporations and individuals of their franchise and estates.

The provisions of the statutes as to the two Departments of Foreign Affairs and of War, expressly subjected the Secretaries to the directions of the President, with the qualification that they were "agreeable to the constitution;" plainly imposing upon these officers the duties not to obey blindly and passively. These departments related to the execution of political powers vested in the President by the constitution, such as sending and receiving ambassadors, ministers, and consuls, making treaties, &c., and as comander-in-chief of the army and navy. But, as to the Treasury, the title of executive department was not retained, and the officers were not subjected, in any part of their duties, to the orders or directions of the President. Why this marked distinction in the enaction? Because the control of the Treasury was, by the constitu-

tion, committed to the Congress, not to the President; and neither the constitution nor the Congress intended to unite the power over the army and the navy with the power over the Treasury.

But the President alludes to his oath of office. All other officers are sworn to discharge the duties of their respective offices—to discharge faithfully the trusts committed to them; also to support the constitution. There is a difference in the form of the President's oath, which is appropriate to the difference in the nature and duties of the trusts confided.

The liberties of the people have been assailed in other countries and in other times, by the person at the head of the Executive power, commanding the armies, and distributing honors and emoluments. The President was intrusted with these more forcible means, which might be perverted to break and overturn the constitution; therefore, his oath was more specific, to remind him of his duty to support, protect, and defend it. So is the duty of us all.

Does the President mean that this oath of office enlarges his powers?—that his oath invests him with the power to make other men break their oaths? This oath to preserve, protect, and defend the constitution, to the best of his ability," as well as the injunction to "take care that the laws be faithfully executed," do not contain any grant of new powers; they cannot give him power to override the constitution and the laws, and to be the only interpreter of both. The oath and injunction are intended to bind him to a great principle of freedom, established even in limited monarchies: "The laws ought to prevail above the commands of men." "*Rex debet esse sub lege et servare leges.*" The king ought to be subject to the law, be a servant of the law, and execute the law.

But if this doctrine prevails, that the President has a legal ubiquity; that all officers are but his instruments; that he is present and represented in the person of every officer not holding during good behaviour or appointed by him directly or by the heads of departments or others; and that he has a right to command them to do this or not do that; then indeed he has a most fearful power. The laws act or cease to act as he wills; the decision of courts stands still if he so wills. The army and navy, the more numerous array of civil officers, agents, and contractors, registered in the Blue Book, with others whose names are not there, not forgetting governors and judges of Territories, and justices of the peace, all, all are to move at the will of one man. He makes and unmakes at his pleasure: "This is my will and that is your duty—I take the responsibility—obey me, or I dismiss you, and supply your place by one whose opinions are well known to me." Can it be true? Does any free man believe it to be true, that all officers subject to the power of removal, are also subject to the order and direction of the President in the exercise of the duties and trusts which their offices impose, and which they are bound by oath to execute faithfully? Is the President the sole interpreter of the constitution and laws for them? Are they but his "mere instruments" and "agents" of his own choice, to aid him? This prerogative power far exceeds any possessed by the King of England: for there it is an established maxim "that no man shall dare assist the crown in contradiction to the laws of the land." The sacred majesty of royalty itself cannot absolve the officer from his oath and his responsibility to the laws. Our officers are officers of the law, not of the President; our government is a government of laws, not a government at the will of one man. Our officers of the army, down to the non-commissioned and even the private soldiers, are required by law to take an oath to support the constitution of the United States; to bear true allegiance to the United States; to serve them faithfully and honestly "against all their enemies and opposers whatsoever." The officers of the army and navy understand that the order of the President of the United States cannot protect them from their responsibility to the constitution and the laws; every civil officer knows that his oath and his bond are not to be satisfied with an order from the President.

A Roman emperor wished the necks of all the citizens of Rome united in one, that he might strike off their heads at a blow. The President has united in one, the necks of all the holders of offices and places by his appointment, either immediately or mediately, throughout the whole Government, from the highest to the lowest, (except the judges and those appointed by them,) not indeed for the blood-thirsty purpose of striking off their heads, but, that they shall live, and move, and have their being in his will, and subserve his purposes. This is against the genius and frame of our constitution.

One of the great securities for liberty consists in the division of the powers of government, in distributing them to different departments, and to plurality of persons in the same department. Thus safety in Legislation is consulted by having many Senators and many Representatives. Safety in the Judicial department is consulted by having a plurality of judges. The errors, deficiencies, mistakes, prejudices, or partialities of one, may be supplied, corrected, countervailed, and checked, by the assistance of his fellows. So the safety in the Executive department, consists in distributing the powers into numerous compartments, assigning portions to each, so that no one shall exercise a dangerous power, subjecting each officer, by oath and by duty, to a personal responsibility, and to the law; whereby a government of laws is created, and not a government at the will of one man.

An elective monarchy was not the government our forefathers fought for and established. They intended to establish a free representative republic, with checks and balances, to prevent the encroachments of arbitrary power. They did not rely upon the judgment, prudence, and goodness of one man to preserve, protect, and defend their constitution and their liberties. The best and the wisest often err, the perverse and foolish always. They did not, in framing the constitution, trust to what a Moses, or a Samuel, or a Washington, would do; but they looked back to history, to what men had done, to the claims of power and prerogative which they had resisted by the war of the Revolution, and intended to secure against that which may come into the fancy of a furious, or wicked, or ambitious man, who might attempt to usurp a supreme power.

Whence did the writers of this protest derive their notions of unqualified power, of responsibility of officers to the President, of his responsibility for them, and his custody of public property and money, as "an appropriate function of the Executive department in this and in all other governments?" Not from elementary treatises upon free governments and civil liberty. Not from the pure fountains of American constitutions. Not from the writings and speeches of the patriots and sages who have been distinguished in the United States in settling the foundations of the State and Federal Governments. The custody of the public property and money "has always been considered an appropriate function of the Executive department in this and all other governments." What a reckless assertion! If they had looked into the American constitutions, they would have seen that the State treasurers are elected by the State Legislatures, and are independent of the control of the governors. In the number of the States so electing their treasurer, they would have found the examples of the good old thirteen States who achieved the Revolution and established the constitution of the United States, as also many of the States who have since been admitted into the Union. They might have learned from the speeches and writings

of the wise and virtuous of ancient and modern times, that no government is well constituted "unless the laws prevail above the commands of men;" that they are accounted but little better than brutes who do not prefer a government of laws before the fluctuating, irregular will of one man.

They must have studied the dark ages of high-toned prerogative, of non-resistance, and passive obedience, and become infected with the divine right of kings, and enamored of the writings of Fillmer and such like. The President who can assert, before the Senate and the people, such claims to the custody and management of the public property and money, coupled with such claims to obedience from the civil officers, must be ill advised, or so intoxicated with adulation and love of power as to have overlooked the elementary principles of civil liberty and the spirit of the people. When I examined the protest and the doctrines asserted, I was startled and amazed at their extravagance.

When the excitement of the times shall have subsided; when the finger of history shall point to this protest, and an impartial, enlightened posterity shall judge it, the doctrines it contains will be stamped with reprobation. I have confidence in the people of the present day, that they will not prove themselves to be degenerate sons of a free and spirited ancestry; that they will preserve the inheritance of constitutional liberty, and transmit it, unimpaired, to their children.

I feel no pleasure in dissecting this protest. I gave to General Jackson a zealous and an early and continued support, against fearful odds in the circle in which I moved. I sincerely desired, that to the military wreath which adorned his brow, a civic garland might be superadded. He has done much service to the state in time of need. I desire that his hoary head and tottering frame, to which he has alluded, may go down to the grave in peace. But I am not content, as a tribute of gratitude to his military services, that he shall be master over the constitution and liberties of his country. I pray that no storm may come to teach him a lesson by its terrors and distractions. I pray that he may learn from his calm and sincere friends, before it is too late to profit by the knowledge, that there is on ever-during difference between the firm friends to the constitution as well as to his personal fame, and the slippery sycophants of a court.

But the protest says the Secretary of the Treasury is "the mere instrument of the Chief Magistrate in the execution of the laws, subject, like all other heads of departments, to his supervision and control. No such idea as an officer of the Congress can be found in the constitution, or appears to have suggested itself to those who organized the Government." "No joint power of appointment is given to the two Houses of Congress; nor is there any accountability to them as one body." Here the President seems to consider that responsibility follows the power of appointment, as the shadow does the substance. And because there is no such idea as an officer of the Congress, and no appointments by the Congress, as one body, therefore there is no accountability to Congress. Now the idea of an officer of the President, the mere instrument of the Chief Magistrate, is not to be found in the constitution; nor in the suggestions of those "who organized the Government." They are all officers of the United States, officers of the Government, officers of the law, responsible to the Government and the laws. And if the President makes out their responsibility to him, as he has claimed it, he must make out that he is the Government, the law, and the prophet.

Who advised the President to this protest? I cannot believe it to have received the advice and countenance of a council of the heads of departments. The Secretary of State, Mr. McLane, has a high and honorable reputation for talents, integrity, diligence, and firmness. His well-tried public services recommended him to the confidence of the President and of the public. The Secretary of the Treasury, Mr. Taney, I have long known as holding rank among the foremost of the profession of the law in his native State. I esteemed him for his virtues. He came into the public councils with a reputation for talents and integrity fairly earned and richly deserved, as I believe. With the Secretary of War, Mr. Cass, I became acquainted in 1807: I then esteemed him for his social qualities, and admired his talents as of a high order: I have never ceased to esteem him, from my first acquaintance to this day: his acquirements and the qualities of his heart and his head have risen in my esteem. Of the Secretary of the Navy, I need only say he was of the Senate; his capacity and fitness for the office met my hearty advice and consent.

Of the Postmaster General, Mr. Barry, I can speak from an intimate acquaintance of thirty years. Many honors had been conferred upon him by the people, by the Legislature, and by the Executive of Kentucky. By the people he was elected, repeatedly, a representative in the State Legislature, Lieutenant Governor, and Representative in the Congress. By the Legislature he was elected a member of this body. By the Governor of Kentucky, with the advice of the Senate, he was appointed first a judge of the general court, then the Secretary of State, and afterwards a judge of the supreme court. He was appointed by Governor Shelby one of his aids, and was by his side at the memorable battle of the Thames. Through all these successive employments he has passed with reputation. He has risen by the rich powers of his mind and the qualities of his heart. In the proud conflicts of intellect with intellect—in the sharpest contests for the powers and influences of the State Government—he maintained a lofty and honorable bearing. So he came into his present official station. If he appears now under a cloud, that cloud has been thrown over him by the workings of an interior, invisible, irresponsible cabal, who, taking advantage of his unsuspecting nature and the goodness of his heart, (for he cannot find it in his heart to will an injury to any human being,) have thrown a responsibility upon him for that which they themselves contrived. But my confidence in him induces a belief that he will emerge from the cloud and shine again by the light of his own proper virtue and intellect.

Of the Attorney General, Mr. Butler, I can only say that he came here preceded by a good report of his qualifications for the office.

The estimation which these men had acquired in their country, the good opinion and confidence of their fellow-citizens, acquired by the general tenor of their actions, appear to me to be no mean pledges to the public that they would not betray the trusts committed to them in the high offices which they now hold.

I do not, therefore, suffer myself to believe that a council composed of these men, if left free to consult their own reason and judgments, could have consented to such doctrines as are set forth in the protest, or advised the President that such prerogatives belonged to him by the constitution and the laws. In tenderness to the President, I must believe that, if left to himself alone, or to the advice of these heads of departments in council, according to the usage established by his predecessors, he would not have asserted such arbitrary doctrines as consonant with the spirit or the letter of our happy constitution. I am compelled, then, to ascribe these doctrines, not to the visible, responsible cabinet, but to the workings of an irresponsible, interior, back stairs influence, called, in courts, cabinet double. Wheresoever and whensoever such an interior double cabinet shall prevail, selfish, cunning men will creep in: the affairs of the Government will be conducted on the plan of court favoritism, for the benefit of the receivers of salaries, jobs, and contracts, and not upon any great principles of policy to advance the general pros-

perity of the people. The partialities and prejudices, the policies and intrigues, of the back stairs influence of the interior irresponsible cabal, will produce the most inconsistent measures and principles. The double cabinets in England have produced fickle, fluctuating councils and orders, to the disgrace of the administration at home and abroad. Such results must always happen from like causes. The cabinet who stand responsible in the eyes of the people, must break up the influence of the irresponsible corps, or come out from the administration, or be disgraced. If they remain, and consent to serve their inferiors, then they will be in the awkward predicament of standing god-fathers for odious measures, and of advising the President to principles in office to which he was opposed before he came into office, or as serving, after the loss of influence, for the gross emoluments of servitude.

The powers and prerogatives claimed by the protest, united to those powers delegated by the constitution to the President, will leave us the substance of an absolute monarchy, disguised by the forms of a commonwealth. A writer, deeply read in ancient and modern history, who had studied the liberties of Switzerland, and of England, examined the foundations of civil liberty, and traced the causes of the decline and downfall of Roman liberty, has given us the definition of a monarchy, and the necessary elements for the protection of the public liberty. He says: "The odvious definition of a monarchy, seems to be that of a state in which a single person, by whatever name he may be distinguished, is intrusted with the execution of the laws, the management of the revenue, and the command of the army. But, unless public liberty is protected by intrepid and vigilant guardians, the authority of so formidable a magistrate will soon degenerate into despotism."

And what have we come to in these days? A single person, intrusted with the execution of the laws, with the command of the army and the navy, has laid claim to the custody and management of the public revenue and public property. He now manages the public treasury, which is continually replenishing under a permanent enactment of taxes, by a system of his own; by the power of his veto; the voice of two-thirds of each House of Congress is necessary to repeal the taxes or take the custody and management out of his hands, or to enact any system against his will. Add to this the doctrine that his power of control, by means of appointments and removals, is unqualified, that civil officers and all receivers from the public treasury by salaries, jobs, and contracts, amounting to a very large number, are given to understand, by the practice, that they are required to move in concert with the plans of the court party, and we may truly say, that intrepid and vigilant guardians are necessary to protect the public liberty from the authority of a magistrate so formidable. I thank my stars, that cast my destinies in a land of liberty, that I am as yet free to raise my voice against the insidious sappers and miners of the foundations of free government; that I have compeers more powerful in argument and not less resolute in opposing those assaults upon the constitution. The great interests of the country have been deeply affected, disordered, and broken in upon by the mere act of the Executive. The multitudes of sufferers, writhing under the tortures thus inflicted, attest this representation by their memorials day after day presented to the Congress. And, as yet, I see no remedy. The withering influence of the Executive power is still exerted.

It is not necessary to a despotic power, that the old forms of a free government should be demolished. Another writer, of great learning and research into history, has given us an account of the Roman empire, after Augustus had established in himself a despotic power. "As consul, he was first executive magistrate, (so is the President.) As tribune, he could suspend all proceedings of the Senate, (so can the President, by his veto, suspend legislation not suited to his will.) As censor, he was the fountain of honor—could promote or degrade, (so can the President, by the power of appointment and removal.) As imperator, he commanded the forces by sea and land, (so does the President, and he commands the treasury and an army of civil officers and receivers from the treasury.) The republic retained its forms; there were meetings of the senate and assemblies of the people; laws were enacted, and elections made; affairs proceeded as usual, in the name of the proper authorities—the consul, the censor, the augur, the tribune of the people; but he himself acted in all these capacicties, dictated every resolution in the senate, and pointed out every candidate who was to succeed in the pretended election. To constitute a despotic power, it was not necessary to introduce any new forms of office, nor to assume the name of dictator. The union of the offices of consul, tribune, censor, and head of the army and navy, was sufficient."

Octavius, surnamed Augustus, most reluctantly would accept the power of dictatorship, (so is the modesty of all ambition in its first shoots,) for ten years only; but, by successive elections, retained it during his life. His successor retained the power, without the formality of the decennial elections. Precedent never fails to transmit to the successor the power by a surer title. And an effort is now making, by the force of Executive influence, to appoint the candidate who is to succeed to the office of President.

By a letter from a friend who was at the convention in one of the States, and who vouches the truth of the statement enclosed, an instructive lesson is taught, in characters too legible to be overlooked, that the patronage of Government is brought into conflict with the freedom of elections. This convention was for the purpose of concerting means for unity of action as to the next Presidency and Vice Presidency.

The members of this convention consisted of 177 persons, of whom 106 were Federal and State office-holders, and only 71 not holding office. This convention appointed committees of correspondence in nineteen congressional districts: of these committee men, amounting in all to fifty-two, thirty were office-holders, and only twenty-two holding no office. Of the thirty-six, sixteen were quartered upon the Government of the United States, the other fourteen, State officers. A State central committee was appointed for managing the affairs of the election, consisting of nine members, seven were office-holders and only two private citizens; and of the seven, five were officers of the United States. Thus, throughout the whole machinery, the holders of offices and jobs were the majority; and in or for the governing power of the system organized by the convention to operate upon elections, the majority is composed of officers of the United States. This is but a branch of the general system of the ruling dynasty, which is to be generally diffused through the United States, to appoint the successor to the Presidency, and perpetuate the places and interests of the office-holders and receivers from the public revenues: to point out (as Augustus did) every candidate who is to succeed in the pretended elections: to receive the voice of public sentiment, as manufactured in the interior cabinet in Washington, and return it in echo.

Such a system, in the hands of men holding office at the will of one man, who claims an unqualified power of removal, is in conflict with the freedom of elections, corrupting to the morals of the people, and dangerous to the existence of free government. Elections will be made to turn upon the question of support to the administration of the Federal Government. The administration candidates will be put up and supported by the office-holders and the patronage of the Government—members will be

elected who are to be pledged or averred to be pledged in advance, to support all measures of the President, known and unknown, proposed or to be proposed, (like those who swore to *et ceteras*,) whereby those who are the natural checks upon the power of the Executive do but swell the train of his retainers. Have we not seen, in the elections to the Legislature of an adjoining State, administration candidates backed by the patronage and influence of the Federal administration? looking to the election of a Senator of the United States to support the administration, rather than to the great interests of the State and State legislation? Have we not seen many other examples in the States of like character? It will require time to corrupt the great body of the people. But this deadly poison to our institutions will, in process of time, be circulated through the whole system, unless the people apply the antidote. The people of Ohio have manifested a movement to oppose the system of the office-holders, and to assert their just rights and proper weights in elections. It is devoutly to be wished that they will counteract the movements of the self-created guardians of their suffrages, and that resistance to arrogant assumptions elsewhere will be successful.

The President has been made to say, that the resolution of the Senate is a judicial proceeding, an impeachment; that he has been accused and found guilty, and convicted by less than two-thirds of the members present, and without a hearing. I regret that the President of the United States, occupying such an elevated position, should have put his name to such a paper. The Senate have done no act which bears the form of a judicial proceeding; no judgment of conviction, no award of punishment, no disability, is declared or adjudged or ordered. The President has labored to prove that the resolution convicts him of an impeachable offence, because it does not expressly acquit him of impure motives. The resolution of the Senate does not charge any traitorous design, or corrupt motives. And if the President, who best knows his own motives, chooses to connect with the transaction, impure motives, as impelling him to those acts, I reply, "*Qui capit ille facit:*" He who takes the imputation, makes it. The resolution of the Senate has not made it. In treason, the traitorous design must be charged as well as the overt act. In high crimes, the corrupt motive, the malice premeditated, must be charged: in misdemeanors in office, the *mala fides* must be alleged. An accusation not founded on such allegations would be insufficient. No judgment of conviction, based upon an accusation void of such averments, ought to be pronounced, and no punishment would be inflicted in a judicial proceeding. Judges Chase and Peck were acquitted by the high court for the trial of impeachments, because the corrupt motive was not fixed upon the accused. Judge Peck had, under color of his office, imprisoned a citizen, and suspended him from his rights and privileges and business, as an attorney of the court. These high-handed, arbitrary acts of the judge were without authority of law. Yet he was voted not guilty of a crime or misdemeanor in office, because the wicked and corrupt motive was not fixed upon him. I was not a member of the court of impeachment, because I was absent by sickness until part of the evidence had been given. But I was informed by my honorable friend from Tennessee, [Mr. WHITE,] and by others, that they did not accord to the judge the powers and doctrines of contempt which he had assumed, but they voted him not guilty of the impeachment, because they were satisfied the judge really believed he was exercising only lawful powers, although such opinion of the judge was a great mistake of the law. There the bad motive was not inferred from a most oppressive, illegal assumption of undelegated power; it was required that a sin against light and knowledge, or from bad motive, should be brought home to the accused. In voting for the resolve of the Senate, I did not mean to impute what was not charged, either the light and knowledge or the corrupt motive. I can sincerely say, "Lord forgive him, he knew not what he did." Even towards the interior invisible cabinet, who advised and brought about the measure, I am charitably disposed to think, they did not foresee the extent of the mischiefs necessarily to flow from their counsels and machinations. The agent selected by the President to confer with State banks, says in his correspondence, and the President repeats in his manifesto, that the funds of the Government will not be annihilated by being transferred. They will immediately be issued for the benefit of trade, and if the Bank of the United States curtails its loans, the State banks, strengthened by the public deposites, will extend theirs; what comes in through one bank will go out through others, and the equilibrium will be preserved. The President verily believes the bank has not the power to produce the calamities its friends threaten. But now, alas! when the calamities have visited the great interests of the people, we are told the bank has produced them. How grievous to the community, that the President did not listen to the counsels of Mr. Duane, the Secretary of the Treasury, and such like "friends of the bank," rather than to the deceitful nostrums of mountebanks, and the whisperings of tinkers and pedlers in politics, dealing in court favor, and in slanders upon the Senate and House of Representatives.

How unfortunate that the President, before he condemned the directors and inflicted the punishment on the bank, was not reminded of the golden rule, "Hear the accused before you punish," now so eloquently pleaded in his behalf. The Senate have not passed their resolve touching the conduct of the President, without hearing him. We proceeded upon his own statements, his own acts, his own words, his own communications, and upon the arguments of his own attorney, "his instrument," as he calls him; and if he has been convicted of error, out of his own mouth is he convicted. We have proceeded upon undisputed facts, not collected from secret informers, but proclaimed by himself, notorious to the millions suffering under the effects of his misguided policy. The facts are matters of indelible history, the deduction and conclusions of the Senate from those facts are before the public; the censure and the praise will be bestowed where it is due, by the intelligence of the public, now and hereafter.

But the protest rebukes the Senate as having overleaped the boundaries assigned to them by the constitution. It is said they did not act in their judicial character, as a court of impeachment, nor by any executive powers conferred on the Senate; that the resolution asserts no legislative action, possesses neither the form nor attributes of a legislative measure, but is a prejudgment of an impeachable offence and a disqualification of the Senators to try an impeachment if preferred by the House of Representatives for the same matters. That the Senate, in passing the resolve, did not act as a court of impeachment, that it possesses neither "the form nor any of the attributes" of the process of a court of impeachment, I readily grant; but that it asserts no legislative power, or has no view to legislative result, I utterly deny. Moreover, I utterly deny that the powers of the Senate are circumscribed and limited to the crippled, impotent mode of action supposed in the protest.

If the whole body cannot express an opinion upon the conduct of the President, nor of other officers, because it is the trier of impeachments, then no individual member can express himself in debate in disapprobation of the conduct of the President, or any other officer. For the objection that the body had disqualified itself as the trier of an impeachment, by prejudging the conduct of an officer who might be impeached for that conduct,

would equally apply to each individual member who might in debate disapprove the conduct of an officer. Such a construction would convert the power of deciding impeachments, which is a power superadded to their other powers, enjoyed in common with the House of Representatives, into a curtailment and crippling of the powers expressly delegated to the Senate. When sitting as a court of impeachment, a new and particular oath of office is prescribed by the constitution. No challenge of a Senator is allowed because of opinions before expressed, any more than a challenge of a judge on the bench for opinions before delivered. As a court of impeachment, the Senate pass a judicial opinion, and if the accused is convicted of an impeachable offence, a judicial sentence of punishment is pronounced. A legal and effective consequence follows the judgment. But the expression of an opinion upon the conduct of an officer not impeached, can have only a moral effect and consequence. This moral effect to restrain public officers within proper bounds, properly belongs to the powers of the Senate. The House of Representatives are under no obligation to impeach for every departure from the line of duty. Every aberration from duty, every assumption of power, by an officer, does not necessarily amount to a high crime, or high misdemeanor in office. The Senate, as a part of the Legislative department, have a right to guard their own powers of legislation from encroachment by the Executive, by interposing a moral effect and restraint; by exerting their political powers, by declaring their sense of the boundaries of the Legislative, Executive, or Judicial departments; although their judicial power is not called into action. Such political action, short of their judicial power, is one of the checks and guards against disorders and aggression properly resulting from the structure of our Government, and so intended.

As the act of Congress giving a discretionary power to order the deposites not to be made in the Bank of the United States required the reasons to be reported to Congress in case that discretionary power was exercised, the message of the President and the report of the Secretary assigning the reasons for the removal, necessarily called upon each House of Congress to approve or disapprove. The general command of the law was, that the public moneys should be deposited in the Bank of the United States; but a special authority to suspend the execution of this general command, has been delegated by the Congress to the Secretary of the Treasury, the financial agent of Congress. The message of the President and the report of the Secretary, informed us that the execution of the general command of this law had, in the recess of Congress, been suspended. Whether the special authority to suspend the execution of this law, delegated by Congress to another, had been pursued, or transcended, was presented for the consideration of the Senate. Such suspension of the execution of law, made, not by the Legislature, but by another power, necessarily involved three considerations. First: the person to whom the special authority to suspend had been committed. Secondly: Whether that special authority had been exercised by the person or officer to whom it was delegated, or by some other, to whom it had not been intrusted. Thirdly: The existence or non-existence of the reasons for suspending the execution of the law contemplated by the Legislature in the delegation of the authority.

The delegation of the authority was confided especially to the Secretary of the Treasury. If the suspension of the law by the removal of the deposites, had been effected by the Attorney General, that suspension of the command of the law would have been palpably contrary to the authority delegated by the Legislature; and it would have been within the power of the Senate, and its duty, to disapprove the removal for that cause. The insufficiency of the reasons, and the want of competent power in the person for doing the act, were both within the proper powers and deliberations of the Senate. The fact was notorious, by the manifesto of the President, and the publication thereof by his authority, that the removal was ordered by him; that proclamation of the President is acknowledged by his response to the Senate; the fact of removal by the President's command is confessed. The resolution of the Senate belonged to their legislative power; it looked to legislative action; it looked to the restoration of the law to its proper vigor—to its unrepealed and existing authority; and if the executive and administrative faculties of the Government had been in sound and healthy action, the deposites would have been restored in consequence of the resolution of either House disapproving the removal. For the act of 1816 is not repealed—it could not be repealed, but by the assent of both branches of the Legislature. The refusal of either branch to repeal, would leave the enacted law in force. So the refusal of either House of Congress to approve the reasons for suspending this law, left that law in force, and ought to have awakened the Secretary of the Treasury to the restoration and observance of the law.

The resolution of the Senate does assert the legislative power of the Congress over the public Treasury, by denying to the President the custody, control, and management, as exercised and asserted in his late proceedings, in relation to the public revenue. It cannot be admitted, as the theory of the constitution, that the President of the United States can take into his custody and management the public money, devise a system of financial operations and agencies, and hold on until, by a concurrent vote of the two Houses of the Legislature, a limitation upon his system and a dispossession of his agents shall be devised, in a form which shall meet his approbation; or, if not, shall command the concurrence of two-thirds of both Houses to overrule his veto. The powers over the public Treasury are expressly delegated to the Congress. The Senate of the United States is one branch of that depository of power—one of the trustees and guardians of the public purse. The constitution has distributed the powers of the Government between three departments—Legislative, Executive, and Judicial; and has delegated to each its appropriate powers by enumeration. If the Chief Magistrate endeavors to subvert this distribution, if he overstrains his powers, and trenches upon the powers delegated to the Legislature, the Senate, as a component branch of that Legislature, have the right and are in duty bound to resist such encroachment, and to maintain their powers and authority. To be supine, to throw the whole watch upon the House of Representatives, would be unworthy of the Senate, an abandonment of their trust, a disregard of their oaths, and treachery to the constitution. When the distribution of the powers of the Government is assailed by the Chief Executive Magistrate—when the public faith is brought into question—when the essential principles of free government are assaulted, shall the Senate look on the conflict, connive by slothful indifference, and be silent as if turned to stone?

When Great Britain overleaped the boundaries of the constitution, when the King stretched and abused his powers and prerogative, to the detriment of the rights of the colonies, our forefathers did not remain silent and inactive in their colonial assemblies. They declared their rights by resolutions; and the spirit and courage of the people maintained those rights.

The liberty now enjoyed in England has been preserved by the House of Commons in resisting the encroachments of the powers and prerogatives of the monarch by spirited resolves, and by refusing to vote the moneys to support government, until power was in the hands of persons acceptable to the people, or while factions predominated in the court. Out of the many examples which parliamentary history furnishes, I shall content my-

self with reference to two: In 1604 the Commons voted that they were free to guard against the encroachments of arbitrary power—free to preserve the liberties and property of the subject. In 1621 the Commons resolved, "that redress of mischiefs and grievances which daily happen in this land, are proper subjects and matter of counsel and debate in Parliament; and that in the handling and proceeding of those businesses, every member of the House hath of right, and ought to have, freedom of speech, to propound, treat, reason, and bring to conclusion the same; and that the Commons in Parliament have like liberty and freedom to treat of those matters in such order as in their judgment shall seem fittest," &c. This resolve was highly offensive to the King, and he sent his letter missive to the Commons. All such like resolutions condemning the acts of the ministry, and censuring the encroachments of executive power, were taken in ill part by the King, but the Commons and the people ultimately prevailed.

The two Houses of the Congress, and the members individually and collectively of each House, are sentinels placed by the constitution in the watchtowers of liberty, to sound the alarm when the ramparts are assaulted, and to summon the people to the defence.

To receive and record the protest of the President would be to countenance, in a degree, the dangerous doctrines it is intended to inculcate. It would be establishing a precedent in favor of the Executive interference with the freedom of the proceedings of the two Houses of Congress.

This message falls within no description of powers given by the constitution or the laws to the President, for his intercourse with the Congress. It communicates no nomination to office, no treaty, no measure for legislative action, no information touching the state of the Union, recommends no measure judged necessary or expedient for Congress to legislate for the general welfare, but it is in name, face, and character, a protest against a proceeding of the Senate, and a Presidential rebuke of the body. I can neither consent to enlarge the prerogative of the President, nor to give the message a place on the Journals, to be quoted in after times, either as a precedent for interference with the deliberations of either of the two Houses of Congress, or by his successors in favor of the all-absorbing powers of the Executive.

Precedents are seized with avidity to support Executive power, but weigh nothing when opposed to arbitrary will. Junius has given an impressive warning never to suffer an invasion of the constitution, "however minute the instance may appear, to pass by without a determined, persevering resistance. One precedent creates another. They soon accumulate, and constitute law. What yesterday was fact, to-day is doctrine. Examples are supposed to justify the most dangerous measures, and where they do not suit exactly, the defect is supplied by analogy." The disposition to justify the workings of arbitrary power by precedents and forced analogies, is exemplified in the quotations resorted to by the President, and the supporters of his measures. The example of a former Secretary of the Treasury, (Mr. Crawford,) in relation to the deposites of the public moneys, has been referred to as justifying the removal of the deposites in the case under consideration. But even in this instance, the authority conferred on Mr. Crawford by a joint resolution of both Houses, for the purpose of inducing the State banks to resume payments in specie, is overlooked. The actings of the former Secretary, in cases which did not depend upon his sole will, but requiring the concurrent acts and volition of the banks, are by forced analogy made to justify the act of the Secretary in a case depending upon his sole will. An act done in pursuance of authority, is cited to justify an act done by breach of law.

Another example cited, is the message of President Washington, nominating a collector of Charleston. The Senate rejected the person first nominated; the President nominated another, (not a re-nomination of the person rejected,) and gave his reasons for the former nomination, with kind suggestions, that he supposed the Senate refused their assent for the want of information of the person and his character; and it might conduce to mutual convenience, and the ends of justice, if the Senate would in future ask the President for information where the persons nominated were unknown to them. This suggestion has been followed ever since. President Washington did not rebuke the Senate; he did not persist in his first nomination; he acquiesced in the authority and decision of the Senate, manifesting his respect for that decision by nominating promptly a different person for the office. It is to be regretted that this example of President Washington has not been imitated by President Jackson.

The example of the House of Representatives of Pennsylvania has been cited in receiving a communication from Governor McKean. Articles of impeachment against the Governor had been reported by a committee. The House refused to concur with the committee, and rejected the articles of impeachment. The response of the Governor to the articles reported against him was received by the House. This act of that body in receiving the message of the Governor, in accordance with their own decision, has been cited to induce the Senate to record a message rebuking them for their decision, and persisting in the conduct and assertion of powers complained of in the resolution.

In furtherance of the Presidential rebuke and threatening of the Senate with the chastisement of the people, the case of Mr. Wilkes's expulsion by the House of Commons of England, and his support by the people, have been alluded to. In this I do see some analogy between that which has happened in England, and what has happened, and may happen, in the United States. I will state the case. Mr. Wilkes was a member of Parliament, and in opposition to the administration. The ministry prosecuted and convicted him in the King's bench, for printing and publishing what they called, and they adjudged, a seditious libel, and three obscene libels, and outlawed him. The ministry, no doubt, did this "as necessary to preserve the morals of the people" and "the freedom of the press." On the eve of a general election for the next Parliament, Mr. Wilkes appeared in public, the outlawry notwithstanding, and was elected a member of Parliament by the votes of the county of Middlesex. That Parliament, by the ministerial majority, expelled him for the seditious libel and the three obscene libels for which the King's bench had convicted him, and also for having written a preface to a letter which had been printed in the public papers, which they also called "an insolent, scandalous, and seditious libel"—and thereupon a writ of election issued. No doubt the ministerial party did all this "as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise!" The voters of Middlesex, however, unanimously re-elected Mr. Wilkes. The ministerial party voted that the former expulsion rendered him incapable of being elected a member of that Parliament, and another writ of election issued.

The voters of Middlesex again unanimously re elected Mr. Wilkes. The ministerial majority again declared the election void, and issued another writ of election. The voters of Middlesex again unanimously re-elected Mr. Wilkes. The ministerial party again declared the election void, and ordered another election. Notwithstanding the various resolutions of the House, Mr. Wilkes was elected the fourth time to the same Parliament, by a very large majority. The King's party again declared the election of Mr. Wilkes void; but Mr. Lutterell, the ministerial candidate, in this last election, had received some

votes; whereupon, the poll-book was ordered to be brought. All the votes given to Mr. Wilkes were, for that cause, declared null and void. As Mr. Lutterell was the next highest on the poll, they ordered the return to be amended, by striking out the name of Mr. Wilkes and inserting the name of Mr. Lutterell; and so the ministerial party took Mr. Lutterell to their bosom. Now, all this was done, no doubt, by the ministry, "as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise!" But the people of England would not believe that Mr. Wilkes was so pursued and punished by the court party, for the indecency of his publication, or his dissolute conduct; because they beheld persons loaded with court favor, countenance, and patronage, who were not only generally scandalous in their lives, but guilty of similar and more scandalous libels and seditions than those for which Mr. Wilkes was punished. The point to be gained by the court party was, to establish a precedent tending to make known "that the favor of the people was not so sure a road as the favor of a court, to honors and trusts." Thus we see, that, as the hatred of the court party pursued Mr. Wilkes, the countenance of the people protected and supported him. A spirited resistance to the appearance of lawless power, and an independent contempt for the abuses and intrigues of the court, carried the voters of Middlesex to a degree of enthusiasm in support of Mr. Wilkes, enlisted the talents of Junius and others, and the sympathies of the people. So it happened in England. In the United States, it has happened that the President has assumed upon himself the responsibility of removing the deposites of the public moneys from the places appointed by law, and of taking the custody and management of them under his own control, "as necessary to preserve the morals of the people, the freedom of the press, and the purity of the elective franchise." We have seen some men, not remarkable for purity of morals, nor for abstaining from bringing "the patronage of the Federal Government into conflict with the freedom of elections," nor for the decency of their publications and presses, loaded with the patronage, favor, and countenance of the President and his party. We have seen his protest, and his philipic against the Senate, for opposition to his views of his constitutional powers and duties; he has threatened us with the dangers of a new modelling of this body; and he has appealed to the people of America. How the people of the States will decide upon these matters, we are yet to learn. I cannot suspect that they will so act as to induce their representatives to believe "that the favor of the people is not so sure a road to honors and trusts as the favor of a court." The elections to the Senate are established upon solid foundations; upon the sovereign reason of the people, deliberating in their respective State Legislatures.

Now, I will take occasion to refer to a few examples, (of which many more are recorded in history,) to warn us against the insidious approaches of selfish ambition, and the march of usurpers to arbitrary power. Marius and Sylla made fair promises at first, but seized the despotic powers of Government afterwards. Julius Cæsar degraded the dignity and authority of the Senate, to pave the way to sovereign power. He introduced into the Senate his retainers, soldiers, and followers. He harangued the Senate, said he had never affected extraordinary honors, or illegal powers; talked of peace, equity, and justice, and immediately after broke into the public treasury and carried off the money to procure the men.

Otho appealed from the Roman senate to the prætorian band—by them, and the populace whom he had courted and corrupted, he was proclaimed prince, triumphed for a while over the institutions of his country, but died by his own sword.

Octavius, surnamed Augustus, remoddled the senate, but destroyed their independence and the principles of free government, by subjecting them to his nomination. He pretended solemnly to restore the senate and the people to their rights: he professed to lay down all his power and authority, to mingle with his fellow-citizens in the crowd, and "to share with them the blessings which he had obtained for his country." Yet, by artifice, he got it all confirmed to him by the people and the senate. He got into his own hands all the jurisdiction of the several officers of State, and a despotic monarchy was established in him by law. He would consent to receive the sovereign power for ten years only, but, at the expiration of that term, accepted it for ten more, and in this manner retained it all his life. His successors had the empire settled on them without limitation. Power assumed, does not willingly relax its grasp, and is transmitted to successors by a surer title. Bonaparte expelled by force of arms the Council of Five Hundred. He said, "France wants me more than I want France." Many other examples might be cited from history, in which the people, by fair pretences, have been cheated, flattered, and soothed into a confidence and death-like slumber, fatal to their rights and liberties.

In conclusion, Mr. President, it has appeared to me, that the question of the removal and restoration of the deposites is not a question of the bank or no bank. I am no advocate of the bank, nor of the banking system. But it involves a question of good faith, truth, and justice. To excuse the transaction, the most alarming and arbitrary doctrines have been practised upon and openly avowed. The honest opinions of the people against the constitutional power of Congress to establish the bank, and honest antipathies against the policy of such an institution, have been seized upon to blind them to the exercise of executive powers in like manner unconstitutional and much more dangerous.

To flatter and deceive the people into the support of bad faith, and injustice, and falsehood in the Government, is to their ruin. In the virtues of good faith, truth, and justice, the whole safety of the people consists. Without these, the constitution would be but wax in the hands of the rulers; the representatives would be but tools for knaves to work with; the ligament of the representative to the constituent would be dissolved; the people would be subjected to the will of one man, and the sovereign reason of the world and the imprescriptible rights of man be melted and moulded by the passions, caprices, and artifices of a few cunning, weak, and giddy favorites of a court.

If the abuses and assumptions of authority are not to be subjects of free inquiry and resolves in both Houses of Congress, because they may touch the Chief Magistrate; if the power and the will of Congress to control the administration of the finances, to regulate the conduct of public officers, and to check the encroachments of Executive power, is lost; if the right of the Chief Executive Magistrate to interpret the laws for all subordinate officers throughout the whole executive management, and to require and enforce obedience, be conceded, then the essential principles of free government are lost, every valuable part of the Government is lost, the Congress is sunk into comparative insignificance, and the constitution not worth preserving. If the claims of power in the protest be admitted and sanctioned, we will have a despotic Government, under the forms of a Commonwealth. Believing that such doctrines as are set forth in the protest, in precept and example, are at war with the constitution and tend to uproot the foundation of all free government, I conjure the Senate to reject such arbitrary principles, and to stand forth in support of the constitution, and in defence of the liberties of the country.

The Senate then adjourned to Monday.

MONDAY, APRIL 28.

PROCEEDINGS IN VIRGINIA.

Mr. TYLER presented the preamble and resolutions of the young men of Richmond and Manchester, in the State of Virginia, disapproving of the measures of the Executive in relation to the transfer of the public moneys from the Bank of the United States, and highly approving of the course taken by the Senators of Virginia—JOHN TYLER and BENJAMIN WATKINS LEIGH.

Mr. T. observed, that the resolutions spoke for themselves, and in precise terms. They manifested an acquaintance with the subject on which they treated, equal to that possessed by any who had heretofore addressed the Senate. He would simply remark, that these young men were as deeply interested in the prosperity and vital interests of the country, as any other portion of its population. We, sir, said Mr. T., are going out—they are coming in to fill the places we now occupy. Without making any further remarks, Mr. T. said he would move for the reading and printing of the resolutions, and their reference to the Committee on Finance.

They were read, referred, and ordered to be printed accordingly.

Mr. LEIGH presented a memorial on the same subject, from sundry citizens of Gloucester county, in the State of Virginia. He should not, he said, accompany the presentation of the memorial with any remarks, but would content himself with moving that it be read, printed, and referred in the usual manner. All which was agreed to.

UTICA (N. Y.) MEMORIAL.

Mr. WEBSTER said, that another voice, and that not a faint or feeble one, had reached the Senate from the interior of the State of New York. More than six thousand of the freemen of the city of Utica, and the county of Oneida, have put their names to a memorial, which they have done me the honor to request me to present. At a season of the year when the roads in that rich soil are deep and almost impassable, and when the business of the opening year naturally engrosses the attention of farmers, so great a number as six thousand citizens have yet come forward to make known to Congress their sentiments and their sufferings. Their memorial is short; for they think but few words necessary, either to set forth the condition of their part of the country, or to point out the causes which have produced that condition. They say that the people are distressed and alarmed; the currency of the country deranged; the local banks compelled to withhold their usual loans; public and commercial confidence not only shaken, but almost destroyed; commerce languishing, and merchants failing; many manufactories ceasing their operations, and those who have been employed in them deprived of the means of subsistence; agricultural products much reduced in price, and finding any sale with difficulty; and mechanics deprived of employment. This, sir, is their statement of the facts.

As to the cause, they see but one, the removal of the deposites, and the control over the public treasures assumed by the Executive.

Mr. President, are these and similar statements true, or are they not? Does this distress exist in the country, or does it not? Thousands allege that it does exist, and if it do not, why do not others come forth to deny it? And if it do exist, how long is it expected the people will be willing to bear it?

Sir, I have the pleasure of knowing some of the inhabitants of Oneida county, and especially of the city of Utica; and I bear my testimony most cheerfully and cordially to their general intelligence and respectability. I believe the character of the people of the whole county to be inferior to that of none other. They have not taken the pains of presenting to Congress a memorial so numerously signed, from any improper motive, or for any groundless cause. The evils which they state, they feel; and they state them, in order that Congress may be prevailed upon to afford the proper redress. It is not party spirit, it is not clamor, it is not faction, that brings the farmers, the manufacturers, and the merchants, of the county of Oneida before the Senate. On the contrary, they are brought hither by a deep sense of injury, grievous for the present, and threatening to be more grievous, to their pursuits, their employments, and their property; and by an impulse of patriotism, which induces them to join their own voices to the voices of others, in calling on Congress to maintain the authority of the laws over the public treasures. The county of Oneida is, I believe, the largest in the State, except the county of the city of New York. It is in the very heart of the State. It is largely interested in manufactures, both of woollen and cotton, which were in active operation, until the Executive began its experiment; and, as the experiment has gone on, one of these establishments after another has stopped.

For the close union of agricultural richness and beauty with manufacturing industry, I have never seen any thing equal to the vale of the Sauquoit. Under the eye for many miles, in its meanderings, its banks green to the water's edge by handsome cultivation, and scarcely a pound weight of its water but what has its use, on every fall and ripple, in some manufacturing purpose, it presents a most beautiful view of fine scenery, rich and natural products, and varied human employments. I believe, sir, that the merchants of Utica, many of whose names are attached to this memorial, are distinguished for intelligence, liberality, enterprise, and public spirit. They desire nothing from Government but good laws, well administered, and they think they have a right to expect that their interests shall not be sacrificed, or their customary pursuits broken up, for the mere purpose of introducing wild theories and rash speculations into public measures.

Sir, this memorial is transmitted to me by gentlemen well known to me. I know them to be incapable of misrepresentation, and I know them to be good judges of the sentiments of their county. They express an earnest hope that Congress may yet do something for the relief of the country, before it adjourns. But should it not, should it remain deaf to the demands of the people, they speak with undoubting confidence of the effectual operation of that great and sovereign remedy, which the people still hold in their hands, and which, in season, they will well know how to apply. They believe, sir, fully, that that great State, which has so much power, so much intelligence, and so great a stake in all the leading interests of the country, will not be, cannot be, long found out of her place in the Union. They say they do not despair of the republic. They need not despair. As General Lafayette said of France, at the time of the three days' revolution, "a salutary excitement pervades the country."

The people feel that their interests have been needlessly sacrificed; but, what is more, they see danger approach the constitution and the laws. They forget the actual loss of property, in the anticipated loss of liberty. Of all other inheritances, their dearest and choicest is the constitution and the laws; and this inheritance they mean to defend. I wish, sir, I could say to the people of Oneida county, that there was more hope than I think there is, of any measure of relief, at this session of Congress. They see, as well as I do, what that is, which continues to obstruct all proper measures of relief. They see the difference of opinion between the two Houses, and they know that the concurrent action of both Houses is necessary for any effectual measure. The Senate has pro-

nounced its judgment against the removal of the deposites: it is for their restoration, and for their being replaced under the custody of the law. But the people of Oneida will see, that the Senate can do nothing alone; that opinions, in another part of the Capitol, are different from those of the Senate; and they will see, too, by the late protest especially, as well as by previous publications, what opinions still prevail with the Executive.

While, sir, whatever of hope does exist is not to be given up, and while every effort is to be made which may promise relief and redress, at this session, yet undoubtedly it becomes the people of Oneida to act on the belief that, in all probability, a change of public councils may not be effected, but through the means of the will of the people, expressed at the polls.

The memorial was then read, referred to the Committee on Finance, and ordered to be printed.

HUNTINGDON COUNTY PROCEEDINGS.

Mr. WILKINS rose and said, he very heartily concurred with the honorable Senator from Massachusetts, in the principal part of the sentiments he had just presented to the Senate. He, himself, was laboring under no such excitement as that the gentleman had described, nor did he at all despair of the republic, though he did despair of any thing being done at this session of Congress, in consequence of the lamentable contrariety of opinion prevailing in the other House and this, and out of doors among the people at large. If it were possible (Mr. W. said) for us to find out what the public sentiment was, on the subject so continually discussed in the Senate, he agreed with the Senator from Massachusetts that something could be done to relieve the public distress, and that all the members of the Senate would concur in effecting that object.

He had long despaired of ascertaining, by the proceedings of public meetings and memorials, so many of which had been presented, what the public sentiment was, as to the object on which they treated. He had for a long time had several of them in his possession, which he did not think proper to present, because he did not believe that any thing could be done by Congress, for the reasons he had mentioned. The Senator from Virginia had just said, on presenting the proceedings of the young men of Richmond and Manchester, that they were as deeply interested in the prosperity and vital interests of the country, as any other portion of its population. This was very true, and it was to be presumed, that all the petitioners who came here were equally as deeply interested in preserving the institutions of the country, in its vital interests and in its prosperity, as they were. There was no doubt, that all the petitioners who came here, gave us their candid sentiments; and it was to be presumed, that they were all as deeply interested in doing so.

He had determined to present no more of these proceedings; but he had recently received one, that he felt called upon to lay before the Senate. It was from the county of Huntingdon, a central county of the State, situated on the great canal which this spring had been put into operation, and promised to be a source of so much prosperity to the industry and enterprise of that county. It is a rich county, extensively engaged in agricultural pursuits and in manufactures, and an iron region too, where that branch of manufacture is extensively and profitably conducted. This makes them peculiarly interested in those subjects on which the general prosperity of the country depends.

These proceedings presented sentiments directly the reverse of those in the memorial handed in by the Senator from Massachusetts. On the contrary, they say that the products of their industry meet with a ready demand, and bear a good price; that they are cheered by increasing prosperity; and that their spirits are high.

Mr. WILKINS then asked, that the proceedings be read, referred to the Committee on Finance, and printed.

The proceedings were then read.

Mr. CHAMBERS observed, that he had listened with great attention to the reading of the proceedings, though he confessed that he did not exactly understand them. He was delighted, however, to learn that the gloom was passing away, and that the people of that portion of Pennsylvania were cheered with such increasing prosperity, and that the products of their labor found so ready a market. The Senator from Pennsylvania told us, that the sentiments expressed in these proceedings were directly in opposition to those expressed in the memorial presented by the gentleman from Massachusetts. Well, then, that memorial informed us, that every thing was depressed; that produce found no market, and labor no reward. Now these proceedings say, that the products of their industry command high prices. Do they (said Mr. C.) venture to tell us this, in defiance of facts well established throughout the whole country? Would the Senator from Pennsylvania tell us this, in spite of all the experience he has had? The time had gone by, that even the Senator from Pennsylvania denied that distress, deep distress, prevailed throughout the country. Would any body of men venture to tell us, that the products of agriculture bore as fair prices as formerly. The fact was, the proceedings said that there had been depression, but it was caused by that monster, the bank, and then they hurrahed for General Jackson. They told us that after all this depression, things were a little better. Thus, when a man is in the agonies of death, if, presently, a little respiration comes, it might be said that he was better. It would, most likely, be the same case with these people of Pennsylvania. The patient would die if he had no more favorable symptoms than a slight respiration.

As the Senator from Pennsylvania thought that nothing was to be done, at this session of Congress, to relieve the public distress, he called on him to speak with candor to this people, and to tell them what he really thought of the present condition of the country. He asked him, in candor, to say, if he had any expectation that nothing would be done before the end of the present session. He did not pretend to say that there was any thing in our present condition likely to depress the price of bread. The crops of the last year were small, and were generally sold out before the grand experiment of the Executive commenced; and besides, people would buy bread at whatever price, to escape starvation. He should like to know from the Senator from Pennsylvania, who had told us that the Bank of the United States was grinding down the people, in what manner the bank could have acted otherwise than it did, without sacrificing its own interest; and how its proceedings could justly be charged as an injury to the people?

Those who had done all in their power to put down this bank, surely would allow it to call in enough of its loans to meet the demands made on it by the Government. If the bank only called in from its debtors precisely what the Government called from it, how was it possible that this pressure could be ascribed to its proceedings? It might as well be said that by abstracting from any given amount you increased its product. Now he did not desire that the people should be misinformed, either by what had been said by the people of Huntingdon county, or by the Senator from Pennsylvania. They admitted that there had been great pressure; but they now say that prices are better than before. The people, said Mr. C., are to believe from the evidences before them, from their own experience of distress, and not from the assertions of a single set of proceedings, where even the numbers attending are not given.

Mr. CLAY said, that if these proceedings were a specimen of the mass which the gentleman from Pennsylva-

nia [Mr. WILKINS] had in his drawer, and which he had forborne to present, he was not surprised that he had not produced them. He thought that this memorial from the respectable county of Huntingdon, in which there were great iron works, forges, &c., had been written under the operation of these. There was abundance of figure and metaphor, but further the deponent sayeth not. But he had risen only for a single purpose. The resolutionists had referred to him as a retained advocate of the bank.

Mr. WILKINS. No.

Mr. CLAY. Certainly: I heard such a charge in one of the resolutions.

Mr. WILKINS. Not by name.

Mr. CLAY. Oh! no, not by name! Good breeding prevented that. He desired, however, to contradict the statement in direct terms. He said that when the gentleman from Pennsylvania addressed the framers of these resolutions, he would thank him to present his respects to them, in the most courteous terms, and to say that there was not a word of truth in the assumed fact that he was the retained advocate of the Bank. He had not for more than nine years been in any way connected professionally with the bank. He knew from what quarter these charges came; but he wished it to be distinctly understood, that for nearly ten years he had been in no connexion with the bank.

Mr. WILKINS said, it would be recollected by the Senate, that, on an occasion similar to the present, he had announced his opinion that our fellow-citizens had a right to be heard there in any language they chose to adopt. The Senators could not examine very critically the terms in which their memorials or remonstrances were couched. If they did, it would be, in his opinion, an infringement upon an invaluable right secured to them by the constitution. It was for the Senate, after the presentation of a paper, to say what it was their pleasure to do with it. He was aware of the allusion in the memorial to the honorable Senator from Kentucky, and which that gentleman had noticed, and he (Mr. W.) decidedly disapproved of it. But when he received a communication from his constituents, which they desired him to present to the Senate, his own individual opinion, or his personal feelings towards any Senator, was not to influence him in his duty. The Senator from Kentucky would have a right to rebuke and complain of him when he should find him using language of his own at all disrespectful towards him or any other member. Will he now, said Mr. W., in justice to myself, point to a case in which I have at all sanctioned, by the most distant implication, language of that sort?

Mr. CLAY said he could not.

Mr. WILKINS resumed. He was sure the Senator could not. So much for the language; the gentleman was not named. There were many high and distinguished citizens now held up—he knew not with what truth—as candidates for the Presidency. That language might apply to others; but, if it was applicable to the honorable Senator, he was not aware of it, and should the more regret it. The honorable gentleman from Maryland had been again pleased to allude, and call to the recollection of the Senate, an expression of his (Mr. W.'s) in reference to the city of his residence, which he had used at an early period of this discussion. The gentleman, in his recollection of the phrase, had made it rather too general. He (Mr. W.) never did deny that there was distress, and a pressure weighing heavily upon the community; though in the month of January, he did deny there was any distress among the citizens of the place to which he had reference. He had a paper in his possession, though unfortunately it was not by him, which fully justified him in making the assertion. He had used the phrase attributed to him, it was true; but then, it was so qualified at the time, as to justify him, and would justify him now. He had, at that time, denied that he had received any communication or correspondence conveying to him the fact of there being any distress in the city of Pittsburg, and he said then that he believed there was none prevailing there. But, so soon as the announcement which he had made here had reached the place of his residence, a meeting was held in consequence, and in one of the resolutions which were passed by it, and which he was sorry he had not observed till some time afterwards—not because it was in justification of himself—but because they had in it distinctly admitted that they had kept their complaints to themselves, and that the cry of distress had not proceeded from the citizens of Pittsburg.

In one of their resolutions they pointed to the future, and expressed themselves alarmed at what it might develop. That was the extent of the declaration, and there was his justification for it. He acknowledged that distress did overspread the land, and, to the utter condemnation of the bank, let him say it. He would confess that he had been disappointed; for he did not anticipate that the power of the bank, by its machinations and mischievous proceedings, could have caused such distress in the country. With respect to the people of Huntingdon, he knew not whether they spoke the truth: but he believed them. They had spoken of the price of their agricultural products as being better than was supposed by the friends of the administration. Notwithstanding they were in the midst of a country liable to be materially affected by the distress which prevailed elsewhere, yet they did not complain of any particular distress.

As to this memorial being a contradiction to that from Oneida, he merely meant to say, that it was a contradiction to the great question—whether the Government or the bank had been the cause of the present distress? He would beg to refer honorable Senators, and the gentleman from Maryland in particular, to the price of agricultural produce, by which it would be seen that things were looking up. Let gentlemen look, for instance, at the price of flour and other articles in Baltimore and Philadelphia. He, and every one living in Pennsylvania, must admit, that the opening of the canal in that State had been the means of spreading universal prosperity there. It was with much regret that he perceived, in one of the resolutions, allusion was made to the two honorable gentlemen from New Jersey. The resolution merely spoke of the question which those Senators were in the daily habit of advocating—whether they were representing truly or not, the sentiments of their constituents. That was the question. His (Mr. W.'s) constituents believed that they did not: but he would not pretend to decide the matter. Had he, however, been at liberty to express his sentiments, he could have wished that they did.

But, on the side of the administration, the Senate had *prima facie* evidence, in the instructions of the Legislature of New Jersey, that the honorable Senators from New Jersey did not represent the sentiments of their constituents. The gentleman combated the testimony produced against them by giving the proceedings of meetings held in New Jersey. He would not pretend to decide the case. One party believed that the public sentiment in reference to the bank was one way, and the opposing party conceived it to be on their side. However, the people, who were the ultimate arbiters in every question, would show by their action which party was right.

Mr. CHAMBERS said he had but one more word to add, in reply to the Senator from Pennsylvania. He undoubtedly considered him as having said, in very distinct terms, that the proceedings of the Huntingdon county meeting contradicted the memorial presented by the gentleman from Massachusetts; that is, contradicted the idea that the Government, as it is termed, has produced the distress to the extent described in the New York memorial. He did not mean to involve the Senator in any further difficulty with his constituents.

Mr. WILKINS. You cannot do it, sir.

Mr. CHAMBERS said he did not intend by any means to convey the idea that he could; for he had previously declared that the language of the Huntingdon proceedings was an exaggeration. The gentleman did not pretend to say that there had been no distress, and he (Mr. C.) was glad that he was right so far. A little reflection, he thought, would set him right farther. I am not willing, said Mr. C., to believe that public sentiment will not operate on Congress until after the elections. He hoped the public sentiment would be felt long before that time. What would the gentleman say, if the whole State of Pennsylvania would speak as Philadelphia had spoken? The gentleman from Georgia consoled himself with the idea, that, although matters were all wrong in Philadelphia, yet there was a redeeming spirit in Pennsylvania. Now if the whole State of Pennsylvania would speak as Philadelphia had, would those gentlemen be satisfied with respect to public sentiment in that State? Yet there had been enough heard from Pennsylvania to satisfy them that public sentiment there was not with the administration on the bank question. He, Mr. C., did hope that the people were not to be ruined, and say nothing about it. Office-holders, to be sure, would praise the administration and cry out that there was no distress. So would many of their friends. But the man, who had gone without his breakfast, if a warm friend of the administration, might still hurrah for Jackson. When his dinner and supper were *non sunt inventi*, he would not hurrah so loudly. But if he missed his breakfast the next morning, he would not hurrah at all.

Whether the Legislature of a State, said Mr. C., is or is not competent to instruct its Senators, is not a matter of much moment; but we all agree, that, when it is ascertained that the people have spoken, no manner of doubt is left. He regretted to hear that his friend from Massachusetts failed to respond to the confident hopes of the people of Oneida county; that is, that something would be done for the relief of the people by the present Congress. He for his part, still indulged the hope that something would be done, and that the voice of a suffering people would still have some influence. He called upon his friends here, not to lock up public sentiment: to let them speak in the majesty of their strength, and to let their voice be pronounced here. Their verdict would then be unanimous, with the exception of office-holders, who turn a blind eye to Executive usurpation; who see nothing in the statute-book to prevent the President from using the public money, and assuming to himself powers not granted by the constitution. Let us, said he, expect to witness such a burst of popular feeling as will compel us to act, and settle at once the unhappy difference of opinion prevailing here as to the state of public sentiment.

Mr. WEBSTER rose to express his dissent to the idea that there was any difficulty in ascertaining the sentiments of the people on the great question before them. The Senator from Pennsylvania had said that there were so many memorials before the Senate, he could not for his life understand in which way public sentiment was directed. This was to him strange. Could any candid man say that he had a doubt on the subject? Memorials were constantly coming in, and how did they range? How did they compare? Why, as twenty to one against the measures of the administration. There was no doubt that many memorials came here expressing sentiments in approbation of the measures of the administration, in regard to the public moneys. They were such as had been passed at Baltimore, and at other places, and it was just as preposterous for a man to say that he could not understand the state of public sentiment because of these few proceedings, as to say that he could not distinguish the difference between numbers. What was the question before the people? It was the removal of the public deposites from the Bank of the United States. Would any man say that he doubted whether a majority of the people approved or disapproved of that measure? He knew that many supported the Executive who, perhaps, would continue to support him. But did they do it because of this measure, or in despite of this measure? Did any man doubt that a great number of the Executive's supporters were in favor of the bank? He had certainly no objection to give the people of Huntingdon the exercise of the same rights with all others who had expressed their sentiments here. They, however, had not, in expressing their sentiments, given the names of those who attended the meeting, nor the number of them; but simply gave the sentiments of a public meeting, the names not mentioned. Mr. W. did not know the reason why the Senator from Pennsylvania had selected those Huntingdon proceedings from the number of memorials and proceedings in his possession, and which he said he had not thought proper to present. Whether on account of its superior style, the propriety of its sentiments, or the decorum in which they were expressed, it was not necessary to notice. He had only to observe, that public sentiment could only be ascertained from the mass of resolutions and memorials which came here from all quarters. Against the conduct of the Executive, memorials and resolutions were daily coming from every part of the country. Persons had been selected to obtain names, some on one side, and some on the other, and a vast majority of those names sent here were in opposition to the administration. He was sorry he had expressed any doubt, as noticed by the honorable Senator from Maryland, that any relief would be had from Congress at this session. But such were his fears. He had expressed no doubts which should slacken the exertions of those who thought with him, and something could and ought to be done. His purpose for action was the same that he expressed in the beginning of the session, that Congress was bound, before it adjourned, to give that relief which the condition of the country required.

Mr. WILKINS rose to correct an error into which the gentleman from Massachusetts had fallen. He (Mr. W.) did not admit that he could not make up his opinion as to what was the public sentiment in regard to the present state of affairs; but he had said that such was the diversity of opinion existing, that it retarded the action of Congress. As to himself, he had no doubt on which side the public sentiment lay in relation to the removal of the deposites, and the recent action of the administration in reference to the finances of the country. He should say the public sentiment was with the administration; at the same time he was free to admit that, in the great commercial cities of the Union, the administration had lost ground; for the commercial community would always go with the moneyed interest. But those cities were not to be taken as a fair test by which to ascertain the opinion of the great mass of the people—the yeomanry of the country. He knew perfectly well that, in Philadelphia proper, the administration had vastly lost ground with the commercial community; but that city had been for some years opposed to it. In Pittsburg, too, the administration had lost ground, and he knew that he had been stripped of a great portion of the favor which he had had the honor to enjoy in the eyes of his fellow-citizens. He had been under the impression that he stood well with them, and he might say, without any vanity or arrogance, that he considered himself somewhat popular. It was now, however, very likely that he should stand in a different light, and be looked upon, when he should return to his constituents, with great coldness, for the course he had taken in regard to the removal of the deposites. It was a course which, he could declare before God, his conscience dictated to him to pursue. He could not but regret that he had lost

the confidence of many of his neighbors and friends, but that should not prevent him from doing his duty here.

With regard to the dominant party, the yeomanry of Pennsylvania, there could be no doubt that their spirits were up, for they were sensitive enough on this question. They were compact, stood together, and were unmoved by all the operations of the bank. What, he would ask, must have been the flagrant and mischievous conduct of that bank, when it had weaned from itself an invaluable and numerous body of friends, who, two years ago, supported it? There was now a total revolution in the State, in regard to that institution, from the Governor down to the most private citizen. The Legislature, too, had plainly expressed what was their opinion on the subject.

Now, what rule was there by which they were to judge of the state of public opinion? Would Senators take the elections which had occurred since October last? Let them be taken as the touchstone, and what must be the verdict of every impartial man? The Pennsylvania elections occurred after the removal of the deposites, which was the subject of conversation on the election ground, and what had been the result? Senators were to judge of that act by the effects which followed, not immediately, but by the subsequent conduct of the bank. What change had the removal of the deposites produced in Louisiana? Why, the gentleman on his right [Mr. PORTER] had been elected by a majority of one vote. What was the public sentiment in Alabama? How it stood in Mississippi, he could not tell.

[Mr. POINDEXTER said: Pretty well.]

Mr. WILKINS resumed. What was the public opinion in Missouri, Illinois, Indiana? It was in favor of the administration. What was the opinion in Ohio? There, the election of members to the Legislature took place on the second Tuesday of October, and they had since instructed their Representatives and Senators in Congress to pursue a particular course. We had, then, *prima facie* evidence what was the sentiment of that State. Pennsylvania stood in the same position; so did New Jersey, as was shown by the instructions which her Legislature had given the Senators from that State. The sentiments of the people there might have since changed, but he should wait for further evidence on that point. In New York, it was sufficient to say, that the administration had not been beaten. So far as concerned the result, even in that great emporium of commerce, where all the power and influence of the bank were brought to bear on the elections, to a degree that had never been known before, and perhaps would never be repeated—where the opponents of the administration had every advantage—yet they sustained a defeat at all events. These were the facts from which he drew his conclusions with regard to public opinion.

In Virginia, the contest was not yet over. But, had the administration gained or lost there?

[Mr. CLAY said: Look at the result in Hanover.]

Mr. WILKINS continued. Had the administration gained or lost? That was the question.

Now, with respect to granting relief—there was no one more heartily disposed than himself to legislate on the subject for the purpose of restoring harmony and good feeling to the country. But he was free to confess, that, in consequence of the great diversity of opinion which existed in the public mind, he despaired of any immediate relief being given—though he hoped that something might be done.

Mr. PORTER said, he should not have risen but for the particular allusion which had been made by the Senator from Pennsylvania, to the circumstances attendant on the election which brought him here. The complacency with which the gentleman had dwelt on his (Mr. P.'s) majority of one, shows the great value the gentleman places in government on a unit. But this famous expression, and the ideas attached to it from the use to which it was once applied in a certain high quarter, gave it no favor in his (Mr. P.'s) eyes. His anxiety to get clear of it was so great, that he was compelled to state it had no application to his election. No, sir, said he, I was elected by the decisive and overwhelming majority of two!

But, to be serious: if it was at all relevant to the matter before the Senate, or of any importance, it could be easily shown that the majority which sent him here was similar to that which, for years back, had sent most of his predecessors to the Senate.

How the gentleman came to select his election as evidence that the State of Louisiana approved of the course of the Executive, in removing the deposites, when his (Mr. P.'s) opinions in opposition to it were avowed and known before the election, he could not possibly divine. It seemed curious. It was not, however, for him to find fault with the gentleman's skill in selecting topics to sustain his views; his business was to show that they did not sustain him. Still he must be pardoned for saying, that it did appear to him most amusingly strange, why the election of a man opposed to a certain measure was adduced as evidence that those who elected him approved of that measure.

But as he was no great logician, there was, perhaps, something hidden in the argument which he could not discover; and, as the fact of his election seemed to afford the gentleman so much pleasure, he was enabled to give him some other information of a similar kind, in regard to public opinion in Louisiana, which would increase his satisfaction.

He admitted the truth of the honorable Senator's remark, that the question in relation to the deposites had entered into the late election for Senator in Louisiana—but it was not the sole question. At that time, the public mind there, though awakened to a consideration of the subject, was not, as since, intensely fixed on it. It was discussed more as a matter of speculation than as one in which we were practically concerned. It had not then produced the bankruptcies, the ruin, which have since followed it. If it had, the same opinions would have been then entertained of it in New Orleans that are now held there. Evidence had reached him, since he took his seat here, of a decided change in public opinion on this subject through the whole State. There could be no doubt, that, if his election were to come on there tomorrow, and the wisdom of the Executive in removing the deposites was the test applied, that his majority would be much greater than it was last winter. He hoped this intelligence would increase the delight of the Senator from Pennsylvania.

But he had still further gratification in store for the honorable Senator. It was only this day, said Mr. P., that I had the pleasure of shaking by the hand a valued friend who has just taken his seat in the other House, to fill the vacancy created by the resignation of Mr. Bullard. He, like myself, is decidedly opposed to the act of the President removing the deposites, and yet he has been elected without opposition, in a district which, since the late party divisions sprung up among us, has sent members opposed to each other in politics, to Congress. This is an additional proof, of the kind furnished by my election, of the opinions of Louisiana in relation to the late Executive measures. I commend it to the special attention of the Senator, and hope that when he is next marshalling his evidence, he will not omit it.

As to the satisfaction the Senator derives from the elections in Virginia, I shall say nothing. Certainly there is no means of destroying a pleasure which increases with the news of each successive defeat. It would be uncharitable to do so, if one could. I leave, however, the Senator, on this score, to my friend behind me, [Mr. LEIGH,]

who has but this morning informed me that the returns from Virginia show that ancient commonwealth to be in decided opposition to the late acts of the Executive. I hardly, however, required any information of that kind to instruct me as to her course. I knew that the mother of statesmen, ay, and of States too, would not be found wanting, in this struggle, to her known devotion to principle, and to her ancient renown. And now that her banner is shaken loose to the wind, I feel that it will be a rallying signal to her talented sons, from the shores of the Potomac to the banks of the Sabine.

The honorable Senator seems delighted that they were not beaten in New York. This is now the burden of the song of those who, before the late expression of opinion there, claimed the State as their own. I tell the Senator, however, they were beaten there. They have lost the whole administration of the city, save its chief magistrate, and he has succeeded but by a majority of 183, when his party, in the contest preceding, had a majority of 6,000 votes. Does the gentleman quote this, too, as evidence of public opinion being in favor of the Executive, and is he glad of it? Be it so—he is certainly grateful for small mercies.

As to the price of agricultural products, the gentleman did well to dwell on flour alone. This is an article of first necessity; it enters largely into the food of man; and the gentleman's assertion amounts to nothing more than that the people are not actually starving. Does not the honorable Senator see, that, whether the people who are deprived of employment eat bread at their own expense, or at that of others, there can be little or no difference in the price? If, however, the Senator had carried his inquiries beyond articles of primary necessity, he would have found a material change in their value. Had he done so, and convinced me that sugar had maintained its price, the intelligence would have been of much more importace to me than all the other matters he has communicated to the House.

But there was another subject touched on by the honorable Senator, which Mr. P. said he could not allow to remain unnoticed. A sense of justice forbade him. He could not remain silent, and hear the charge which the gentleman had made againt the bank. He says the distress which now pervades the country is produced by the machinations of that institution, in withdrawing its capital, in contracting its discounts. Sir, said Mr. P., I am surprised—I am actually astonished to hear on this floor such assertions made by a gentleman—and by a gentleman too, of known integrity and talents. Sir, I call on him to show how the bank has produced this distress. I demand of him his evidence for the assertion he has made. If the allegation be true, the facts must be known on which it is based. Give us then, those facts. If you have not the facts, you are not justified in making the accusation. Sir, as the gentleman seems in some difficulty in this matter, I will help him to some facts, with which he should have been familiar before he put forth his charge. I hold in my hand, sir, the last official document of the bank. Its veracity cannot be called in question. Well, sir, what do we see by it? Why these conclusive facts: that, from the 1st of October to the 7th of March—

1st. The reduction of the loans has not been, by upwards of four millions of dollars, as great as the reduction of the deposites.

2d. That the withdrawal of nearly eight millions of dollars of those funds on which the bank has based its accommodation to the community, has not yet been followed by a reduction of accommodation equal to one-half the amount of funds thus withdrawn.

3d. That, from the 1st of January to the 1st of March, the increase in the line of domestic bills amounted to nearly two millions and a half of dollars.

4th. That, during the same period, there has been an actual increase in the total loans of the bank of one million two hundred and fifty-six thousand three hundred and sixty-eight dollars sixteen cents.

How, said Mr. P., after this exposition of facts, any one can still remain under the delusion that the bank has caused the present distress, is more than I can comprehend.

EDGECOMBE (N. C.) RESOLUTIONS.

Mr. BROWN presented the proceedings and resolutions of a meeting of the inhabitants of Edgecombe county, N. C. Among the resolutions, Mr. B. said, was one which denied the power of the Government to incorporate a national bank. If any doubts had previously existed as to the injurious tendency of such an institution as the Bank of the United States, the great power which it was now exercising over the country, the despair which prevailed, the statement which had been made, that many of our citizens had been deprived of their breakfasts and suppers, ought to remove those doubts. He concurred fully with the resolutions which he had the honor to present, and believed the resolutionists might have added, that the systematic effort which had been making throughout America to destroy credit, and cause runs upon the local banks, was also to be attributed to the Bank of the United States. Without further comment, he would ask that the resolutions and proceedings be read and referred to the Committee on Finance.

The resolutions were then read, and referred.

Mr. CLAY presented the following resolutions, which were considered and adopted:

Resolved, That the Secretary of the Treasury be directed to report to the Senate the gross amount of the proceeds of the sales of the public lands, and the number of acres which have been sold during the year 1833, including the last quarter of the year, and distinguishing the amount received, and number of acres sold, in each State and Territory.

Resolved, also, That he report to the Senate the manner in which has been ascertained at the Treasury, from time to time, the "twentieth part of the nett proceeds of the lands lying within the said State, (Ohio,) sold by Congress, from and after the 30th day of June next, (1802,) after deducting all expenses incident to the same," which, by the compact with Ohio, was set apart for laying out and making public roads; and the manner in which the like allowance made to other new States has been ascertained at the Treasury, showing, especially, the deductions made from the gross amount to ascertain the nett proceeds.

PRESIDENT'S PROTEST.

The Senate then proceeded to the consideration of the special order, being the resolutions offered by Mr. POINDEXTER, as modified by Mr. CLAY.

The question being on the motion of Mr. BIBB to amend,

Mr. BIBB resumed and concluded his remarks, as given entire in the proceedings of Friday last.

On motion of Mr. GRUNDY,

The Senate then adjourned.

TUESDAY, APRIL 29.

NEW HAMPSHIRE MEMORIALS.

Mr. BELL presented a memorial from Somersworth, in the State of New Hampshire, signed by 452 citizens of that place, and another from Dover, in the same State, signed by more than 500 of its citizens, both complaining of great and unparalleled distress, general stagnation of business, and reduced demand for the products of industry; all of which the memorialists ascribe to the measures of the Executive in relation to the Bank of the United

States; and praying Congress to adopt such measures as it may deem expedient for their relief.

On presenting the above memorials, Mr. BELL addressed the Chair as follows:

Mr. President: I have been requested to present to the Senate memorials from the towns of Somersworth and Dover, in the State of New Hampshire, upon the subject of the general distress inflicted upon the country by a late unjustifiable act of the Executive. The memorial from Somersworth contains four hundred and fifty signatures, and that from Dover more than five hundred. The character, situation, and employments of these memorialists, entitle their statements and opinions to the most respectful consideration. The citizens of these towns are as intelligent, moral, and industrious, as any other portion of the population of our country. These are manufacturing towns, engaged in the cotton and woollen manufactures. Their establishments for carrying on these manufactures are amongst the largest in the United States. They have been brought to their present condition by an expenditure approaching to four millions of dollars. When in full operation, they give employment to three thousand persons. They pay annually in wages nearly half a million of dollars. They have afforded a very valuable market to the agriculturists of the surrounding country. The advantages derived from this market are apparent in the improved and prosperous condition of the country in the vicinity of these towns. These memorials are not in the same words, but they state substantially the same facts, express similar opinions, and solicit the same measures of relief. The memorialists represent that business of all kinds is suffering under a most severe and unparalleled depression. They say that until the removal of the Government deposites from the United States Bank, prosperity and an active spirit of enterprise pervaded the community in their vicinity; that the price of labor was unusually high; that trade, agriculture, and the mechanic arts, rewarded those who pursued them by liberal profits. The memorialists assert, that, since the adoption by the Executive of those measures which have produced a derangement of the currency, every kind of business and enterprise has been rapidly declining, until every department of industry and exertion seems to be completely paralyzed. The price of labor has fallen, and the demand for it so diminished as to leave the industrious without profitable employment. The profits of trade and manufactures are diminished almost to nothing, and, in many instances, are turned into positive loss; and that a general feeling of insecurity and distrust pervades the community. The memorialists add, that their manufacturing establishments must inevitably stop their operations, unless a favorable change is speedily effected in the financial affairs of the country, so as to enable them to make sales of their manufactured goods, and pay their laborers. They have, they say, already begun to discharge their hands, and that already families begin to feel distress for want of employment whereby to earn the necessaries of life. The memorialists declare that, if these evils were pressing upon them from natural and inevitable causes, they would bear their sufferings, however great, with patience and without complaint; but they sincerely believe that the embarrassment and distress which universally pervades the country, can be distinctly traced to the extraordinary assumption of power by the Executive over the Treasury of the nation and the currency of the country. And they respectfully, yet most solemnly, protest against the right of any individual, however exalted his station, to put at hazard the vital interests of the country, by experiments on the currency.

The memorialists conclude by asking Congress to take such measures as shall restore the currency to its accustomed channels, and thereby relieve the country from its present distress, and the apprehension of still greater evils. I have recently had opportunity of obtaining information of the present situation and prospects of the manufacturers of cotton and woollen goods in New England; and I fully concur in the views and opinions expressed by the memorialists respecting them. I believe with them, that any considerable duration of the present state of the currency, and the want of confidence resulting from it, will inevitably put a stop to all these manufacturing establishments, excepting such as are owned by wealthy capitalists. No other branches of industry will suffer so extensively and ruinously as these must, from an adherence to this Executive experiment upon the currency. This will necessarily result from the nature of the business, and the manner in which it is generally conducted. These manufactures are carried on chiefly by incorporated companies, which have, in addition to their fixed capital, consisting of buildings and machinery, a small money capital, sufficient only for the management of their business, by the aid of the customary credits. Their manufactured goods are generally sent to commission merchants in the cities on the seaboard, from Boston to Baltimore. The commission merchant advances to the manufacturer upon the receipt of the goods a considerable portion of their value. He sells, generally, upon a credit, and guaranties the solvency of the purchaser, for which he receives an indemnity in the form of a commission upon the sale. This is the manner in which this business has been generally conducted by most of the large and nearly all the small manufacturing establishments. It can no longer be conducted advantageously in this way. The commission merchant is unable to make the customary advances to the manufacturer upon the receipt of his goods, because the banks decline to make to him the usual discounts. He is even unwilling to take the responsibility of guarantying the solvency of his purchasing customer, from the increased hazard of failure, resulting from the state of the currency and the general want of confidence. We have, for several years, manufactured coarse cotton goods, to an amount far beyond a supply of the wants of the United States. This surplus has been regularly sent to foreign markets, and sold at a remunerating price. The exportation of these goods is now greatly diminished, not because of a reduction of their price in foreign markets, for these prices are not materially changed, but because the exporting merchant is crippled in his means of purchasing. He cannot, as formerly, obtain loans at the banks, and his fears of increasing embarrassments, and want of confidence, damp his spirit of enterprise, and induce him to provide for his own safety by contracting his business. The warehouse of the manufacturer is full of goods, for which he cannot find a market. The stock necessary to continue his business, can be obtained only for cash, or at best on a short credit. The banks, where he has usually obtained loans, refuse to increase them in proportion to his increased necessities. Their own situation not only compels them to refuse new loans, but induces them to call in a proportion of those which had been previously made.

In consequence of these embarrasments, resulting necessarily from this unjustifiable act of the Executive, many of the manufacturing establishments of New England have been compelled to suspend, either partially or entirely, their operations. It has been stated, upon good authority, that more than seventy thousand cotton spindles have been stopped in the vicinity of Providence, in Rhode Island, alone. It is within my knowledge, that many of the factories in New Hampshire and Massachusetts have suspended their business, and that many others have determined to dismiss their laborers and close their factories, unless a speedy change in their prospects shall prevent it. An entire prostration of this great interest will probably result from this high-handed and unauthorized act of the Executive, unless measures are speedily adopted

to relieve the country from the evils which it has produced. Those who believe that the existing distress is confined to the cities, and that it will soon subside without legislative interference, will in due time discover the fallacy of that opinion. The cities are indeed the first to suffer from such causes, but the solvent city merchant soon relieves himself by contracting his business, and by calling upon the country trader, to whom he has given credit, for payment. The country trader calls upon the agriculturalist, the mechanic, the laborer, and the manufacturer, to whom he had given credit, to furnish him the means of paying his city creditor. The agriculturalist, from the lessened demand for and reduced price of his produce, the mechanic and the laborer from diminished employment and reduced wages, and the manufacturer from the entire suspension or reduced profits of his business, are unable to respond to his calls, without making ruinous sacrifices. Thus that which brings partial relief to the city, transfers the distress to the country. Evils like this are never of short duration. Years will probably pass away before the country will be restored to that prosperity from which this unjustifiable and vindictive act of the Executive has precipitated it. This Executive experiment has already thrown thousands of families out of those employments which afforded their only means of obtaining a comfortable support, and if persisted in will extend to the remotest districts of the country, and bring distress and ruin upon all classes excepting the rich moneyed capitalist and the salaried office-holder.

The memorial was then read, referred to the Committee on Finance, and ordered to be printed.

SIGNERS TO BANK MEMORIALS.

Mr. CLAY moved to take up the report containing an account of the aggregate number of individuals who had signed memorials for and against the United States Bank. By the report, it appeared that 114,914 persons had petitioned for relief from the distress consequent upon the late act of the Executive, and 8,721 had presented memorials of an opposite character. Mr. C. moved that the report be printed, with 1,000 additional copies.

Mr. FORSYTH would like to know how many persons had signed memorials from the city of Philadelphia.

The SECRETARY intimated that he could not immediately give this information. The account of the meetings in Philadelphia was not in a condensed form—was scattered over the report.

Mr. FORSYTH then, with the permission of the Senator from Kentucky, would move to lay the report on the table until to-morrow. He would examine it in the mean time, and procure the information he required.

Mr. CLAY had no objection.

POLISH EXILES.

Mr. POINDEXTER, with the leave of the Senator from Pennsylvania, would make a report. The Committee on Public Lands, to whom was referred the petition of 235 Poles, recently arrived in this country, had intrusted him to make a report, accompanied with a bill. The committee did not recognise the policy of granting land, generally, to foreigners who sought refuge on these shores; but were of opinion than an exception should be made in favor of the gallant and unfortunate strangers, in the present case. After passing a eulogium upon Poland and her noble sons, the report went on to describe the peculiar case of the petitioners, and concluded by recommending that a portion of land be granted to them in Michigan, or some other suitable Territory. Mr. P. said he would ask that the bill he had presented be made a special order for Thursday week. If any thing were done in this matter, it was necessary that it should be done quickly. The early attention of the Senate would enable the House to act upon the subject during the present session.

The proposition was agreed to.

HANOVER (PA.) PROCEEDINGS.

Mr. WILKINS moved that the Senate take up the consideration of the proceedings and resolutions from Hanover, Pa., presented to the Senate by Mr. CLAY on the 25th instant, which, on Mr. WILKINS's motion, were then (after debate) laid on the table.

The motion having been agreed to—

Mr. WILKINS said, that, when these resolutions had been presented to the Senate, his attention was attracted by the peculiar harshness of the censure cast upon the Governor of Pennsylvania, in the first branch of the resolution read, and which, it was presumed, had led the Senator from Kentucky into a misapprehension of his character and popularity. He had no disposition to say a word in relation to the right of the people to express their opinions on all public men and public measures; but on this occasion, he deemed it proper to correct the errors into which the gentleman [Mr. CLAY] had fallen, when he undertook to comment on the public character of Governor Wolf. The political adversaries of this gentleman charge him with no errors in the administration of the Government of the State; and in the absence of facts, which might be supposed to bear on questions of public policy, the sweeping denunciation of "vacillating and time-serving" was pronounced against him. Now every trait in the public and private character of that officer, gives a negative to the charge preferred against him in the resolution from Hanover. He is neither "vacillating" in policy on measures deeply affecting our interest, nor "time-serving" as a statesman on questions which involved differences of opinion throughout a vast portion of our country. Those who know him, cannot but in candor award him the merit of being firm and persevering in his patriotic career. And to the unwavering purposes of Governor Wolf, in these respects, is Pennsylvania much indebted for the early completion of a system of internal improvement, so justly the pride of an intelligent and industrious people. At one time the expediency of our improvements, and the whole canal policy, involved doubts, and for a while the action of Government was arrested—it was even believed a majority of the Legislature would make an impression unfavorable to measures recommended by the Executive. Was is at this peculiar crisis that Mr. Wolf manifested a "vacillating and time-serving" conduct in the administration of our affairs? Certainly not. He persevered with our friends of the system, until completion has at length united all parties in the pleasing anticipations that the welfare and prosperity of the State, by means so zealously pursued under his auspices, must be onward and triumphant. Neither the censure contained in the resolution read, nor the comments of the gentleman by whom the proceedings from Hanover were presented, can be sustained in reference to the measures of Governor Wolf's administration. Mr. W. said the presumption was, that the proceedings referred to, and the honorable Senator's erroneous opinions growing out of the same, had been predicated on a message from the Executive sent to the Legislature on the 26th February last, in which he considered the deplorable condition into which the financial concerns of Pennsylvania had been brought. The attention of the Senate he would call to the opinion of the Chief Magistrate of his State: it was clear, manly, and unequivocal; and was delivered under a deep conviction from the best evidence, that the Bank of the United States had improperly and wantonly interfered to injure and depress the credit of Pennsylvania. The following was read from Governor Wolf's message of the 26th February last: "Various causes have been assigned for this alarming state of things, all more or less plausible. Among others, it is said that the removal of the deposites from the Bank of the United States by the General Government, has been the means of producing all the mischief and pressure

under which the country is now laboring; and yet many of the friends of that institution admit that a restoration of the deposites is not necessary to a relief of the money market.

"Whatever other causes may exist, it cannot be disguised that we have among us a powerful moneyed institution, which is at this time seeking, by all the means of which it is capable, to accomplish certain objects indispensable to its existence; and, having an energetic, a firm, and unbending antagonist to contend against, all its energies and all its powers (and they are of no ordinary character) have been put in motion to defeat his measures, and to frustrate his designs in relation to it.

"It can scarcely be doubted, from the course of operations that institution has been pursuing for some time past, (whether justifiable or not, I will not undertake to determine,) that the State is indebted in a great measure for its disappointments heretofore, and for the failure to obtain its loans of Saturday last. Whether by bringing indiscriminate ruin and distress upon an unoffending community by the bank, is the most certain mode of obtaining a return of the public deposites, or a renewal of its charter, or an extension of time to wind up its business, is a question for those who have the direction and management of its affairs to determine. The State of Pennsylvania may be crippled and embarrassed in her pecuniary arrangements, and paralyzed, for a time, in her efforts to complete her great chain of improvements, by the depressing policy of the bank, but that is no reason why we should despair of the commonwealth. Our public works may languish for a season, but will not be suffered to languish long. The resources of the State are ample; her credit is unimpaired; her public stocks, although under a momentary pressure at home, are highly acceptable abroad, and will, before long, be as eagerly sought after by the capitalist as ever; the crisis of our pecuniary affairs must soon arrive, if we have not already reached it; the clouds of despondency and distress which have been, in my humble estimation, inconsiderately and heedlessly brought upon us, must soon be removed, and a happy change and a more prosperous era must inevitably await us."

Mr. W., in continuation, observed, that, from the best sources of information in possession of the Executive of Pennsylvania, the Governor was deeply impressed with the conviction that the Bank of the United States had improperly pursued a course, for some time previous to this message, calculated to bring "indiscriminate ruin and distress upon an unoffending community," and that the power of the bank to do mischief, and oppress the country, became apparent from the efforts ascribed to that institution, whether justifiable or not, in relation to the public loans.

On the memorable 26th of February last, all eyes were turned towards Harrisburg. An expression of opinion by the Legislature or Executive respecting the bank, at this peculiar period of momentary embarrassment in the financial operations of our State Government, was a subject of no inconsiderable solicitude and deep interest with the friends and adversaries of that moneyed institution every where. Harrisburg appeared to be regarded as the scene of action at this momentous crisis, where the allied armies of the bank intended to rally. It was evident, that in this political warfare Pennsylvania was viewed as the "Belgium" of the continent, and that the battle of "Waterloo" was to be fought at the seat of Government. Every effort was exerted to procure an expression favorable to the renewal of the charter, and a restoration of the deposites; but the course of policy which had marked the directory of that institution for some time previous, had sealed its condemnation with the Executive, Legislature, and a vast portion of the people of Pennsylvania.

In 1829, said Mr. W., when the country was not agitated by the removal of the public deposites, the credit of my State was seriously affected by the combination of a moneyed power, connected with the Bank of Pennsylvania, at that time seeking a renewal of its charter. The fiscal embarrassments and momentary depression of our credit, interestedly and artfully produced, although they succeeded, he might say, in coercing a renewal of the charter, yet not without stipulations advantageous to the public interests. Mr. W. was desirous to detail a statement of a particular fact, not generally known, and bearing on this case. How far the bank has had an agency in the transaction, every man will decide for himself. Mr. W. would draw no conclusion, nor should he undertake to ascribe any sinister motive to the directors of the bank. In the act for the renewal of the charter of the Bank of Pennsylvania, it is stipulated that the bank, if called on, is to loan to the Commonwealth one million of dollars annually, at an interest of 5 per cent., for the term of three years, after the 1st of January, 1831. But the State was obliged to demand or give notice of the requisition by the first of January, in each year. Of course, it will be perceived, the right of the State of Pennsylvania to make the call for one million of dollars ceased on the 1st of January, 1834, by limitation in the charter. On the 16th of December preceding, the Messrs. Allens, who had contracted for our loans, paid the usual monthly instalment, and no intimation was given of their inability to meet their subsequent monthly engagements. Now, let it be distinctly marked, that it was in their letter dated on the third day of January, addressed to the Governor, that they first communicated their disastrous news of "pressure" in the money market, and first intimated their want of means to meet future engagements.

Mr. W. would ask, why was this important information withheld until after the critical day of the first of January had irrevocably passed, when the State might have demanded of the Bank of Pennsylvania one million of dollars, at an interest of five per cent., under the charter to aid in the completion of the public works? The interest of the Messrs. Allens, connected with their liabilities to the State, could not have been injured by frankly imparting the intelligence at an earlier day. The agency of the Bank of the United States in this transaction Mr. W. did not pretend to understand. Those who heard him must form their own judgments. But it must never be lost sight of, and can never be forgotten by Pennsylvania, that the Allens have acknowledged the curious and striking fact, that the kind interference of the Bank of the United States had enabled them to pay the instalment on the 16th of December, 1833, only two weeks before the expiration of that month, with the end of which also expired the provisions of an act which had prudently been made to meet any wants in our financial concerns! If this condemning fact be true, the Bank of the United States (during the distress in the money market, and after the diminution of their own means) aided the Allens to pass the critical day of the first of January, and the moment that hour had passed, and our embarrassments were sealed, they slipped the plank from under the Allens, and suffered them to sink! It is enough to repeat, that the aid given just before, was withheld immediately after the first of January! Whether this was a scheme or a combination between these brokers and the Bank of the United States, I do not pretend to determine, said Mr. W. But it is true, that our credit was destroyed; our financial concerns so embarrassed as to threaten, if not entirely to overthrow, our whole scheme of State policy and internal improvement. Not a dollar could be borrowed, nor even a bid obtained for the temporary loan of $300,000. Our five per cent. loans, which had been up at 114 and 114½, sunk down to par. All was dismay. Our Executive and Legislature,

deeply impressed with this appalling state of public affairs, it became necessary for the Chief Magistrate to act. He did not proceed rashly—he was at the source of information, and had continued intercourse with the friends and adversaries of the bank. And after viewing the whole ground, and ascertaining all the facts bearing upon the existing state of things, he honestly formed his own opinion, and, under all the solemnity and responsibility of his high office, on the 26th February last, in the performance of his duty, made a communication to the Legislature, on the disordered state of their financial concerns. At this time, the Governor, Executive officers, Legislature, and a great portion of the people of Pennsylvania, took their stand, and assumed their present attitude, in reference to the conduct of the Bank of the United States.

Now, Mr. President, I do not pretend to ascribe to that message or that attitude, the success and prosperity which immediately followed; but, sir, it is very certain that, immediately after this frank but modest expression of opinion, our credit revived; the temporary loan of $300,000 was presently taken; the larger loan of $729,000 at five per cent. was also contracted for; and the whole amount of money necessary for the prosecution of our admirable policy is offered to us, and for which there will, no doubt, be considerable competition. From the moment of which I speak, when we assumed this position adverse to the Bank of the United States, Pennsylvania stocks began to rise, and they are already up at 108, and are ascending. The Senator from Kentucky asks me from what quarter comes this money? I answer, from the other side of the Atlantic, where our credit never has been impaired. Governor Wolf was right when he intimated that the improper conduct and machinations of the bank might embarrass us at home, but could not affect us abroad, where our vast resources, and our punctuality in complying with our engagements were well known and properly appreciated. Surely, the Senator from Kentucky will not complain that our character stands so high with European capitalists, and that they are willing to send their money, at a low interest, across the ocean, to build up our domestic improvements, and to complete a policy upon which Pennsylvania believes the happiness and prosperity of her citizens depend.

I have no right to speak of the private sentiments of Governor Wolf, in relation to the Bank of the United States, not having had the honor of any correspondence with him this winter; but, if I am permitted to throw out before the Senate any presumption upon the subject, I might say, I think it likely he is opposed to the re-charter of the present bank. What his opinion upon the ultimate question of a national bank may be, I cannot tell.

Mr. W. concluded by saying: Mr. President, I ascribe what I will not call by the harsh name of an attack upon the Governor of Pennsylvania, but the error into which the Senator from Kentucky has fallen, in reference to his character, to the circumstance or curious coincidence of names which seems to have given him unusual animation of spirits on Friday last. It appears that upon that morning he received the news of the result of the elections in Hanover, Virginia, and, at the same time, these proceedings from Hanover, Pennsylvania, were put into his hands. This coincidence appears to have flushed the gentleman with certain victory, and his manner of communicating the intelligence induced me, for a moment, to suppose we were all prostrated, and, for a while, I was overcome by great political depression. I took my seat under great "pressure" and "distress," not knowing that I possessed sufficient philosophy to bear me up under the overwhelming tidings of such political adversity. But I was immediately relieved and cheered when this Hanover, in Virginia, was announced as the birth-place of the Senator from Kentucky. I then immediately ascribed the result of that election, not to political considerations, but to the circumstance that it was the place that gave birth to a son so distinguished, and of whom she had every reason to be so proud. Had the election terminated otherwise, and had not the good people of Hanover given their votes for their native son, I would then say they ought to suffer "Long-and-Hungry," to be trampled under "Negro-foot," and to have the name of their county changed to that of "Hell-town."

Mr. CLAY said, that he thought the Senator from Pennsylvania [Mr. WILKINS] should have imitated the more prudent example of his colleague, and silently left the conduct of Governor Wolf to its own vindication. The explanation of the Senator has not justified it. The people of Hanover district, in York county, charge their Chief Magistrate, in resolutions which relate to the deposites and the Bank of the United States, with a vacillating and time-serving course. The charge must be understood as referring to the subject of the deposites and of the Bank. And what is the defence of the Senator? That the Governor is very firm and uniform in respect to the internal improvements of Pennsylvania! But he expressly admits the alleged vacillation, when he acknowledges that the Governor has recently been for the bank, and is now against it.

Mr. President, when the Governor's unexpected message arrived here, it was felt by all parties that he had thrown his great weight into the scale of the President. It was blazoned forth by the administration party and prints, that the Governor had come out in favor of the removal of the deposites, and against the bank. It was felt here, as the Senator from Georgia expressed it, as a *damper*. It was believed that several votes in another part of the Capitol, which had been doubtful, were decided by it.

And on what evidence does the Governor, in his very modest charge against the bank of carrying ruin into an unoffending community, rely? We have it officially, in a document dated eight days after the date of the Governor's message, that, although about nine millions of public deposites had been withdrawn, the bank had only lessened its accommodations to the public about four millions. Instead, therefore, of the bank withdrawing its accommodations and preparing to wind up, as the President intended, and thereby inflicting distress upon the community, it had actually forborne to call in a sum equal to one-half of the withdrawn deposites.

But it seems, and he (Mr. C.) was glad of it, that Pennsylvania had obtained foreign capital to aid in the completion of their laudable works of internal improvement—that foreign capital, the acquisition of which is reprobated by the President of the United States! He (Mr. C.) would admit the great advantage to a young and growing people of such acquisitions. But he would inquire how the Bank of the United States did ever prevent, or could prevent, at any time, the Governor of Pennsylvania from negotiating loans abroad?

With respect to the message of the Governor, Mr. C. believed it susceptible of proof that, not three days before the message was sent in, the Governor expressed different sentiments, and avowed himself in favor of a re-charter of the Bank of the United States. The Senator admits his change of opinion about the bank. What has produced it? Although the President asserts, in his cabinet paper, that new facts had been disclosed since the large majority of the House of Representatives declared, at the last session, the safety of the bank, not one solitary new fact of any importance has come out. As to the circulation of printed documents by the bank, that fact, and all other charges made by the Executive against it, were as well known at the last session of Congress, and as well known to the Governor at Harrisburg, when he expressed an official opinion in favor of the re-charter, as

they now are. What, then, has changed the opinion of this firm, consistent, and uniform magistrate?

Mr. President, our systems, Federal and State, are so interwoven and blended; the public acts of one system exert such influence upon the other; that I feel myself fully authorized in commenting upon the official conduct of any public man; especially when I feel that it has powerfully operated on the public councils of which I am an humble member; and more especially when the people of Pennsylvania had, without any solicitation, devolved on me the duty of presenting resolutions, in which they bring forward in bold relief the conduct of their Governor.

The honorable Senator says, the great battle of Waterloo was fought at Harrisburg. If it were, Governor Wolf was the Marshal Grouchy of the day, who failed to bring up his corps on the side of the constitution, laws, and prosperity of his country.

After some further remarks, by Mr. MANGUM and Mr. CLAY, the motion to refer the memorial was agreed to.

Mr. WEBSTER gave notice that he would to-morrow call up the military appropriation bill from the other House, now lying on the table; and that he should move to suspend the debate on the special order, for the purpose of going into the consideration of Executive business.

PRESIDENT'S PROTEST.

The Senate then proceeded to the consideration of the special order, being the resolutions offered by Mr. POINDEXTER, as modified by Mr. CLAY.

The question being on the motion of Mr. BIBB to amend—

Mr. GRUNDY addressed the Chair as follows:

Mr. President: Men are never so much exposed to error as when called on to decide upon the propriety of their own conduct, or the extent of their own rights and privileges; and the danger is greatly increased when the decision is to be made amidst high public excitement, produced by the contests of political parties. This is at this moment the condition of the American Senate. This body has done an act, the propriety of which is gravely called in question by the head of another independent department of the Government, who considers himself deeply implicated, and much injured, by the proceedings of the Senate.

It is a controversy of no ordinary character. The parties to it are high public functionaries—as high as any known to our Government or constitution. This controversy, if carried out to the extent contemplated by some gentlemen, may even shake the pillars of the fairest political fabric ever erected by the wisdom of man.

Under this view of the subject, can it be right that Senators should act under the impulse of angry passions? So far from it, it seems to me that cool deliberation, sober reflection, and, I will add, extreme caution, befit the occasion. I will not, therefore, obey the invocation of the Senator from Mississippi, [Mr. POINDEXTER,] when he asks Senators to bring their indignant feelings into action in the consideration of this subject. So far from it, except that agitation which the importance of the occasion produces, I will be calm, and command every turbulent and violent feeling to be still. Others may contend for victory. My humble labors shall be directed to the safety of the republic, and the tranquillity of the country.

For the first time in the history of this Government, now in operation 45 years, a motion is made to reject, or not to receive, a message from the President of the United States. This step can derive no aid or sanction from precedent. It has never been done before. No such proposition is to be found on the records of the proceedings of this body. If it can be justified, it must be upon some principle existing in the case itself.

I propose, in a brief manner, to examine whether such a principle can be found. The language of this communication is certainly respectful, decorous, and courteous to this body. Not one harsh expression is used by the Chief Magistrate. This, even the gentleman from Virginia, [Mr. LEIGH,] who does not view this paper, or any other act of the President, with too favorable an eye, admits; therefore, no exception to its reception, in respect to the language employed, can be maintained.

It is said, however, that some of the principles and doctrines it contains are unsound. Even if this were so, which I by no means admit, it would constitute no objection to its reception; because the Senate, by receiving it, gives no sanction to them. They are the President's views and opinions, not the views and opinions of the Senate, more than the sentiments contained in an annual message, which may be entirely at variance with the opinions entertained by the Senate. Still, such communications, and all others, made in the progress of the session by the Chief Magistrate, are always received, entered upon the Journals, and printed by order of the Senate.

If, then, a well-founded objection exists, it must be in this: that the President should not have addressed the Senate at all upon this subject. Gentlemen on the other side say that such a message has never been transmitted by any President of the United States to this body. To this I answer, that the Senate, at no former period, has done an act which called for such a message. This body never, until this session, has passed a vote of censure upon a Chief Magistrate. Was Washington ever accused of crime by this body? Was the elder Adams, Jefferson, Madison, Monroe, or the younger Adams, ever condemned by a vote of the Senate? Were either of them ever formally accused of usurping power not granted by the constitution or the laws, and by a deliberate vote of this body pronounced to be guilty? No, never!

If, then, there be any thing of novelty in this proceeding of the Executive, it has its origin and justification in the conduct of the Senate; and in every controversy of this kind, it is material to ascertain which party is the assailant, and which merely stands on its defence, in order to determine who should be answerable for the consequences that may follow.

The power of the Senate, and the propriety of adopting the resolution complained of by the President, is defended upon the ground that it is preparatory to a legislative act. The history of this proceeding will best test the correctness of this allegation. The resolution was introduced on the 26th of December last, in company with another, declaring that the reasons assigned by the Secretary of the Treasury were insufficient and unsatisfactory. After a discussion of some months, the other resolution was referred to the Committee on Finance. This reference was with a view to legislative action. This every Senator knew; it was so avowed and understood by all. But this resolution remained upon the table of the Senate, because it was apparent that no legislative act could be predicated upon it. If gentlemen designed that legislation should spring out of this resolution, why was it not referred also to the appropriate committee? The conclusion is irresistible; none was designed by this body, whatever may have been the expectation of particular members. The other resolution contains fit matters for Congress to act upon. They can provide for the safe keeping of the public moneys in any depositories they please, and they ought to do so; nor shall we have discharged our duty to the country without making suitable provisions upon that subject at the present session. Congress can also prescribe the terms and conditions upon which the public moneys shall be drawn from these depositories. They can throw what safeguards they please around the public treasure; and the President and all other officers will be bound to conform to the regulations thus pre-

scribed; and, in failure to do so, they will be guilty of misconduct in the discharge of their public duties.

Upon the resolution respecting the insufficiency of the reasons of the Secretary of the Treasury, which was reported upon favorably by the Committee on Finance, all and every act of legislation can be founded which may be deemed necessary in relation to the safe keeping and preservation of the public money. But I should be glad to hear what provision, in the form of law, can be based upon the resolution now under consideration. If gentlemen shall say, they mean to legislate so as to prohibit removals from office without the consent of the Senate, in order to prevent a recurrence of such circumstances as have lately taken place, my answer is, that the constitution gives the power of removal in the unqualified manner in which it has been exercised, and Congress cannot take it away by law. Further, if the Senator from Kentucky [Mr. CLAY] originally intended to proceed in this way, he abandoned that intention by the introduction of another resolution now pending before the Senate, in which it is declared expressly that this power of removal is not given to the Executive by the constitution.

I therefore conclude, that no legislative act was intended or could grow out of the resolution which has given rise to the protest of the President now under consideration. The language of the resolution is, "That the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both." Upon its face, and by its language, it is wholly retrospective, and does not indicate a design to legislate with a view to prevent repetitions of such infractions of the constitution and laws as are charged in it. As I understand it, and as I believe the people will understand it, it is wholly accusatory and condemnatory. As further evidence of this, it has been adopted for several weeks, and no proposition to proceed further upon the subject of its contents has been made by any Senator. It is a judgment against the President, pronounced by a majority of this body, condemning him of high crimes and misdemeanors—a judgment inoperative, so far as to deprive him of office or disqualify him from holding places of trust under the constitution, because the accusation was not preferred by the House of Representatives, the only accusers known to the constitution; because not pronounced by this tribunal upon a case regularly presented to its consideration and decision; and because not pronounced by two-thirds of this body. But for every purpose touching character and public standing, so far as the voice of twenty-six Senators can go, he stands condemned!

Gentlemen say, that although the Senate has pronounced the conduct of the Executive unconstitutional and illegal, it has not imputed to him a criminal intent. This is true; but surely I need not argue or produce authority to prove to this tribunal, composed chiefly of learned lawyers, the principle which exists in the criminal jurisprudence of this and every other enlightened country, that where an unlawful act is committed, which, if done with a criminal intent, would be punishable, the law presumes or supplies the criminal intent; and it lies upon the party accused to show that it was committed under circumstances which do away or destroy that legal presumption. I will illustrate this. Suppose, on a day of battle, an American citizen shall be found in the ranks of the enemy; the law considers him a traitor; and upon proof of that fact, and that alone, he would be convicted and executed; because the presumption of the law, arising from the fact of his being in the ranks of the enemy, would be, that he was there traitorously—still, he might prove that he had been taken captive; that he had been placed in that situation by superior force. This would be a good defence. He would be acquitted: but until he shall make out his case, in the eye of the law and in the estimation of all men, he would be a traitor and an enemy to his country. In case of homicide, the unlawful killing being proved, the law presumes the evil intent from the unlawful act. This Senate has found the Chief Magistrate guilty of an unlawful act, which, if done with an evil intent, makes him a high culprit. The law, according to the principle I have laid down, accompanies the act with the criminal intent, unless he shall show the absence of any evil design on his part.

[Here Mr. LEIGH asked Mr. GRUNDY to yield the floor to him; and remarked, that he wholly disagreed to the positions laid down by him.]

Mr. GRUNDY replied: This shows how fallible we are. We can't agree—such is the nature of our positions upon the plainest and best established principles. The principle I have laid down can be found even in Blackstone's Commentaries; can be found in every elementary treatise on criminal law. So familiar is it to my mind, that I can state it almost verbatim from memory, as found in East's Crown Law. The principle is, the implication of malice arises in every instance of homicide, amounting, in point of law, to murder; and in every charge of murder, the fact of killing being first proved, all the circumstances of accident, necessity, or infirmity, are to be satisfactorily proved by the prisoner, unless they arise out of the evidence produced against him.

I think I can say without vanity, that however defective in knowledge I may be on other subjects, I have some acquaintance with the principles of criminal law, and I am unwilling that it shall be believed that I misstate them here. My constituents and my colleagues of the other House, whom I see before me, would not have charity enough to believe that I had done it ignorantly. The presumption with them would be, that it had been done knowingly and with an evil intent.

[Mr. CLAY here asked Mr. GRUNDY, if an indictment for treason would be good without charging that the overt act had been done traitorously.]

Mr. GRUNDY replied, Certainly not. Nor is the indictment which we have found against the Chief Magistrate, good and sufficient in law. It is defective in form, and wants a portion of the substance, but we have found all the facts necessary to a conviction, and we have pronounced the law upon them. We have said by our resolutions that the Chief Magistrate has done particular acts, and we have declared also, that the acts thus done were unconstitutional and unlawful. His case is adjudged. It is decided, if the position assumed by me in reference to the criminal intent be correct. Now, what remains to be done? Only that the House of Representatives present their indictment or articles of impeachment drawn out in the usual form, stating that Andrew Jackson, President of the United States, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, did do and perform certain acts, (specifying them,) upon which this resolution is based, with an evil and wicked intent and purpose, &c. Then he stands before us for trial.

Already have we done that which will relieve us from all serious difficulty and trouble. Should he deny the existence of the facts referred to by the resolution, the Senate has solemnly declared that the facts do exist; they were found before the trial commenced, before the accusation was preferred, and found by the ultimate triers of the facts, and their finding is on record. Hitherto, it has been understood that the law and the facts were open to a full and impartial investigation upon the final trial of a party accused. In this case, should the President be brought forward, and put upon his trial, and attempt to show that all the powers exercised by him were conferred by the constitution and laws, there stands the judgment of the Senate on record, declaring they are not given; the law of the case is settled, as well as the facts.

All this is done without notice, without defence, or opportunity of making defence; and done too, by the highest judicial tribunal known to our Government. In other tribunals, the trial precedes the judgment. Before this, the sentence of condemnation is passed, and then comes the trial—a trial *pro forma* merely, to comply with the letter of the constitution. But suppose the evil intent is not to be legally inferred from the act, and that the accusers must bring proof to establish it. This kind of investigation depends on no known and fixed principles or rules. Each individual most frequently decides according to his predisposition to think favorably or unfavorably of the party accused. Those who have habitually denounced the Chief Magistrate as a tyrant, despot, usurper, and that he is endeavoring to concentrate all power in himself, will feel inclined to think badly of his motives, whenever they are called on to judge of them. On the other hand, those who believe the Chief Magistrate to be a patriot, a friend to liberty and the constitution, will not readily acquiesce in the opinion that he has been guilty of intentional error. So that, in fact, the mind of every Senator is made up, as to what his judgment would be, were the President now before us, on his final trial for the acts complained of. According to my humble judgment, although the constitution designed that this body should be the ultimate judge between the state and its high officers, on account of its wisdom, independence, integrity, and impartiality, it has, by prejudging the acts of the Chief Magistrate in this case, unfitted and disqualified itself from the discharge of its functions in the manner contemplated by the framers of the constitution; and the conclusion I draw from all this is, that the Senate of the United States "has assumed upon itself authority and power not conferred by the constitution and laws, but in derogation of both."

I will now proceed to say something upon what has been urged by others, who oppose the reception of this protest and its explanation.

Some of the remarks made by the Senator from New Jersey, [Mr. SOUTHARD,] I will neither repeat nor reply to. I can do neither, without the use of language which I do not indulge in elsewhere, much less will I do so in this honorable body; but upon this occasion, as upon all others touching the veracity of individuals, whenever it may become my duty to decide, I claim the right, not only for myself, but for every American citizen, of making the decision according to the convictions of my own mind, paying a due regard to the opportunities which each of the parties may possess of knowing the facts of which they respectively speak. The same honorable Senator has charged the Chief Magistrate with an impertinent intrusion or interference between him and his constituents, in presenting in his protest the vote of the Legislature of New Jersey approving the acts of the President, and instructing her Senators to sustain him in the very measures for which the Senators of that State have, by their votes, condemned him. I say nothing of the harshness of the language employed by that honorable Senator. The term *indelicate* would have conveyed his meaning sufficiently strong; but I have something to say in regard to the right of the President to speak upon this subject. The Chief Magistrate stands in a very different relation to the people of New Jersey, to what I and other Senators from different States stand. My first duties are to the people of Tennessee—by them alone have I been elected. To their interest my attention is particularly directed, and to them I am accountable. But the Chief Magistrate is the officer of New Jersey as well as of Virginia, Tennessee, and the other States. The people of New Jersey are his constituents, as well as the constituents of the honorable Senator. They are both the public agents or servants of the people of New Jersey; and when one of these agents shall pronounce the other guilty of an infraction of the constitution and laws, can the other be charged with intrusion, or improper interference, when he shall say to him, "You have pronounced me guilty of the commission of error, or dereliction of duty; but our constituents and superiors have declared that I have done my duty, and you have committed an error; and in support, and as evidence that I am not mistaken, the Legislature of New Jersey, the generally acknowledged organ of the public will, have, upon their records, declared that I have not violated the constitution or laws?" Further, can it be wrong for the President to show to his contemporaries, and to posterity, that although certain Senators did pronounce him guilty of misconduct, yet the Legislature of the very States represented by those Senators approved of his conduct, and the vote of condemnation given against him by those Senators was an act of disobedience to legislative instructions?

These same gentlemen have often done the very acts which they complain the President has done. How often has each of them in our hearing declared that the members of the Legislatures have pronounced an erroneous judgment, and have taken an appeal from the decision of their Legislatures to the people themselves. This is right when they do it, but if the President of the United States does not submit quietly under their judgment and denunciations, he is interfering improperly between them and their constituents. I think it will be difficult for gentlemen to succeed in satisfying the people that they can interfere between members of the State Legislatures and their constituents; can censure and condemn the Chief Magistrate, unimpeached by his constitutional accusers; and that the party thus treated has no right to speak and be heard in his own vindication and defence. Sir, there is a strong sense of justice in the people of the United States, which forbids me to believe that they will sanction such sentiments or such proceedings.

Gentlemen opposed to the protest and explanation, change their position so frequently that it is impossible to say on what proposition we are finally to vote. When it was first presented, the Senator from Mississippi [Mr. POINDEXTER] moved its rejection. After a discussion of some days the Senator from Kentucky [Mr. CLAY] moved an amendment proposing a *quasi* reception of it, by which it was to be received, read, and sentence passed upon its contents, but it was to be refused a place upon our Journals. The other Senator from Kentucky [Mr. BIBB] now moves an amendment, by which the original proposition is to be restored, and these papers to be rejected. I consider the proposition of the Senator from Kentucky [Mr. CLAY] as the most exceptionable course that can be suggested. If this protest be unfit to have a place upon our Journals, it is unfit to be considered and have the judgment of the Senate upon the merits of its contents; besides, there would be an unfairness in this mode of proceeding. The judgment of the Senate is to form a part of the record of our proceedings; we exhibit to the world the judgment passed by the Senate against the doctrines contained in the protest, but we conceal from it the subject-matter itself, upon which that judgment is rendered. Those who read our Journal have no opportunity afforded them of judging for themselves, whether the decision we have rendered be just or unjust. The object of the constitution, in providing that a Journal of the proceedings of each House of Congress should be kept, was to enable our constituents to revise and rejudge our judgments. The Journal of this body is distributed throughout the United States, not only for the purpose of general information as to the course of the Government, but for the purpose of enabling our constituents, respectively, to see and know how each member has acted. By the course proposed to exclude this paper from the Journals, and at the same time giving a judgment upon its contents, we deprive our constituents of an opportunity of deciding

upon the propriety of our own conduct. I shall vote against the resolution proposed by the Senator from Kentucky [Mr. CLAY] which condemns the contents of the protest. When my constituents, or any of them, shall see this vote upon the Journals, how can they determine whether I have voted right or wrong, unless they also see and read that paper, upon the contents of which I have voted? So, on the other hand, a Senator gives a vote condemnatory of the protest, how can his constituents determine whether he has acted correctly? Should the proposition last named prevail, our judgment against the opinions and doctrines contained in the protest is sent abroad through the country and is transmitted down to posterity upon our records; but the protest itself is put away among the rubbish in the Secretary's office; it is given to the moles and the bats, and will never, so far as depends on us, be exhibited to the present or future generations. Will not this body expose itself to the suspicion, at least, that they were afraid that the American people should have a full and fair opportunity of deciding upon the merits of this controversy? If gentlemen are willing to meet this question fully and fairly, surely the way to do it is to receive the protest, enter it upon the Journal, and answer it in solemn form.

I should be willing to see a committee selected, composed of the best talents to be found on the other side, for the purpose of preparing a response to it. These gentlemen, when they went to work and put down their reasons in opposition to the principles advanced by the President, and placed them side by side with his reasons in support of his principles, would find more difficulty in the execution of this duty than when resort is had to general assertion and declamation. If this course were pursued, then the people of the United States would have both sides of this controversy presented to them. But, by the course proposed, one side can only be heard or seen. If doctrines dangerous and unconstitutional be contained in this protest, are gentlemen who entertain this opinion, doing their duty when they fail to expose them? If gentlemen are serious in this opinion, and no doubt they are, ought they not to take up the paper and answer every principle advanced in it—strip it of its fallacies, expose its deformities, or in other words, nullify it? Then the President can have no advantage over this body; the refutation will go along with the protest, and its pernicious influence will be destroyed. But gentlemen will not agree to this course; they cannot answer it; therefore, they will not attempt it. If they were competent to the task, they would make the trial, overturn the arguments, and reason this protest down. Sir, I wish to see their skill put to this test; I wish to see them advance foot to foot; lay hold of this protest, and prove, if they can, their assertions, to the satisfaction of the American people. If they shall fail to adopt this course, I should think the conclusion in the public mind would be, that the protest is not susceptible of a satisfactory refutation. I will not, at this time, go into an examination of the merits of this paper: if it shall be received and referred to a committee, and that committee shall report that the doctrines and opinions contained in it are dangerous and unconstitutional, then the merits of the paper will be fairly before the Senate, and an opportunity afforded for a full discussion; and upon that occasion, I may ask the indulgence of the Senate to be heard upon the merits of the protest and explanation. I understood the Senator from South Carolina [Mr. PRESTON] as expressing the opinion that the explanation contained in the second message amounted to a retraxit of the obnoxious doctrines contained in the original protest.

[Mr. PRESTON here remarked that he ought not to be understood as assenting to the idea, that the second message removed his objections to the first.]

Mr. GRUNDY proceeded. I think, myself, the original protest sufficiently plain and intelligible; it is, however, subject to misconstruction. The explanatory message puts the opinions of the President beyond all cavil. In it, he states, distinctly and explicitly, what claim the Executive has, in reference to the public money, and shows it not inconsistent with the uncontrolled power of Congress over the whole public treasure. And all we ask is, that these opinions may be placed before the people of the United States, that they may judge of their soundness. Gentlemen have insisted that we have no precedent to justify a message of this character to the Senate. They are mistaken. When the Senate of the United States rejected a nominee to office, President Washington sent them a message, in which he set forth the just claims of the nominee to public consideration, and his qualifications to fill the office to which he had been nominated; and he did chide the Senate, and suggest to them, that, had they asked of him information, they would have received such an account of the individual as would have produced a different decision. He also suggested to them the propriety of making inquiries of him, in all future cases, where they were not themselves sufficiently acquainted with the individual nominated. This message was received, entered upon the Journals of the Senate, and had such an effect upon the proceedings of this body, as that, from that day to the present, the course suggested by him has been pursued. In that case, the inconsiderate and erroneous conduct of the Senate was distinctly pointed out, but the Senate were not disposed, unnecessarily, to take exception to the conduct of the Chief Magistrate. There was no proposition then made to reject the message, or to pass a vote of disapprobation upon it.

If we turn to the history of the State Governments, we shall find that the present Chief Magistrate is not the only aged patriot who, after having spent almost a life of toil and usefulness for his country, has been assailed by his political adversaries in his old age, and an effort made to despoil him of his well-earned fame. After Governor McKean, of Pennsylvania, had spent a long life in the service of his country; after he had acted as President of the old Congress; had affixed his name to the Declaration of Independence; had contributed to the adoption of the Federal constitution, as a member of the convention that ratified it in his own State; after he had, with distinguished reputation, for many years, filled the highest judicial station in his own State; when age had enfeebled his body, but left the vigor of his mind unimpaired, he was elected Governor of Pennsylvania; he discharged all the duties of this high and difficult station, in the most trying times, with fidelity and ability. All this, however, could not secure him from the virulence of party feelings. When his sun was almost set, men, actuated by party hatred, rose up in the Legislature of Pennsylvania, and charged him with a violation of the constitution and laws, and attempted to expel him from the high and last office he ever filled. Articles of impeachment were prepared by a committee, and preferred against him, charging him with high crimes and misdemeanors; and it is a little remarkable that, in their report, they indulge in that same anticipated triumph, and the same accusatory language, and broad assertion, which are so often employed in reference to the present Chief Magistrate. The committee, in that case, said, "that they deemed it superfluous to sustain the resolution which is submitted, by an appeal to the patriotism or intelligence of the House. They are aware that they are anticipated by its judgment and integrity. The facts speak so loudly for themselves, that the feeble voice of the committee cannot be raised to reach their tone—justice and the public welfare demand punishment. If we desire to preserve our constitution in its letter and spirit, then punish the infraction of it. Do we desire a government of laws, instead of the will

of a public functionary, then make him amenable to justice, who dares substitute his will for that of the laws. Do we desire to preserve our republican institutions, then permit no man to trample upon them with impunity. Do we hold the right of electing our public functionaries to be the essence of free government, and its exercise to be dear to the freemen of Pennsylvania, then render him constitutionally accountable, who, by an arbitrary fiat, has laid it prostrate. Do we consider virtue the vital principle of republican government, then punish the officer who attacks republican virtue in her citadel; who, in disregard of public sentiment, and public duty, and in defiance of solemn obligations, treats the people as his patrimony, and their rights as his inheritance."

From the extracts which I have read, the analogy between the case of the Chief Executive of Pennsylvania, and that of the present Chief Magistrate of the United States, is most striking. The accusers, in that case, anticipated the final success of their accusation, with the same confidence that the accusers of the present Chief Magistrate claim the ultimate decision of the American people. They declared that justice and the public welfare demanded his punishment. They charged that he had substituted his own will for that of the laws. They invoked the lovers of the constitution to punish him who had prostrated it by his arbitrary fiat. They charged him with disregarding public sentiment and public duty, and treating the people as his patrimony, and their rights as his inheritance. The resemblance between the report of that committee, and the language we daily hear, is so strong, that the first would well answer for a precedent, or form, for the attacks made upon the present Chief Magistrate. But, sir, how did this exhibition of charges terminate? The same way, as I apprehend, those now against the Chief Magistrate of the United States will terminate—in the discomfiture and defeat of the accusers, and in the triumph of the accused. The House of Representatives of Pennsylvania refused to vote the impeachment. They refused to tarnish or sully the fair fame of one of their first citizens. It should be remarked, that Governor McKean stood acquitted and discharged upon the records of the Pennsylvania Legislature. Still, the accusation remained upon their Journals. It was unanswered, except by the vote of a majority of that body. On the next day after the articles of impeachment were rejected, he sent a message to the House of Representatives, containing his vindication, and asked that it might be placed upon the Journals of that body, not as a matter of constitutional right, but as an act of justice, in order that all who might read the charges exhibited against him, might, in the same book or record, read the refutation of them. The House of Representatives did enter it at large on their Journals. This is precisely what the President of the United States now asks. In his vindication, Governor McKean takes a retrospect of his past life, and refers to what he had done for his country, as high evidence that he was incapable of committing crimes and misdemeanors. And, Mr. President, try it when you will, let an aged patriot be assailed when he is about to leave the stage of active life; let the attempt be made to strip him of his honors and his fame; let the billows of party rage beat furiously upon him; he will look back to all he has done and all he has suffered, and when the facts justify, as they do in this case, he will remember, and he will say to his countrymen, I have spent sleepless days and nights in your service—I have suffered cold and hunger—I have met the enemies of my country—I have bared my bosom to danger, and have bled for your liberties; and I now appeal to you to decide whether I can be your enemy, or an enemy to your free institutions.

These are the natural reflections and feelings of that individual who has been made the subject of accusation in this Senate. He no doubt feels great solicitude, not only to possess the good opinion of his countrymen who are his cotemporaries, but that posterity, when his character shall be presented to it, shall consider him to be what he has labored to be through a long life of public service and toil. And, Mr. President, let us do as we may, when the party strifes of the present times shall cease, and this individual out of the way of aspirants to office and public favor, and faithful and impartial history shall present him to future times, justice will be awarded to him. The men of the South will see and acknowledge, that when they were borne down by oppressive taxation, in the form of a protective tariff, that he, from the moment he came into office, assiduously exerted himself for their relief; that, in every annual message transmitted to Congress, he recommended and urged an amelioration of their condition. When that gigantic plan of profusion and waste of public treasure, misnamed the American system, shall have gone into entire disrepute, the author of the veto on the Maysville road bill will be pointed to as the individual who arrested that scheme of policy which threatened to bring ruin upon the people of this republic. Then, too, it will be admitted by all, that, with no other motive save that of the public good, he encountered, successfully, the Bank of the United States, a vast moneyed power, in a conflict in which any other man would have faltered and failed; and all this for the purpose of securing and placing on a permanent basis the rights and liberties of his countrymen.

Were there no precedent or authority on this subject, what does fairness and impartial justice demand of us? We have placed on our Journals a resolution condemning the President's conduct, and shall not the other side be seen? If the sentence of the Senate be right; if we have confidence in our own decision, we ought not to be afraid to place on our Journals what the accused has said in his vindication.

It is intimated that a new oath of office has lately been administered to the clerks in the different departments, with a view, as is supposed, to secure their allegiance to the present Chief Magistrate. I will state the facts as they really are, for the purpose of showing what light, airy, and unsubstantial pretences are seized hold of with eagerness, in order to bring this administration into disrepute. By act of Congress, passed in 1791, each clerk, before he enters upon the duties of his office, is required to take an oath before some judge of the Supreme Court of the United States, or a district judge, to support the constitution of the United States, and faithfully to perform the trusts committed to him. During the present session, a very respectable member of the other House, as he has informed me himself, addressed a letter to the different Secretaries, or some of them, inquiring whether the oath prescribed by law had been taken by their clerks, and, upon examination, it was ascertained that the oath had been administered to most of the clerks by magistrates of this District, and not by a Supreme or Federal district judge, as required by law. Upon this discovery, the clerks were required to take the oath prescribed by the act of 1791, before the persons authorized to administer it by that act. This mistake of the clerks, however, was not of recent origin; it is a gray-headed error, much older that that administration in which the Senator from Kentucky [Mr. CLAY] bore a distinguished part. This, sir, is the new oath, invented in these Jackson times, and odium is attempted to be thrown upon this administration for correcting an error which grew out of the inattention of their predecessors. Equally unfounded is the suggestion that any apprehension is to be entertained, that this Senate is to be disturbed in its deliberations by an armed force. This no one fears, no one believes; and there is as little foundation for the apprehension, that the President of the United States will, by the

exertion of constitutional or unconstitutional power, put an end to our deliberations. My own impression is, that we can remain here quietly, if we shall choose to do so, until the 4th of March next, without any molestation from that quarter. Nor have I any confidence in the rumors that have gone abroad, that a military force is to make its appearance here, for the purpose of overawing the President and Congress, and compelling them to re-charter the Bank of the United States. No man who has sense enough to command a militia company—no man who has bravery enough to fight, will ever come to this city on such an errand.

Having received no petitions or memorials from the citizens of Tennessee, upon the subjects which now agitate the country, I have been entirely silent upon the presentation of those emanating from other quarters, being willing that those who represent these petitioners and memorialists should lay them before the Senate in their own way. But I will take this occasion to state to the Senate my opinion upon a few of the points heretofore discussed by others. Although I differ altogether in opinion from a majority of the memorialists as to the cause of the embarrassment and distress which prevail in the country, I am gratified to see the general spirit which pervades these memorials. They evince a feeling which affords a confident assurance that the rights of the American people can never be invaded with impunity by any functionary of this Government. If such sensitiveness is displayed when it is only imagined that their Chief Magistrate has committed an error, what will not the same spirit do should their rights be actually invaded? It will raise up and put down any man or set of men, who shall be guilty of usurpation and oppression. As to the harshness of language employed in these memorials, I will say this: that the right to petition and memorialize is a constitutional right; and, although citizens may not measure their terms and phrases exactly to suit our taste, still it is better to let them pass uncensured and uncomplained of by us; although I confess I should prefer to see petitioners confine their remarks and strictures to those representing them, and not travel out of their own districts and territories, for the purpose of lecturing those not elected by, nor amenable to, them. Yet, even this course is without a remedy; it is the excessive use of a right which you cannot prevent, without endangering and impairing the right itself. It is like the licentiousness of the press, which cannot be cured without destroying its liberty.

That pecuniary distress exists in the country, no one can doubt. As to its extent or degree, no accurate opinion can be formed. My own belief is, that it may become much greater. This depends upon the will of the bank; for it certainly has the power to increase it. The existence of this distress, and the probability of its becoming greater, furnishes no argument to me in its favor. So far from it, it proves to my satisfaction, that no corporation, capable of bringing such distress and ruin upon our citizens, ought to exist in our country. Without it, I admit, we shall have less of the show and splendor of wealth, but we shall possess more substantial security and happiness.

I wish to say a few words upon the name and designation of parties which our opponents have lately assumed and taken upon themselves. They denominate themselves "Whigs," and, I suppose, they wish to affix the correlative term "Tory," upon their adversaries. I wish to be distinctly understood as saying, that the great body of individuals composing every political party in this country, are whigs. It is an appellation common to all parties; it is a generic term, and no one class of them has a right to appropriate it to themselves exclusively; and nothing but a spirit of monopoly could give rise to the effort now making by a portion of the politicians of this country. This name, it is imagined, will bring together parties and men who differ on all the political measures which have and still divide the people of the United States. Men who hold no one political opinion in common—who are separated from each other as widely as the poles—are to put on this cognomen, or family name. There is but a single point of contact between them, which is, a dislike to the present Chief Magistrate; and, I suppose, all his friends and supporters, who, I believe, compose a large majority of the American people, are to receive the opposite appellation. That distinguished representative from Kentucky [Colonel JOHNSON] whose limping gait at every step bespeaks chivalry and patriotism—he who, when a large and respectable portion of our citizens, impelled by what they believed a sense of duty, and without any design, on their part, to interfere with the rights of conscience in others, applied to Congress to arrest the transportation of the mail on the Sabbath day, took up the subject, investigated it, and by a forcible, argumentative, and luminous report, convinced many of the petitioners themselves that it was inconsistent with the principles of our institutions, and of the Federal constitution, for Congress to act on the subject—is to be denominated a tory. And he who fought the last and best battle of the late war—a battle which shed such lustre and splendor on the American arms, and terminated, gloriously, a contest carried on to preserve our national rights—is to be called the head and leader of tories. I tell gentlemen this device will not do. Whatever was the original meaning of whig and tory in England, we have affixed to it an American meaning, one which not only the learned, but the unlearned, understand. My constituents have not all read the history of Charles II; they consist of men and their descendants who fought in the revolutionary and last war, and who fought the Indians in the early settlements of the Western country; they are also the supporters of this administration; and should any man go amongst them, and call them tories, he would be apt to receive a very prompt signification of the meaning they attach to the term. I do not think gentlemen are doing justice to their friends, when they attempt to clothe them now with this name or covering of whiggism, as though it were a new garment, because this implies that it was not possessed before; when, in truth, it has been worn by them and their fathers for more than half a century, and is made of such excellent materials, that it has become none the worse by wear. From what has occurred this morning between the Senator from Kentucky [Mr. CLAY] and the Senator from North Carolina, [Mr. MANGUM,] I find I was mistaken in one thing. I had supposed the union between the national republicans and State-rights men, even of the strictest sect, had been consummated. I had no doubt, if it were so, that a divorce would speedily take place, because, for them to remain together without an abandonment of their principles on one side or the other, I knew was wholly impossible.

From the sentiments expressed by the Senator from North Carolina, in this day's debate, if he be not in a state of rebellion, he certainly feels a little insurrectious, or insurrectional, towards the party with whom he is operating. He says that he is against all assumptions of power not granted by the constitution, whether by the Executive, the Legislative, or the Judicial departments of the Government. This, he says, is the whiggism of the South. Now, I ask him, if the imposition of an oppressive protective tariff, upon his principles, savors of whiggism? Yet, a majority of those who are now acting with him, advocate it. I ask him further, does the exercise of the power to make internal improvements by the Federal Government, constitute any portion of a claim to whiggism in the South? Is a bank of the United States a whiggish institution, according to Southern doctrines? I presume he will answer all these inquiries in the nega-

tive. If all this will not do to prove that the national republicans and Southern gentlemen cannot stand and act together, surely the fact that the national republicans were almost unanimously in favor of the force bill, and in favor, too, of the proclamation, will be decisive: for I always have understood, and I presume it will not be denied, that these were the measures of this administration most censured and condemned by the South. Under the name and standard of the national republicans, the South will not, cannot rally, because the principles of that class of politicians, in the opinion of the South, lead to consolidation. Under the name of the State-rights party, the nationals will not unite, much less under that name which the South Carolina politicians have assumed, because their principles, in the opinion of the nationals, lead to disunion. In this dilemma, as it is impossible to find out or invent a name or appellation at all significant of their principles; as they are contradictory and inconsistent with each other; and as they are anxious to get together, they have fallen upon the expedient of taking to themselves the name or title of whigs, which is extensive enough in its meaning to include every American citizen who loves his country, but has nothing characteristic in it of their peculiar tenets or political principles, and is broad enough to include not only the opponents, but the friends of the present administration. Before I can agree that our opponents shall have the exclusive possession of the title whigs, I wish to make some further inquiries. Where are those men who, during the last war, discouraged the enlistment of soldiers? Where are those who used their influence to prevent loans of money to the Government, in its utmost need? Where are all the moral traitors of that gloomy and trying period? Where are those who thought it immoral and irreligious to rejoice at our victories, and mourned at the defeat of our enemy? Where are those who denounced James Madison as a tyrant, usurper, and despot, and proclaimed that the country would never prosper until he was sent to Elba? Where are the "blue light" gentry, who gave private signals to the enemy to enable them to murder our citizens? These men are not to be found in the ranks of this administration; they will pursue the present Chief Magistrate with their hatred to his grave, and when dead, their enmity will not cease. They have their reasons for it; he did their friends too much damage at the city of New Orleans ever to be forgiven.

I will conclude, by expressing my most earnest wish that the subject now under consideration may not be decided rashly, and under the influence of party excitement, but with coolness and deliberation, and that the decision may be such as will best comport with the dignity of this body, and promote the harmony and prosperity of our common country.

When Mr. GRUNDY had concluded—

Mr. CLAY obtained the floor, and after a few remarks in reply, moved an adjournment, but gave way to

Mr. MANGUM, to make an explanation; when,

On motion of Mr. CLAY,

The Senate adjourned.

WEDNESDAY, APRIL 30.

On motion of Mr. WEBSTER, who stated that since the bill making appropriations for the military service had been reported, some information had been received from the Department, which rendered it necessary that some amendments should be made, the bill was recommitted to the Committee on Finance.

HALLOWELL (ME.) MEMORIAL.

Mr. SPRAGUE presented a memorial, which, he stated, was signed by 503 inhabitants of Hallowell, Maine, against the removal of the deposites, and the warfare of the President against the bank, setting forth the deep pecuniary distress into which that measure had plunged them, in common with other portions of the country, and protesting, in emphatic terms, against the experiment of the President upon their prosperity and the currency of the country, and insisting that the possession and custody of the public moneys rightfully belong to Congress.

Mr. S. said, the memorial so strongly and repeatedly insisted upon this power of Congress, that one would almost imagine that they had foreseen the extraordinary doctrines of the Presidential protest, which had been received since this memorial was subscribed. I know, said Mr. S., that some contend that the subsequent communication has retracted that part of the protest. A superficial view of the last paper might produce that impression. But, in reality, it retracts nothing: it leaves his exorbitant claims of power ready at any time to be called into full vigor, whenever any act is contemplated requiring their support. It seems to have been studiously ambiguous—to place the President in that balancing position in which, like a skilful performer on the slack rope, he inclines now to one side, and then to the other, exciting the hopes of both. The same vibrating position which he so long occupied in relation to the bank—declaring now that it was dangerous—then that it seemed to be necessary—now that there ought to be no bank—then that he could furnish a plan—one Secretary making a report for, another against. So, also, as to internal improvements—that, if national, he would approve—if local, negative; and, whether national or local, he alone was to judge. So as to the tariff: he was for a judicious—that is, just what you please to desire. Thus leaving his friends and partisans in various sections of the country to insist that he was for or against banks, tariffs, improvements, just as best suited the interests, wishes, and opinions of time and place. This supplemental protest may accomplish the same purpose. Those who have occasion for a gloss, may turn to the supplement; those who now, or at a future time, may desire the strong doctrines of prerogative, the possession of the public moneys, will find them clearly in the protest, unretracted by the supplement. In the first, he insists repeatedly that the possession of the public moneys, by the constitution, always has belonged, and always must belong, to the President. He repeats it, and insists that Congress cannot take from him the custody of the public treasures, which is given him by the constitution.

Four days afterwards, when his claim had produced astonishment and indignation almost universal, he is induced to smooth it over by saying—I claim no other custody or possession except what the law gives me. What law? What law does he mean—a law of Congress? No—the constitution, the fundamental law. That instrument, in express terms, declares itself the supreme law. He first asserts that the paramount law gives him power, and Congress cannot divest him of it; and then comes and says, I claim nothing but what the law gives me? Again, in another aspect, in the first, he insists that in whatever hands the money is placed by Congress, the person thereby becomes an officer, appointable by him, and subject to his control; that by whatever name called, he must be an Executive officer subject to him; his officer in effect. In the supplement, he says he does not claim to interfere with or control the person in whose hands the money may be placed—unless he is an officer appointable by the President, and for whom he is accountable, but leaves the protest untouched in its assertion that the person must be an officer, and that the President must see that the law is duly executed. He no where retracts the assertion that Congress can have no officer that they can provide for none, who will not be subject to him as his officer. He says, indeed, Congress may say where the money shall be kept—but whenever placed, in whatever vaults, he must keep the key—he must be the keeper of the keep-

er. This memorial is addressed to Congress as the only legitimate tribunal. It beseeches us to arrest that unauthorized, illegal, Presidential "experiment," which is now spreading ruin and devastation over the land. It implores us to stay the arm of the oppressor, lest an industrious, confiding, but brave and generous people, be driven to despair. This memorial comes from my own home; from those who are my neighbors, and, I am proud to say, my friends, with whom I am in the habit of daily intercourse, and who, it is sufficient to say, deserve as much of consideration and respect as any body of men that have ever presented themselves to this Senate. Six months ago I beheld them in a state of unprecedented prosperity; and little did I anticipate that even the withering grasp of Presidential oppression could so soon have wrung from them such language of distress and dismay. The memorial is subscribed by more than two-thirds—nearly three-fourths—of all the legal voters in that town. Among them I discover some of the few individuals there who have heretofore supported this administration. I say few, for we have, fortunately, been there, in a great measure, exempted from the disease of Jacksonism; and the recent stringent measures of the Executive seem well calculated to cure those who have heretofore been afflicted with it. In addition to important towns in the extremes, we have already heard from Augusta, Hallowell, Gardiner, and Pittston, in the centre of the State, embracing a population of more than twelve thousand, within a small circumference. They have all spoken in the same language. We have heard, and I am confident we shall hear, but one voice from the good old democratic county of Kennebec, which always has been, and still is, pre-eminently distinguished for its pure, unwavering, undeviating democratic principles. It is to me a source of unalloyed pleasure, of elevated pride and fervent gratitude, that I have been sustained, cordially sustained, by that people, throughout my whole political course. A people eminently entitled to the proud appellation of Whigs; now and at all times friends of liberty, and sturdy, inflexible enemies of arbitrary power.

Mr. SHEPLEY said it was not his desire to enter into this question upon the presentation of memorials; but as some remarks had been made in relation to his State, which seemed to call for a reply, he would say a word or two. His colleague had said that but one voice proceeded from Kennebec. True, and if that one voice was the memorials presented here, there was but one voice from Maine. Those persons who believe the conduct and measures of the administration to be correct, never take the trouble to present memorials or resolutions. The State of Maine now gives more than 70,000 votes; and a short time ago it gave 60,000; and yet here are evidences of opinions from Maine. Notwithstanding, resolutions approbatory of the conduct of the whole administration passed one branch of the Legislature by a vote of 119 to 53, and 22 to 2 in the other branch. These are, to be sure, the only exhibitions of public sentiment on that side. The State of Maine rests on her own quiet dignity; her people feel that her Legislature has expressed their opinions, and that they have not been done by disorderly, tumultuous expressions of public meetings. She is willing that they should be heard, but constitutionally heard, through the ballot boxes. And what was this public expression, so much relied on? All this show was some 2,600 out of some 60 or 70,000, and yet we hear intimations thrown out as if there was some great expression of opinion from Maine, which would induce a belief that the expression of the Legislature was not rightful. Mr. S. presented these views only to show, not what might at some future day be her opinions—for he pretended not to pronounce what they might be in future times—but what they were now. It was sufficient for him to look at the expressions of opinion as they were, and as they were expressed in the legitimate mode. But he understood that there was a new mode of electioneering adopted—new here at least, and he for one, would not have believed that this assembly would have been so occupied for five months past. Not a petition had been presented, but it was accompanied by some remarks of an electioneering tendency, and so avowed. Whether the people will think the Senate so occupied are conforming to their duty, they will judge. Mr. S. supposed this body was designed for different purposes. It seemed now, that reason was no longer to be operated on; but excitement, appeals to the passions and prejudices of the people, and intimations of some strange events about to occur, was the order of the day. This was the new mode of electioneering, and the whole system was to be a new one—all for good, no doubt; and it was not more true that it was a new system, than that new names were devised, and new systems applicable to particular districts of the country. Mr. S. said, he could not perceive that Kennebec was especially distinguished by marks of democracy, and if she was entitled to that appellation, in any other sense than in the sense of the new name which had been given her, he differed in opinion as to the justness of it. But this was not the time for investigating the paper which was the subject of so much remark. He hoped a fair, full, and deliberate investigation would be given to it; but until the paper should be received, he would withhold any comments he had to make.

Mr. SPRAGUE thanked his colleague for admitting that the inhabitants of Kennebec are pre-eminently entitled to the appellation of Whigs: for, although the gentleman may consider that a "new name," he (Mr. S.) would assure him that it was no novelty in Kennebec, containing as it does, very many of the soldiers and patriots of the Revolution, and covered by their sons and descendants; that whole community has been deeply and constantly imbued with the bold and glowing sentiments of the whigs of '76—opposed to arbitrary power in all its forms, and under all its guises; whether claimed in the name of a King or a Military Chief—whether urged in the spirit of loyalty, or the spirit of Jacksonism. To convince my colleague that this appellation of "Whig" is not quite so new, and to show its appropriateness at the present time, let me read a few lines from a high-toned tory writer, not likely to give too favorable an account of its origin, [Hume.] It arose as long ago as the year 1679, in the reign of Charles the Second. It seems that the high-handed and arbitrary means of that monarch had produced discontent throughout the kingdom: excitement then as now, generally prevailed; numerous petitions and memorials were sent up for a redress of grievances, which it seems were then, as now, extremely distasteful to power. The historian says: "As the King found no law by which he could punish those importunate, and, as he deemed them, undutiful solicitations, [he could not even turn them from his doors,] he was obliged to encounter them by popular applications of a contrary tendency. Where the church and court party prevailed, addresses were framed containing expressions of the highest regard to his Majesty, the most entire acquiesence in his wisdom, the most dutiful submission to his prerogative, and the deepest abhorrence of those who endeavored to encroach upon it, by prescribing to him any time for assembling the Parliament."

Then the controversy was between the power of the King and the Parliament, as it now is between the Executive and the Congress. The court party then insisted that his Majesty should not have his prerogative encroached upon by the presence of a Parliament.

The historian proceeds: "Thus the nation came to be distinguished into petitioners and abhorrers." And now, sir, at this day, we have one hundred and fourteen thousand petitioners, who insist upon the right of Congress,

and eight thousand abhorrers, who urge the prerogative of the President.

The author then remarks: "Besides petitioner and abhorrer, appellations which were soon forgotten, this year is remarkable for being the epoch of the well-known epithets of whig and tory."

Thus we see that then, as now, the whigs were the enemies of arbitrary power, and of Executive prerogative, and the friends of liberty and law.

I again thank my colleague for admitting that the people of Kennebec are justly and eminently entitled to the name of whig. He denies that they are democratic—as that term is now understood. In its new and perverted sense, they certainly are not; they have not bowed in submission to one man; they acknowledge no allegiance to a single chief. The intelligence of Kennebec has resisted this melancholy delusion; the dark and bitter waters of Jacksonism, which have elsewhere prevailed, have never swept over its fertile fields. And to this new-fangled, miscalled democracy, they certainly have no claim. But, I appeal to my colleague whether, in every other species of democracy, the principles of '98—of the last war—of pure whiggism at all times, it has not been eminently distinguished. Sir, I doubt not that the other counties of the State are equally patriotic. Their delusion will vanish; it is already dissipating; already they give the most cheering indications of resistance to arbitrary and unconstitutional oppression. My colleague does not choose to see these indications; he turns his eyes to the time past, and looks with complacency upon the resolutions of a Legislature chosen in September last, before the seizure of the public treasure. If he can derive any satisfaction by going back to by-gone days, I do not wish to deprive him of that last consolation; but can he shut his eyes and his ears to what is around us and upon us—to demonstrations in Portland, Bangor, Freeport, Augusta, Hallowel, Gardiner, Pittston, Eastport, and Lubec?

He says the Legislature has spoken. Sir, the people are speaking for themselves, and, suffering and writhing under the curse of bad government and arbitrary power, they will speak the language of freemen—they will burst the shackles of party. Distress knows no party—bankruptcy, and ruin, and poverty, and want, regard not the lines of party. Does not the gentleman see this, does he not feel it, does he not behold the hand-writing upon the wall? Sir, the illusion is broken, the idol worship is at an end. The darkness, the deep darkness, which has prevailed, is passing away. The streaks of light in the East have grown broader and stronger, until the whole horizon is beaming with the effulgence of morning. The nation is redeemed, regenerated, and disenthralled. New York has spoken—New Jersey has spoken—Virginia—Virginia, too, has spoken, in her loudest, most decided tones. A peal is swelling from all quarters, which oppression must hear, and under which oppression must cease.

Mr. SHEPLEY said that his colleague had referred to the memorial from Lubec. He would inform the Senate that that memorial was signed by thirty-three only out of the several hundred inhabitants of that place.

Mr. SPRAGUE said: I told my honorable colleague that it was to the annual municipal election in Lubec to which I alluded, but he still persists in referring to the petition; and has thus made the allusion ridiculous by making it his own.

The memorial was then read, and referred to the Committee on Finance.

PRESIDENT'S PROTEST.

The Senate then proceeded to the consideration of the special order, being the resolutions offered by Mr. POINDEXTER, as modified by Mr. CLAY;

The question being on the motion of Mr. BIBB to amend—when

Mr. CLAY rose. Never, said he, Mr. President, have I known or read of an administration which expires with so much agony, and so little composure and resignation, as that which now unfortunately has the control of public affairs in this country. It exhibits a state of mind, feverish, fretful, and fidgety, bounding recklessly from one desperate expedient to another, without any sober or settled purpose. Ever since the dog-days of last summer, it has been making a succession of the most extravagant plunges, of which the extraordinary cabinet paper, a sort of appeal from a dissenting cabinet to the people, was the first; and the protest, a direct appeal from the Senate to the people, is the last and the worst.

A new philosophy has sprung up within a few years past, called phrenology. There is, I believe, something in it, but not quite as much as its ardent followers proclaim. According to its doctrines, the leading passion, propensity, and characteristics, of every man are developed in his physical conformation, chiefly in the structure of his head. Gall and Spurzheim, its founders, or most eminent propagators, being dead, I regret that neither of them can examine the head of our illustrious Chief Magistrate. But if it could be surveyed by Doctor Caldwell, of Transylvania University, I am persuaded that he would find the organ of destructiveness prominently developed. Except an enormous fabric of Executive power for himself, the President has built up nothing, constructed nothing, and will leave no enduring monument of his administration. He goes for destruction, universal destruction; and it seems to be his greatest ambition to efface and obliterate every trace of the wisdom of his predecessors. He has displayed this remarkable trait throughout his whole life, whether in private walks or in the public service. He signally and gloriously exhibited that peculiar organ when contending against the enemies of his country, in the battle of New Orleans. For that brilliant exploit, no one has ever been more ready that myself to award him all due honor. At the head of our armies was his appropriate position, and most unfortunate for his fame was the day when he entered on the career of administration as the chief Executive officer. He lives by excitement, perpetual, agitating excitement, and would die in a state of perfect repose and tranquillity. He has never been without some object of attack, either in individuals, or in masses, or in institutions. I have been myself one of his favorites, and I do not know but that I have recently recommended myself to his special regard. During his administration this has been his constant course. The Indians and Indian policy, internal improvements, the colonial trade, the Supreme Court, Congress, the bank, have successively experienced the attacks of his haughty and imperious spirit. And if he tramples the bank in the dust, my word for it, we shall see him quickly in chase of some new subject of his vegeance. This is the genuine spirit of conquerors and of conquest. It is said by the biographer of Alexander the Great, that, after he had completed his Asiatic conquests, he seemed to sigh because there were no more worlds for him to subdue; and, finding without no further employment for his valor or his arms, he turned within himself to search the means to gratify his insatiable thirst of glory. What sort of conquest he achieved of himself, the same biographer tragically records.

Already has the President singled out and designated, in the Senate of the United States, the new object of his hostile pursuit; and the protest, which I am now to consider, is his declaration of war. What has provoked it? The Senate, a component part of the Congress of the United States, at its last adjournment left the Treasury of the United States in the safe custody of the persons and places assigned by law to keep it. Upon re-assembling, it found the treasure removed; some of its guardians displaced; all, remaining, brought under the immediate

control of the President's sole will; and the President having free and unobstructed access to the public money. The Senate believes that the purse of the nation is, by the constitution and laws, intrusted to the exclusive legislative care of Congress. It has dared to avow and express this opinion, in a resolution adopted on the 28th March last. That resolution was preceded by a debate of three months' duration, in the progress of which, the able and zealous supporters of the Executive in the Senate, were attentively heard. Every argument which their ample resources, or those of the members of the Executive, could supply, was listened to with respect, and duly weighed. After full deliberation, the Senate expressed its conviction that the Executive had violated the constitution and laws. It cautiously refrained, in the resolution, from all examination into the motives or intention of the Executive; it ascribed no bad ones to him; it restricted itself to a simple declaration of its solemn belief that the constitution and laws had been violated. This is the extent of the offence of the Senate. This is what it has done to excite the Executive indignation, and to bring upon it the infliction of the denunciatory protest.

The President comes down upon the Senate, and demands that it record upon its Journal this protest. He recommends no measure—no legislation whatever. He proposes no Executive proceeding on the part of the Senate. He requests the recording of his protest, and he requests nothing more nor less. The Senate has abstained from putting on its own record any vindication of the resolution of which the President complains. It has not asked of him to place it, where he says he has put his protest, in the archives of the Executive. He desires, therefore, to be done for him, on the Journal of the Senate, what has not been done for itself. The Senate keeps no recording office for protests, deeds, wills, or other instruments. The constitution enjoins, that "each House shall keep a Journal of its proceedings." In conformity with this requirement, the Senate does keep a Journal of its proceedings—not the proceedings of the Executive, or any other department of the Government, except so far as they relate directly to the business of the Senate. The President sometimes professes to favor a strict construction of the constitution, at least in regard to the powers of all the departments of the Government other than that of which he is the chief. As to that, he is the greatest latitudinarian that has ever filled the office of President. Upon any fair construction of the constitution, how can the Senate be called upon to record upon its Journal any proceedings but its own? It is true, that the ordinary messages of the President are usually inserted at large in the Journal. Strictly speaking, it perhaps ought never to have been done; but they have been heretofore registered, because they relate to the general business of the Senate, either in its legislative or executive character, and have been the basis of subsequent proceedings. The protest stands upon totally distinct ground.

The President professes to consider himself as charged, by the resolution, with "the high crime of violating the laws and constitution of my country." He declares that "one of the most important branches of the Government, in its official capacity, in a public manner, and by its recorded sentence, but without precedent, competent authority, or just cause, declares him guilty of a breach of the laws and constitution." The protest further alleges, that such an act as the constitution describes "constitutes a high crime—one of the highest, indeed, which the President can commit—a crime which justly exposes him to an impeachment by the House of Representatives; and, upon due conviction, to removal from office, and to the complete and immutable disfranchisement prescribed by the constitution." It also asserts: "The resolution, then, was an impeachment of the President; and in its passage amounts to a declaration by a majority of the Senate, that he is guilty of an impeachable offence." The President is also of opinion "that the resolution does not expressly allege that the assumption of power and authority which it condemns, was intentional and corrupt, is no answer to the preceding view of its character and effect. The act thus condemned necessarily implies volition and design in the individual to whom it is imputed; and, being lawful in its character, the legal conclusion is, that it was prompted by improper motives and committed with an unlawful intent." * * * * * * "The President of the United States, therefore, has been, by a majority of his constitutional triers, accused and found guilty of an impeachable offence."

Such are the deliberate views, entertained by the President, of the implications, effects, and consequences of the resolution. It is scarcely necessary to say that they are totally different from any which were entertained by the Senate, or by the mover of the resolution. The Senate carefully abstained from looking into the *quo animo*, from all examination into the motives or intention with which the violation of the constitution and laws was made. No one knows those motives and intentions better than the President himself. If he chooses to supply the omission of the resolution; if he thinks proper to pronounce his own self-condemnation; his guilt does not flow from what the Senate has done, but from his own avowal. Having cautiously avoided to pass upon his guilt by prejudgment, so neither ought his acquittal to be pronounced by anticipation.

But, I would ask, in what tone, temper, and spirit, does the President come to the Senate? As a great state culprit, who has been arraigned at the bar of justice, or sentenced as guilty? Does he manifest any of those compunctious visitings of conscience which a guilty violator of the constitution and laws of the land ought to feel? Does he address himself to a high court with the respect, to say nothing of humility, which a person accused or convicted would naturally feel? No, no. He comes as if the Senate were guilty; and as if he were in the judgment seat, and the Senate stood accused before him. He arraigns the Senate; puts it upon trial; condemns it; he comes as if he felt himself elevated far above the Senate, and beyond all reach of the law, surrounded by unapproachable impunity. He who professes to be an innocent and injured man, gravely accuses the Senate; and modestly asks it to put upon its own record his sentence of condemnation! When before did the arraigned or convicted party demand of the court which was to try, or had condemned him, to enter upon their records a severe denunciation of their own conduct? The President presents himself before the Senate, not in the garb of suffering innocence, but in imperial and royal costume—as a dictator, to rebuke a refractory Senate; to command it to record his solemn protest; to chastise it for disobedience.

> "The hearts of princes kiss obedience,
> So much they love it; but to stubborn spirits
> They swell, and grow as terrible as storms."

We shall better comprehend the nature of the request which the President has made of the Senate, by referring to his own opinions expressed in the protest. He says that the resolution is a recorded sentence, "but without precedent, just cause, or competent authority." He "is perfectly convinced that the discussion and passage of the above-mentioned resolutions were not only unauthorized by the constitution, but in many respects repugnant to its provisions, and subversive of the rights secured by it to other co-ordinate departments." We had no right, it seems, then, even to discuss, much less express any opinion, on the President's proceedings encroaching upon our constitutional powers. And what right had the President to look at all into our discussions? What becomes of the constitutional provision which, speaking of Con-

gress, declares, "for any speech or debate in either House, they shall not be questioned in any other place?"

The President thinks "the resolution of the Senate is wholly unauthorized by the constitution, and in derogation of its entire spirit." He proclaims that the passage, recording, and promulgation of the resolution, affixes guilt and disgrace to the President, "in a manner unauthorized by the constitution." But, says the President, if the Senate had just cause to entertain the belief that the House of Representatives would not impeach him, that cannot justify "the assumption by the Senate of powers not conferred by the constitution." The protest continues: "It is only necessary to look at the condition in which the Senate and the President have been placed by this proceeding, to perceive its utter incompatibility with the provisions and the spirit of the constitution, and with the plainest dictates of humanity and justice." A majority of the Senate assume the function which belongs to the House of Representatives, and "convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case." If the House of Representatives shall consider that there is no cause of impeachment, and prefer none, "then will the violation of privilege as it respects that House, of justice as it regards the President, and of the constitution as it relates to both, be more conspicuous and impressive." The Senate is charged with the "unconstitutional power of arraigning and censuring the official conduct of the Executive." The people, says the protest, will be compelled to adopt the conclusion, "either that the Chief Magistrate was unworthy of their respect, or that the Senate was chargeable with calumny and injustice." There can be no doubt which branch of this alternative was intended to be applied. The President, throughout the protest, labors to prove himself worthy of all respect from the people. Finally, the President says, "It is due to the high trust with which I have been charged, to those who may be called to succeed me in it, to the representatives of the people whose constitutional prerogative has been unlawfully assumed, to the people and to the States, and to the constitution they have established, that I should not permit its provisions to be broken down by such an attack on the Executive department, without at least some effort 'to preserve, protect, and defend them.'"

These are the opinions which the President expresses in the protest, of the conduct of the Senate. In every form, and every variety of expression, he accuses it of violating the express language and spirit of the constitution; of encroaching not only on his prerogatives, but those of the House of Representatives; of forgetting the sacred character and impartiality which belong to the highest court of justice in the Union; of injustice, of inhumanity, and of calumny. And we are politely requested to spread upon our own Journal these opinions entertained of us by the President, that they may be perpetually preserved and handed down to posterity! The President respectfully requests it! He might as well have come to us and respectfully requested us to allow him to pull our noses, or kick us, or receive his stripes upon our backs. The degradation would not have been much more humiliating.

The President tells us, in the same protest, that any breach or violation of the constitution and laws, draws after it, necessarily implies, volition and design, and that the legal conclusion is, that it was prompted by improper motives, and committed with an unlawful intent. He pronounces, therefore, that the Senate, in the violations of the constitution which he deliberately imputes to it, is guilty; that volition and design, on the part of the Senate, are necessarily implied; and that the legal conclusion is, that the Senate was prompted by improper motives, and committed the violation with an unlawful intent. And he most respectfully and kindly solicits of the Senate to overleap the restraint of the constitution, which limits its Journal to the record of its own proceedings, and place alongside of them his sentence of condemnation of the Senate.

That the President did not intend to make the Journal of the Senate a medium of conveying his sentiments to the people, is manifest. He knows perfectly well how to address to them his appeals. And the remarkable fact is established, by his private Secretary, that, simultaneously with the transmission to the Senate of his protest, a duplicate was transmitted to the Globe, his official paper, for publication; and it was forthwith published accordingly. For what purpose, then, was it sent here? It is painful to avow the belief, but one is compelled to think it was only sent in a spirit of insult and defiance.

The President is not content with vindicating his own rights. He steps forward to maintain the privileges of the House of Representatives also. Why? Was it to make the House his ally, and to excite its indignation against the offending Senate? Is not the House perfectly competent to sustain its own privileges against every assault? I should like to see, sir, a resolution introduced into the House, alleging a breach of its privileges by a resolution of the Senate, which was intended to maintain unviolated the constitutional rights of both Houses in regard to the public purse, and to be present at its discussion.

The President exhibits great irritation and impatience at the presumptuousness of a resolution, which, without the imputation of any bad intention or design, ventures to allege that he has violated the constitution and laws. His constitutional and official infallibility must not be questioned. To controvert it is an act of injustice, inhumanity, and calumny. He is treated as a criminal, and, without summons, he is prejudged, condemned, and sentenced. Is the President scrupulously careful of the memory of the dead, or the feelings of the living, in respect to violations of the constitution? If a violation by him implies criminal guilt, a violation by them cannot be innocent and guiltless. And how has the President treated the memory of the immortal Father of his Country? that great man, who, for purity of purpose and character, wisdom and moderation, unsullied virtue, and unsurpassed patriotism, is without competition in past history or among living men, and whose equal we scarcely dare hope will ever be again presented as a blessing to mankind. How has he been treated by the President? Has he not again and again pronounced that, by approving the bill chartering the first Bank of the United States, Washington violated the constitution of his country? That violation, according to the President, included volition and design; was prompted by improper motives, and was committed with an unlawful intent. It was the more inexcusable in Washington, because he assisted and presided in the convention which formed the constitution. If it be unjust to arraign, try unheard, and condemn as guilty, a living man filling an exalted office, with all the splendor, power, and influence which that office possesses, how much more cruel is it to disturb the sacred and venerated ashes of the illustrious dead, who can raise no voice and make no protests against the imputation of high crime?

What has been the treatment of the President towards that other illustrious man, yet spared to us, but who is lingering upon the very verge of eternity? Has he abstained from charging the Father of the Constitution with criminal intent in violating the constitution? Mr. Madison, like Washington, assisted in the formation of the constitution; was one of its ablest expounders and advocates; and was opposed, on constitutional ground, to the first Bank of the United States. But, yielding to the force of circumstances, and especially to the great principle, that the peace and stability of human society require that a controverted question, which has been finally settled by all the departments of Government by long acqui-

escence, and by the people themselves, should not be open to perpetual dispute and disturbance, he approved the bill chartering the present Bank of the United States. Even he, the name of James Madison, which is but another for purity, patriotism, profound learning, and enlightened experience, cannot escape the imputations of his present successor.

And, lastly, how often has he charged Congress itself with open violations of the constitution? Times almost without number. During the present session he has sent in a message, in regard to the land bill, in which he has charged it with an undisguised violation. A violation so palpable, that it is not even disguised; and must, therefore, necessarily imply a criminal intent. Sir, the advisers of the President, whoever they are, deceive him and themselves. They have vainly supposed that, by an appeal to the people, and an exhibition of the wounds of the President, they could enlist the sympathies and the commiseration of the people—that the name of Andrew Jackson would bear down the Senate and all opposition. They have yet to learn, what they will soon learn, that even a good and responsible name may be used so frequently, as an endorser, that its credit, and the public confidence in its solidity, have been seriously impaired. They mistake the intelligence of the people, who are not prepared to see and sanction the President putting forth indiscriminate charges of a violation of the constitution against whomsoever he pleases, and exhibiting unmeasured rage and indignation, when his own infallibility is dared to be questioned.

I had supposed the right of the Senate to express its opinion, in any form, as to a violation of the constitutional power of Congress, would not be seriously questioned. What part of the constitution restrains it? All civil officers of Government are liable, on a proper case, to impeachment. If the Senate cannot, without looking into his motives, express its opinion that the Chief Magistrate has violated the constitution, because, by possibility, he may be impeached, neither could the Senate express such an opinion as to any impeachable officer, however low. And it would come to this, that the Senate might behold a gross violation of the constitution by a register of a land office, or a collector of the customs, without being able to interpose any corrective or preventive remedy. If the Senate, for the reason assigned, cannot express its opinion in the form of resolution, neither could it, for the same reason, express it in the form of bill, whether originating in the House of Representatives or the Senate.

The right of every body, natural or artificial, individual or corporate, to defend its faculties, powers, privileges, and existence, against unjust attack, is an inherent and constitutional right. Does not the President, on all occasions, defend the executive powers? And may not the Senate defend its legislative? How far the Senate may go in the exercise of that unquestionable right, and how strongly it may express itself, in maintaining its just and lawful authority, is for itself to judge, and not the violator to prescribe. Doubtles the Senate will not, and has not, expressed itself in such manner as to imply criminal guilt in the violation. The alleged violator is neither impeached, summoned, nor arraigned. He has no right to anticipate whether he will be or will not be. When he is, it will be time enough for him to exercise the right, if he has it, to challenge the array, or individuals of the panel. If he has it not upon his arraignment, he has it not previous to his arraignment.

The Senate and House of Representatives, I presume the President will harldy question, may express their approbation of the Executive conduct, and declare that it has been in perfect conformity with the constitution. Many such instances of such expression may no doubt be found in our annals; but I will mention only one. Mr. Jackson, the British minister, having given offence to the American Executive, Congress, on the 12th of January, 1810, passed a joint resolution, in which they declare that "the Executive Government has manifested a just regard to its own dignity and honor, as well as the character and interest of the American people;" and Congress pledged itself to stand by and support the Executive, and to employ, if necessary, the whole force of the nation. If the then President, or Secretary of State, had been subsequently impeached on account of their conduct towards the British minister, that joint resolution amounted to an acquittal, in anticipation. If the Senate may express its approbation, can it not its disapprobation, of Executive conduct?

The President supposes it was not intended to follow up the resolution with any legislative action. I protest against his right to inquire into that matter. He has no authority to come to either branch of Congress, and, prying into our initiatory or inchoate proceedings, to pronounce which of them will be, or will not be, carried out into the forms of legislative action. What right has he to say in what form we shall conduct our deliberations, or collect the sense of this body? It often happens, and is generally the best way, when there exists diversity of opinion among the members of the body, to ascertain the general sense in the form of a resolution. Examples of this course might be multiplied without number. On the subject of internal improvements, some twelve or fifteen years ago, the late Mr. Lowndes, I think it was, presented a series of propositions to the House of Representatives, in the form of resolutions, on which the House voted, but did not afterwards particularly act. I will say, for the information of the country, that it was originally in my contemplation, and I believe that of other members, if necessary, to follow up the resolutions by positive legislative enactment, in some shape or other. The circumstances in which the two Houses of Congress find themselves, have prevented, and may continue to prevent, the execution of that purpose.

If the present attempt be tolerated, where is it to stop? The President pronounces the discussion as well as the passage of a resolution never officially submitted to him, to be unconstitutional. Although the constitution expressly secures to the members of Congress the immunity of not being questioned in any other place for any speech or debate in either House, the President declares the discussion of the resolution to have been a violation of the constitution. The next step will be to scrutinize the votes of individual members. That, indeed, has been already taken in the protest. It is true the President disclaims any intention to question the votes of the members from New Jersey, Maine, and Ohio; but he has set forth verbatim the instructions to them from their respective Legislatures; and for what purpose? For what possible purpose, but to hold up those Senators as voting contrary to their instructions and their obligations? The next step may be, if this encroachment upon our freedom of deliberation be not arrested, to send for the two Houses, and to remonstrate against the passage of bills pending before them, as a British King once did, or to send for individual members to the President's mansion, and lecture them.

Mr. President, this protest is but a new form of the veto. That conservative provision of the constitution has been most remarkably expanded and employed under the present administration. The constitution provides for but one description of it, but the present Chief Magistrate has divided it into at least five varieties. 1st. There is the legitimate constitutional veto, according to which the President may negative a bill, which the two Houses may afterwards pass, if two-thirds in each shall vote for it, notwithstanding the President's objections. 2d. The absolute veto, by retaining a bill, and thereby depriving

Congress of all opportunity of passing it, if, after its return, they should be unanimous in its favor, as was done with the land bill. 3d. Then there is the veto subsequent—that is, when the President refuses to execute laws, although they have received the sanction of the Executive, and other co-ordinate branches of Government, upon the ground that the present Chief Magistrate deems them unconstitutional. 4th. The veto conditional, of which there is at least one instance where the President approves of parts of a bill, which he will execute, but disapproves of another part, which he intimates he will not execute. 5th. The initiatory veto, as in the case of the present resolution, where, before any proceeding is consummated, and before the resolution is officially presented to the President for his consideration, he sends in a protest, which is, in substance, the same thing as a veto. I might add a sixth variety, that is, a precedent veto, where the President, as in the case of the deposites, exercises, in advance of the meeting of Congress, his power to bring it under the operation of the veto.

Sir, this protest is a plain and palpable breach of the privileges of the Senate. They relate either to the body collectively, or to the persons who compose it individually. The abuse of privilege in England chiefly grew out of the vast extension of it to members of Parliament. The constitution directs itself to that abuse, and defines and limits the privileges of members. As to them, it is restrained to exemption from arrest in all but excepted cases during their attendance at the session of their respective Houses, and in going to or returning from the same; and to exemption for any speech or debate in either House, from being questioned in any other place. But as to the privileges of the body, collectively, it was impossible to foresee all the attacks, in any form, which might be made upon their freedom of deliberation and of legislative action; and they are, therefore, not defined or expressly provided for. Whatever may be their actual extent, all must agree that a deliberative body can never fulfil the purposes of its institution, if it be not allowed freely to consider, to deliberate, and to decide, upon all matters which come before it. All must admit, that if the immense power and influence of the President of the United States may be interposed on a subject of deliberation before either House of Congress, after the sense of the majority is declared, but before any act has regularly emanated from the body to be officially presented to the President, there no longer exists that salutary freedom of deliberation which is indispensable to an independent and faithful discharge of the duties of the body. The President has so interposed; and his interposition is to assert high and important powers in himself, and to deny them to the Senate, contrary to the constitution of the United States, as the Senate solemnly believes.

In support of this extraordinary interference, the Senator from Tennessee, [Mr. GRUNDY,] and others, who, on the same side, preceded him in the debate, have relied on a precedent drawn from the administration of Governor McKean, whilst Governor of Pennsylvania. I should like to make the preliminary inquiry, What right have the President and his partisans to avail themselves, in support of executive power or practices, of any precedents? What right have they whose course has been marked by an utter contempt and derision of all precedents in this Government, in respect to legislative power; whose aim seems to have been to efface every trace, and to trample down and destroy every thing built up by their predecessors; what right have they to resort to another Government to supply them with the authority of a precedent to uphold Executive power? But what was the case of Governor McKean? Articles of impeachment against him, as Governor, were reported by a committee of the House of Representatives. A majority of the House overruled the report, and thus acquitted the Governor. He then requested the House to allow him to record on its Journal his defence against the articles of impeachment, and it was permitted to be done. Now, that was a case in which the request of the Governor was in accordance with the decision of the majority, and tended to support it against the adverse opinion of the minority. Here the protest is against the judgment of the majority, and its tendency is to sustain the views of the minority. That neither called in question the correctness of the motives, nor the judgment of the majority. This assails both. Suppose the Governor had been decided by the majority to have justly subjected himself to impeachment, (which the Senate had not done in regard to the President,) would the majority have allowed the Governor to enter a protest against its decision? Would it have permitted such a protest, when he was neither accused, summoned, arraigned, nor on his trial?

The Senator from Tennessee [Mr. GRUNDY] has advanced some legal opinions, to which I cannot subscribe. He has endeavored to countenance the President's opinion, that the mere fact of a violation of the constitution, of itself implies guilt; and has contended that the existence of the fact of homicide alone, or that of a man being found in the ranks of the enemy, *per se*, establishes his guilt of murder in one case, and treason in the other. That is not the law. Murder cannot be made out without malice prepense, or the diabolical intention; nor treason without the traitorous intent. And an indictment, which did not allege, or a special verdict which did not find these essential facts, would be fatally defective. The honorable Senator and myself have probably (he more than I) robbed the gallows of some of its just dues; but his professional success would never have been attended with the reputation which he has acquired, if he had maintained in the defence of his clients such doctrines as he now advances.

And here, Mr. President, I might conclude the argument; having, I think, successfully shown that the Senate is no general recording office; but that, by the constitution, it keeps a Journal of its own proceedings only. That the protest, proposing no measure whatever for the Senate, but limiting itself to the mere request of the President to have it spread on the Journal, is not such a paper as the President has a right to ask, or as the Senate is constitutionally bound to put on its Journal. That it contains reflections upon, and imputations against, the Senate, demonstrating that if it were not sent in to insult the Senate, it cannot be recorded on its Journal without its performing an act of degradation and self-condemnation. And, finally, that it is a breach of the privileges of the Senate, threatening its independence and its freedom of deliberation.

But, sir, there are some constitutional doctrines advanced in the protest, in my judgment, so untenable, so extravagant, and so alarming, that I should not think I had performed my duty if I resumed my seat without entering my solemn protest against them. And I must first observe that, during the three months' arduous debate which arose on the resolutions, we, on this side, constantly maintained that they involved constitutional principles of transcendent importance, vitally affecting the distribution of powers between the departments of Government, and directly tending to transform our republic into an elective monarchy. On the other side, it was, with apparent seriousness, urged that the whole question was Bank or no Bank. In vain did we contest that issue; aver our perfect convictions that a far different question was presented; and appeal to the conclusive fact, that, on our side, were several Senators who had expressly declared their fixed determination to vote against any bank; whilst on the opposite side, there were several Senators equally resolved to vote for the bank, or for a bank. In spite of these protestations, the delusion has been most

industriously propagated by the partisans and the leading presses of the administration, particularly to the South; and thousands of the people of the United States have been deceived and misguided by it.

Well, sir, how stands the matter now? The President has voluntarily dissipated the delusion; thrown off all disguise; and, dropping the bank altogether, comes before the Senate, in the protest, asserting for himself the most enormous powers. He has fully sustained and fortified the precise ground which we have constantly taken, that the true question was one purely of power. He has even gone beyond the position which we took. During that long debate, we insisted that an attempt was made to unite the purse and the sword in the hands of the President. We flattered ourselves that the power would at least remain to Congress which the constitution has expressly assigned to it, "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." But the sword and the purse do not satisfy the President; and he now contends for the custody of all the property of the nation, whether it be the immense public domain, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war, or public money, which is but a species of public property. And "whenever or howsoever obtained, its custody always has been, and always must be, unless the constitution be changed, intrusted to the Executive department. No officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties." "Congress cannot, therefore, take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power and a subversion of the first principles of the constitution."

The President claims to be invested with all executive power, whatever its purpose or nature may be. He asserts, if I understand him, original executive power, independent of the constitution. His language is, "The power of removal, which, like that of appointment, is an original executive power, is left unchecked by the constitution, in relation to all executive officers for whose conduct the President is responsible." And, sir, is it not remarkable, that, on the 28th March last, in the concluding speech which I made on the resolutions, I predicted that the day would come when this, or some other President, if Executive encroachment were not arrested, would attempt to deduce power from his official oath; and that the fulfilment has so quickly followed the prediction? The President begins and ends the protest with a resort to that official oath as a source of power, which no man before ever regarded as granting power. And he supposes that because his oath "differs from that of every other functionary," it implies a peculiar obligation on him. What is the oath? He is "to preserve, protect, and defend the constitution of the United States." Taken in their largest and most extensive sense, and regarding the oath as a grant of power, these expressions may be interpreted to create a right and duty, on the part of the President, to preserve and protect the constitution, as he understands it, against all violations, by whomsoever attempted. If the Supreme Court, State Legislatures, or Governors, or even Congress, should expound the constitution contrary to the President's sense of its meaning, he may employ all the means at his command, military, naval, and civil, to prevent the threatened violation. The consequence would be, that we should have but one expounder of the constitution in the whole Government, and but one will controlling all its operations. Never before did any man regard the official oath as containing a grant of power. Never before was it considered as amounting to any thing more than a solemn obligation to execute faithfully that trust and those powers which were to be found, not in the oath itself, but in the specific grants of the constitution or the laws. Are not Senators equally bound with the President by oath to support the constitution? And the variation in the terms of the oath, as well as its being prescribed in the constitution itself, contrary to what is done in other cases, may be satisfactorily accounted for from the exalted station and the high duties attached to the office of the Chief Magistrate.

The President places much stress upon his assumed responsibility for all the executive officers of the Government. Whenever I hear any one uttering the words, "I take upon myself the responsibility" of performing a particular act, I am sure that there is a lurking presumptuousness or purpose of usurpation in the case. He supposes that the weight and influence of his name will recommend and secure the public sanction for the deed. Why vauntingly take the responsibility? If it is inherent in the office, or is fairly attached to it by the constitution or laws, of course the functionary acts under his legitimate responsibility. He should feel, not proclaim it, and honestly and fearlessly discharge his duty. This word "responsibility" is of frequent recurrence in the official papers which bear the signature of the President. He seems to regard himself as responsible for all that is done, no matter by whom, in every branch of the Executive Government. He contemplates the whole corps of executive officers as acting for him, by him, and according to his special commands. He appears to look upon himself as the head of a great army, whose operations, in all its ramifications, and whose officers, in every grade, were to be directed and controlled by his absolute will.

Mr. President, is this the true theory of our Government? Is the President actually responsible in the sense and to the extent which he alleges? It is worthy of particular examination; and let us begin it by a true definition of the expression. What is responsibility? It is liability, accountability. When one is responsible for another, he is liable, accountable, answerable for that other. To hold the President, therefore, responsible for executive officers subordinate to him, is to subject him to a liability and accountability for them. Is this the case? Suppose a subordinate civil officer so conducts himself as to render himself justly liable to impeachment; can the President be impeached for his misdemeanors? I should be glad to see some of the supporters of the Executive prepare the form of such an impeachment. Take a strong case, that has actually occurred, under the immediate eye of the President. A head of a department borrows several hundred thousand dollars, in direct violation of a positive provision of the constitution, which confers on Congress exclusively the power "to borrow money on the credit of the United States." I have not heard a voice raised on this floor to justify or excuse this breach of the constitution. Can the President be impeached, tried, and punished for it? Again: suppose officers charged with the receipt or disbursement of public money, embezzle it, and fail to account for it; can the President be made, by suit or otherwise, to restore it to the public treasury? Take another strong case. Twenty thousand dollars of the navy pension fund are invested in the stock of a District bank, and are under the care and direction of one of the President's Secretaries, as he calls them. The Secretary, by the exercise of ordinary vigilance, ought to have been acquainted with the condition of the bank, and should have averted the public loss by a sale of the stock. He did not do it; the bank has suspended specie payments, and the public interest is at hazard. Can the President be impeached for this neglect of the Secretary's duty, or compelled to pay to the navy pension fund the amount which it is in danger

of losing? Can he be compelled to reimburse the Treasury for the large sums of which it has been deprived by the defalcation of numerous officers, appointed by himself, during the present administration?

We have seen that the President is not punishable by impeachment, or otherwise, for the delinquency of executive officers. We have seen that he is under no pecuniary responsibility. Is his reputation even affected by the official misconduct of subordinate officers? How often, of late, have they proved themselves unworthy; and yet, who has thought of imputing their faults, their want of integrity, or ability, to the President? If, indeed, a Chief Magistrate should habitually and notoriously appoint incompetent and unworthy men to office, he would incur the censure of public opinion; but he would remain exempted from all practical or available responsibility. Even in the military and naval service, the President is not liable for the misconduct of the officers; but they are themselves amenable to their known and established tribunals.

And how does the President make it out? He implies the power of removal in himself, to the exclusion of the Senate, from the power of appointment to office, although the Senate jointly exercises that power with him. Having thus drawn to himself the sole power of removal, he next proceeds to imply the power of control over the officer; and then, by a third implication, he assumes the power of directing the performance of the duties of the officer, in cases even where the law specially assigns the duty to the officer himself. Such are the links in this singular chain of implications which the President has constructed. He assumes voluntarily the responsibility for others, that he may seize and appropriate to himself their power. And his sole object seems to be to acquire power; to concentrate in himself all power; and to substitute his will for the judgment of all the executive officers of the Government. The augmentation of the mass of his power is the only aim of the President—power, not only without practical responsibility, but in the entire destruction of all responsibility. If he were indeed punishable, liable, answerable for the conduct of all the executive officers, the public might find, in that fact, some compensation for this vast accumulation of power in the possession of one man. But his responsibility is an irresponsible responsibility. The President is only responsible for the performance of the duties confided to himself by the constitution and laws. He can be impeached only for his own misfeasance or non-feasance. He is not liable for others. And what, according to the doctrines of the President, is the condition of the responsibility of the officers themselves? If they are bound to conform to the will of the President, and to obey his commands, they cannot be regarded as moral, independent, and responsible beings. They could not be impeached for any official act executed in compliance with the orders of the President. Those orders would be a plea of full justification. The effect, therefore, of these new principles of the President is utterly to destroy all responsibility in himself, or in the other executive officers of the Government, who act in obedience to his mandates. The President speaks of a responsibility to himself. He says that "the whole Executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts." Thus, every thing concentrates in the President. He is the sole Executive; all other officers are his agents, and their duties are his duties. This is altogether a military idea, wholly incompatible with free government. I deny it absolutely. There exists no such responsibility to the President. All are responsible to the law, and to the law only, or not responsible at all.

Congress, in the opinion of the President, cannot take from him the custody of the public property, and the public purse, "without an assumption of Executive power, and a subversion of the first principles of the constitution." This is the language of the original protest, and I concur with my friend from Maine [Mr. SPRAGUE] that the supplement makes no essential change. That, he clearly proved, this morning, to the Senate. The language is somewhat mystified by the supplement, but the President has not let go one particle of the power claimed and asserted in the principal document. He admits, indeed, in the supplement, "without reserve, the constitutional power of the Legislature to provide by law the place or places in which the public money or other property is to be deposited; and to make such regulations concerning its custody, removal, or disposition, as they may think proper to enact." But he had asserted in the protest, that "no officer can be created by Congress for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties;" and that Congress "cannot take out of the hands of the Executive department the custody of the public property, or money, without an assumption of Executive power, and a subversion of the first principles of the constitution." These assertions remain unretracted, uncontradicted, in the supplement. The protest claims for the President the right to appoint any officer that Congress may designate to take charge of the Treasury, and the right to control him; and this claim is not abandoned or withdrawn by the supplement. Its apparent concessions amount to nothing, unless the President would withdraw the qualification which he has imposed. Having claimed a constitutional and uncontrollable right to the custody, as an inherent Executive prerogative, of both the public money and public property, the President ought not to have yielded to Congress the power to legislate as to the places in which they shall be kept. For he who has the lawful custody of a thing, and is responsible for its safety, ought to be left free to select his own place and mode of keeping it.

The President is particularly solicitous not to claim for himself or his successors "any power or authority not clearly granted by the constitution and laws." And does he—can he, really think that the powers recently claimed by him are clearly granted by the constitution and laws? A clear grant of power must be an express grant. What clause in the constitution gives him the power of removal? If he has that power, what express grant in the constitution conveys to him the right to direct and control an officer in a case where the law expressly assigns to him a particular duty? Above all, what part of the constitution clearly grants to him the possession of the public property and the public purse of the nation?

So far from there being any such express grant of power to the President over the public purse, it is a power which is clearly granted to Congress, to the exclusion of the Executive. To Congress is expressly granted the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States." And, when the money is once collected, none can "be drawn from the Treasury, but in consequence of appropriations made by law." Thus Congress is invested with power to impose the tax, to collect it, to pay the debts, and to appropriate the public money. And, in the performance of these several operations, Congress is empowered "to make all laws which shall be necessary and proper." It may, therefore, pass laws to impose the tax, to collect it, to pay the debts, and to appropriate the money when in the Treasury, and for each of these objects distinctly and separately. The general rule I take to be this, that, when the constitution invests one department of Government

with power to accomplish a given object, those who are charged with any duties under that power, in executing them, represent, act as the delegates of that department, according to its directions, and in subordination to it. Thus, the President is commander-in-chief of the army and navy of the United States; and officers under him act in obedience to his commands, represent him, and act in subordination to him. Again, the President and Senate are invested with the treaty-making powers. The diplomatic agents of the United States, therefore, represent them; and, according to the theory of the constitution, should obey their instructions; but, according to the practice, they act under the instructions of the President, and may be therefore said to represent him and to be his agents. So as to the money concerns of the Government: they are confided to Congress; but as Congress, being a collective body, cannot itself perform each individual act, it delegates its power to those who are charged with the custody of the public treasure, and its payment under laws of appropriation; and they, in those instances, represent Congress, and act as their agents. Nor is the case altered at all by the fact of the mode of the appointment of those representatives and agents. From fitness and convenience, the appointment bas been confided to the President and Senate. But it would be a strange perversion of the constitution to say, that the power of appointment, or the implied and highly questionable power of removal, should be made to draw from Congress the clear powers with which it is expressly clothed over the public Treasury.

Congress has, accordingly, passed laws both to pay the public debts and directing how the public money shall be drawn from and appropriated out of the public Treasury. As to the latter purpose, the Secretary is to draw and sign the warrant, the Comptroller to countersign it, the Register to record it, and the Treasurer to pay it. The law supposes each of these officers to act separately and independently of the other, and upon his own distinct responsibility. In the progress of the discussion on the resolutions, we contended that all these important checks were destroyed by the recent doctrines of the Executive, and the wills of these four several officers were melted down into the single will of the President. Senators, on the other side, said there was no change in the Treasury; that there was only a change in the place of deposite; but that all the forms of accounts, and all the previous guarantees, were left untouched. But what says the President in his protest? After having endeavored to establish that the Treasury Department, by the Congress of 1789, was decided to be an Executive department, subject to his absolute control, he says: "From that time down to the present, the Secretary of the Treasury, the Treasurer, Register, Comptrollers, Auditors, and clerks, who fill the offices of that department, have, in the practice of the Government, been treated as on the same footing with corresponding grades of officers in all the other Executive departments." In other words, all these Treasury offices are under the immediate command of the President; bound to conform to his will, and to execute the constitution and laws as he understands them, although his sense of their meaning is in direct opposition to that of those sworn officers. If this be true, does not the President possess as absolute control over the public Treasury as if it were confided to his exclusive possession, without the machinery of various checks, which the law supposed were substantial and efficient, but which the President renders a mere mockery?

The President does not appear to comprehend the maxim, *Qui facit per alium facit per se.* When an officer, no matter what may be the mode of his appointment, or the tenure of his office, is designated by law to perform duties growing out of powers vested in Congress, that officer represents Congress, and is the agent of Congress. Congress might itself, if it were not inconvenient, not only impose taxes, but collect them, appropriate their amount, and pay the public debts. How can it appropriate the public money, if it be under the control of another? Appropriation and payment imply possession of the thing which is to be appropriated and paid. Congress might, by law, constitute either or both of the Presiding Officers of the two Houses, or their Clerk and Secretary, or a standing joint committee, Treasurers—require them to keep the public money, and, from time to time, to pay it out or disburse it, in pursuance of appropriations by law. And the same officer of Government may fill the double character of representative of the Legislative and the Executive departments—representing each in the execution of powers which are confided by the constitution to them respectively.

There is a large class of laws, in our statute-book, requiring the heads of departments, and others, to execute particular duties, under the direction of the President, or with the approbation of the President. The sense of the Government has been thus repeatedly manifested, that, without such express requirement, those officers would act, not under the direction of the President, but upon their own responsibility. But, if the recent pretensions of the Chief Magistrate be well founded, in all cases whatever, where, by the practice of the Government, officers are removable by him, they are subject to his commands, whether they are or are not placed under them by the positive provisions of the law—and that large class of laws, to which I have referred, contains idle and useless provisions.

Mr. President, near forty years ago, Mr. Jefferson was alarmed at the progress of executive encroachment under the administration of the Father of his country. In a letter addressed to Colonel Burr on the 17th day of June, 1797, he says: "I had always hoped, that the popularity of the late President being once withdrawn from active effect, the natural feelings of the people towards liberty would restore the equilibrium between the Executive and Legislative departments, which had been destroyed by the superior weight and effect of that popularity."

If that administration, characterized as it was by forbearance, moderation, and wisdom, was justly chargeable with encroachment, what would be the surprise of Mr. Jefferson, if, rising from the dead, he were to behold the enormous and startling pretensions of the present Chief Magistrate? It is in vain to disguise it; the rapid strides of the Executive, if not checked, will soon inevitably conduct us to a practical monarchy, in which, mocked with the forms of free government, we shall, in fact, have but one will, and that a unit.

The President is eulogized by his supporters for his firmness, unbending resolution, and personal courage. The latter is an ordinary quality, the possession of which implies no peculiar merit, although the want of it is discreditable. But if a purpose is seriously entertained of converting this free republic into a monarchy, and to introduce despotic power, the President will find that there is an indomitable spirit in the people of this country equal to his own; and that, all peaceful remedies failing, a resort will be unhesitatingly had to that musket and bayonet which I will not be among the last to use and direct.

And why, sir, has this great nation been agitated and convulsed to its centre, bankruptcy and ruin spread throughout the land, and a frightful and unmitigated future opened to a distressed people? Congress, at its last session, having reconciled and tranquillized the country, by a parental compromise, previous to its adjournment, placed a seal upon the public treasury. The ensuing spring opened with the fairest hopes, and never did all the great interests of any country exhibit more unmixed prosperity than those of the people of the United States,

up to the adoption of that fatal measure which has scattered disaster and distress throughout all the conditions of an unoffending society. And why, why was it adopted? The opposition is charged with producing or augmenting the existing discontents. Has not the opposition sustained this administration whenever it conscientiously could? Whether wisely or not, was not necessary now to be determined; but did not the opposition come to the aid of this administration, in its greatest need, during the last session, on the force bill, when many, who had previously been its supporters, deserted it? Did the opposition advise or provoke the removal of the deposites? Must they submit to an act not only without resistance, but with acquiescence and approbation, which they solemnly believe in its tendency, and in the principles by which it is supported, threatens to overthrow the constitution, and to subvert the liberties of the people?

Why did the President resolve on that unfortunate step? Can he not live in quiet and repose, without perpetual excitement? Must he ever have some object of eager and ardent pursuit? All his recent plunges seem to have been made, I will not say for the wanton, but unnecessary purpose of trampling under his feet the Bank of the United States, which had offended him and awakened his vengeance. Will the President never cease to regard himself as a great political hunter, who, before he secures the tail or skin of one prize, which he has won in the chase, must dash, with horse and hound, into the depth of the forest to start fresh game?

Who, Mr. President, advised and urged that most extraordinary measure? We are told that two-thirds of the President's cabinet were opposed to it. You are charged with having counselled it; but I will not believe it. I cannot allow myself to think that one of your experience and enlightened understanding could have recommended a proceeding so repugnant to the constitution and laws, and so detrimental to all the interests of the country. No, sir; it was the work of a deep, and dark, and irresponsible cabal, composed of individuals lean, lank, lantern-jawed, hollow-hearted, and with empty purses, who, to the exclusion of his best and wisest friends, have surrounded and taken possession of the person of the President for their own sinister purposes, and to the hazard of his character and fame. And under what promises was the decision made to remove the public deposites? The public was assured that there would be no interruption in the operations of the general business of the country—that the whole affair was merely taking down one sign, and suspending another; and it was distinctly promised that the people should be supplied with a better general currency than the best which any country ever before possessed. We have the fulfilment of this promise in an official letter recently addressed by the Secretary of the Treasury to the chairman of the Committee of Ways and Means of the House of Representatives. In that letter, it is proposed to select a number of local banks as the depositories of the public money, the selection of which, the committee recommend, shall be made by the Secretary himself. They are to give no bonus to the public, to pay no interest for the deposites, and to use them for the benefit of themselves, in the several places of their collection, without that participation in their advantage, on the part of the West and interior, which they enjoyed under the administration of the Bank of the United States. They are not even bound to receive and credit each other's notes. Instead of the better currency promised, the Secretary cuts the Gordian knot, by declaring that this vast, wide-spread country needs no general currency. He thinks, indeed, it probable that the local banks may supply drafts and bills for the purpose of remittance. A more bungling, inefficient, unstatesmanlike scheme was never brought forward by any financier.

And now, sir, before I conclude, I have a few more observations to make in reply to the Senator from Tennessee, [Mr. GRUNDY.] He supposes the whole struggle now existing in this country, is a mere contest for power. Why this perpetual recurrence, by the party in office, to the imagined motives which actuate their opponents? Do the friends of the administration believe that there is nothing worth contending for but spoils, and the public crib and public place? Without meaning to be disrespectful to them, they appear to me to resemble a thief in his flight with unlawful plunder, who is constantly apprehending that he will be overtaken by the constable and *posse comitatus* engaged in hot pursuit. Cannot gentlemen conceive the possibility of the existence of higher, and better, and nobler motives of public action? Can they not comprehend the influence of the love of liberty? the desire of preserving our admirable constitution? in short, the sentiment of pure and disinterested patriotism? They have the possession, the quiet possession if they please, of the honors and emoluments of office, for near three years to come. Bright as the existing prospects are of their expulsion, how few of us may survive to witness that happy event! For one, I can assure the Senator from Tennessee, that I am no candidate; that I do not desire to be a candidate; and that, if it depend upon me alone, I never shall be a candidate for any public office whatever.

The Senator amuses himself with the divisions which he describes to exist in the ranks of the opposition, and anticipates the want of co-operation which they may occasion. There is one philosophic conclusion which he might have drawn from that fact, favorable to the honesty of the opposition; and that is, that nothing but a deep and solemn sense of the dangers which are impending over the country could have united, in one common cause, persons who entertain such a diversity of views as to the proper administration of public affairs. The Senator assigns to the opposition the federal party. Of all the political parties that have existed in this country, I have before said, what I believe, that, in the main, they have been honest and patriotic. That may be as truly affirmed of the federal party as of any other. The causes which have produced the ancient divisions of the people into federal and republican parties, have principally, if not wholly, long since ceased to operate; and it is ungenerous and unjust to endeavor to preserve or affix the denomination for party purposes. The federal party was, indeed, supposed to lean more than their opponents did, to a strong and energetic Executive; and, in that respect, the administration party of the present day may be pronounced to be more federal than their opponents. The original causes having ceased, the federal party has divided itself between the two parties of the present day. The better portion of it united with us, and the worse with the Senator and his friends.

That eminent individual who gave rise to the Senator's addition of a new crime to the penal code, under the name of moral treason, (and a very honest man he was,) lived and died of the Senator's party. And how many members of the present cabinet belonged to the federal party? A plea of infancy has been, by some one, put in for the Secretary of the Treasury, who, it is alleged, was too young to have taken sides during the prevalence of the republican and federal parties in former years. I have made no comparison of ages with him, but I feel quite sure that there is no material difference between us in our ages. I recollect distinctly, that upwards of twenty-seven years ago, when on my way to or from the first session of Congress which I ever attended, I saw him at Hagerstown, engaged actively and successfully in the practice of the law; and all acquainted with Maryland politics know that, about the period of the late war, he was among the most prominent and influential leaders in the federal ranks. I will add, that, of all the politicians

in this or any other country, some of the federalists who united with and adhere to the Jackson party, are the most detestable. They appear to have cut themselves loose from every tie, and obligation, and principle, which should bind men to their country and society.

The Senator from Tennessee adverted to the chequered condition of the opposition, without seeming to be conscious that his own party did not present one uniform ground. It is made up of federalists and republicans, friends and opponents of internal improvements, supporters and opposers of the tariff, bank and anti-bank men, nullifiers and union men, all sorts, and sizes, and colors, blue, black, and gray. He particularly objects to the exclusive appropriation of the appellation whig by the opposition, or, rather to the correlative appellation being attached to his party. I have no doubt, sir, that there are many true and genuine whigs in the administration party, but they are leaving it by hundreds and thousands; and, before the appearance of white frost in the next autumn, they will all have abandoned a position so irreconcilable with their patriotic principles. The Senator thinks that there is no coverlet large enough to protect all the various elements of the opposition. He is mistaken; there is one of sufficiently capacious dimensions, recently wove at a Jackson loom, called a protest; on which is marked a violation of the constitution, and an assumption of enormous executive power; and the honorable Senator had better hasten to place himself under the banners of those who are contending against power and prerogative, for free institutions and civil liberty. And he had better lose no time; for the protest is the last stroke upon the last nail driven into the coffin—not of Jackson, may he live a thousand years!—but of Jacksonism.

When Mr. CLAY had concluded—

Mr. WRIGHT obtained the floor, and, upon his motion,

The Senate adjourned.

THURSDAY, MAY 1.

PENNSYLVANIA MEMORIALS.

Mr. McKEAN rose to present memorials from Northumberland, Susquehanna, and Bradford counties, in the State of Pennsylvania, opposed to the removal of the deposites. He said he had been requested to present the memorial of about two hundred and sixty inhabitants of the borough of Milton, in Northumberland, one of the middle counties of Pennsylvania. They speak in the usual language of their embarrassments and pecuniary distress. They are opposed to the removal of the deposites, and in favor of re-chartering the United States Bank. They say that a large majority of them were the original friends of General Jackson, and supported him in 1832. Many of them, he (Mr. McK.) knew had been the active friends of the General. The memorial gave a full and lucid account and exposé of the views and principles of the petitioners.

Mr. McK. said he had another similar memorial, signed by nearly thirteen hundred citizens of Susquehanna county, and this, he said, came nearer home. Susquehanna adjoined the county in which he resided; and, by a letter received from a valued and constant personal and political friend of his own, and a uniform supporter of General Jackson, he was requested to state that the signers were without distinction of party, and that it contained the names of the sheriff, county commissioners, and a majority of their influential men, and at least two-thirds of the whole number of votes usually given at the annual elections in that county, and at least five hundred of the signers voted for General Jackson in 1832. He further states, that no extra pains were taken to procure signers. The petitions were left at different public places in the county, and were signed without solicitation. This memorial also states succinctly and forcibly the views of the signers.

Mr. McK. said he had yet another memorial of the same kind to present, from sixteen hundred citizens of Bradford county; and this, he said, came quite home. Bradford was the county in which he resided, and a strong Jackson county. If, said Mr. McK., it has been my misfortune to differ from a portion of my constituents on some points, it was nevertheless my desire to represent them candidly and fairly. This, too, was said to be without distinction of party, and, in a great measure, he knew this to be true; and, in further confirmation, he had received a letter, accompanying the memorial, from James P. Bull and Thomas Elliott, one an active supporter and the other a leading opponent of the administration. They say, in transmitting the memorial, they desire it to be distinctly understood, that they are actuated by no party or political motives, and they sincerely regret and deplore the manner in which this question has, by artful means and designing men, been mingled with the party conflicts of the day. They deem it a subject too deeply affecting the interests of every class of the community, to be prostituted to the base purposes of personal aggrandizement, and express a hope that every patriot will discountenance the connexion of this question with the politics of the country.

Mr. McK. said he had another paper to present, of an opposite character to those he had just presented, and from a source equally respectable; for, said Mr. McK., my constituents are all respectable. He said it was the proceedings of a public meeting of citizens of Northampton county, recently held at Easton, Pennsylvania. They approve of the removal of the deposites, and are opposed to the re-charter of the United States Bank, and sustain, generally, the action of the President in reference to both.

Mr. WEBSTER said he did not hear the name of the county from whence the first memorial came.

Mr. McKEAN replied, Northumberland.

Mr. WEBSTER said, if he remembered the situation of Northumberland county on the map, it was in the central part of the State of Pennsylvania. The two other counties were situated on the New York line. It became highly important to know in regard to these memorials, whether they did speak the voice of the people, or whether they were the mere expressions of party feeling, whatever form it might assume. The honorable colleague of the Senator from Pennsylvania who presented these memorials, in some remarks made a few days ago, stated that we had heard nothing of consequence from Pennsylvania, against the measures of the Executive, but from the city of Philadelphia; that the great mass of its population was in favor of the administration, and that a revolution was going on in its favor. Now, it struck him that it was founded in truth and justice, and could not fail to have great influence on public measures, if it be true that the people are in favor of the measures of the Executive, in reference to the great questions treated of in the memorials. And if it be true that no voice has been heard but that raised by a desperate party feeling, the full knowledge of that fact could not but strengthen the Government, and encourage it to persist in its measures.

Now, with great respect to the Senator from Pennsylvania, [Mr. McKEAN,] he should not like to make any inquiry of him that would create any embarrassment, but as he said he had presented the names of those, some of whom were friends of the administration, and most of whom he knew, and as he resided in one of the counties, he (Mr. W.) would like to know of him, if he would not take it amiss, whether there was or was not a deep and growing disapprobation of the measures of the Executive

in relation to the removal of the deposites from the Bank of the United States?

Mr. McKEAN replied that he had not the slighest objection to answering the inquiry. He stated the fact that, so far as he knew the county of Northumberland, it contained a number of persons who were actively engaged in the support of the present Executive. They themselves stated that they were the original friends of General Jackson, and voted for him in 1832. He also stated that, in his own county, their memorial was signed without distinction of party. Although he did not know the sentiments of every gentleman in his county, yet those gentleman who were responsible to him for the memorial, authorized him to state that fact.

His desire, Mr. McK. said, was to reply to the question of the gentleman from Massachusetts distinctly. As far as he knew, the people of the counties with which he was acquainted (although he unfortunately differed with them on some points) were much dissatisfied with the removal of the public deposites. There was much discontent, and he believed that the people were against the administration for its late measures, though they attributed them only to error of judgment. He did not mean to be understood, Mr. McK. said, as conveying the idea that the people of Pennsylvania were opposed to the Executive; he only meant that they were generally opposed to the removal of the deposites, which they attributed, as before said, to error.

Mr. WEBSTER said he did not ask what were the sentiments of the people of Pennsylvania, whether they were for or against the administration. But he simply asked whether they disapproved of the recent measures of the Executive, and he now understood that they generally did. He was obliged to the gentleman for his candid answers, and he thought that they would produce a good effect.

The memorials were then referred, and ordered to be printed.

Mr. CLAY said, that he rose to present a memorial, which would neutralize the resolutions last offered by the Senator from Pennsylvania, [Mr. MCKEAN,] adopted at a meeting in Northampton county, in Pennsylvania. By-the-by, those resolutions charge the existence of a coalition in this Senate. There can be no coalition more chequered or mosaic, than that which is implied by the denomination assumed by the meeting which passed those resolutions. They call themselves Democratic Republican, Jackson, Wolf meeting. He should be glad to know what that meant?—what system of policy, or politics, it implied?

The memorial with the presentation of which he was charged, was from Bald Eagle township, in Centre county, Pennsylvania. It comes from the head of that great State, and he wished its strong description of the distresses and sufferings which prevail in that quarter, could penetrate the hearts of the administration and its supporters. It attributes the state of things existing there to the withdrawal of the public deposites, and it proposes the simple and obvious remedy of the Executive retracing its steps, and re-establishing the laws. The memorial is couched in decorous and respectful language. It is accompanied by a letter, which states that three-fourths of the subscribers to the memorial have been, until very recently, the most unyielding friends of the present administration; and he would further state, for the comfort of the supporters of the Executive, that the letter adds, that "the Presidential protest has reached us, and I feel safe in assuring you that its dangerous doctrines will excite almost universal reprobation."

Mr. President, the memorial presented from Pennsylvania this morning by the Senator, [Mr. MCKEAN,] sets forth a part of the message of Governor Wolf, in December, 1832. The Governor adverts to the veto of the bank bill in terms of evident regret, declares that the bank has rendered service, and expresses the belief, that if another similar bill shall be passed, it will not experience the same fate from the President. And the numerous subscribers to this memorial testify that, in voting for the re-election of the President, they did not intend to decide against the Bank of the United States. How, after this strong evidence, can the President assert, or his friends boldly repeat and reiterate, as they have done, in this Senate, that the people of the United States, by re-electing him, pronounced a decision against the Bank of the United States.

Mr. CLAY moved the printing and reference of the Bald Eagle memorial, which was ordered accordingly.

BALTIMORE PROCEEDINGS.

Mr. CHAMBERS rose and said, he was requested by the officers of a large public meeting just held by the whigs of Baltimore, to present its proceedings to the Senate. The meeting was held in consequence of the invitation of the President in his appeal to the people—they had maturely considered it, and passed sentence upon the various questions which were the subject-matter of it, and now, here it was in the shape of a special verdict, in which the people of Baltimore have set forth their opinions. The gentleman from Tennessee [Mr. GRUNDY] might suppose that this allusion to whig principles, implied the opposite of it in his party, and that this coverlet or blanket was not broad enough to include us all; but, at all events, they were so well satisfied with this covering, that they did not mean to be disrobed of it. Mr. C. then commented at large on the President's protest, condemning the doctrines contained in it. He alluded to the Panama mission, and the opinions communicated to the Senate by Mr. Adams, when President, of his power to send a minister there in the recess, and that gentlemen who now sustained the administration, condemned those opinions.

Mr. C. concluded by moving that the proceedings be read, and take the usual reference.

Mr. GRUNDY said he had carefully abstained from saying any thing in the discussions upon these memorials. His constituents had sent none here, and he was inclined to leave them to the expression of their own sentiments in their own time and way. He was now called up for sentiments delivered on another occasion, and he regretted to find his opinions questioned on the presentation of a bank memorial. Between himself and the gentleman from Maryland, [Mr. CHAMBERS,] the same feeling existed as among all other citizens. We were all patriots and whigs, and all admitted it. But this new name the gentleman was pressing as if it was of some service to him, and he has referred to the Panama mission, and says that the opponents of Executive usurpation are whigs. But was the gentleman from Maryland a whig then, was he of the party then, for which he now claims this name? He would venture to say, that the gentleman then voted for this very power which was then claimed by the Executive, and about to be exercised. Well, if those who support it now are not as good as their opponents, he could say that the gentleman had improved in his whiggism. And whether this was owing to a change in his condition, was matter for his own consideration. But a word in regard to the difference of position which they now occupied. What had Mr. Adams done at that time? Nothing, but to give his opinion that he had a right to send such a mission, and thereupon he submitted the subject to Congress. The Senate then took it up, as it was their duty to do, and pronounced their opinion. But was Mr. Adams charged with a violation of the constitution and laws of the country? No, the Senate only differed with him in opinion in regard to the power which he intimated he possessed. Now, the President was directly charged

with a violation of the constitution and laws. Here was something clear, positive, palpable, and tangible. In the other instance there was nothing but an error in judgment imputed. He had no objection whatever that the gentleman from Maryland should call his friends whigs. All he (Mr. G.) contended against was the assumption that they were the exclusive whigs, for they were not deserving of the title. If the name was significant of the old tenets upon politics, he hoped that the whigs would include ninety-nine-hundredths of the people. Whigs they were, but there was no class exclusively so. Mr. G. admitted that among the friends of the administration there were a great variety of opinions on various subjects, but that fact only showed that they did not yield their opinions to the opinions or will of one man. We (the friends of the administration) stood, in our humble judgment, on the principles which were upheld in '99, and which were carried down to the present day. And between the gentleman from Maryland and himself there was not so much difference, after all. Here was a cover under which we could both get, and therefore, in regard to their whiggism, there was not so much difference as the gentleman thought. Mr. G. believed they were whigs and we were whigs, but he hoped the gentleman would not throw the correlative of the term on him, for he thought he did not deserve it, and if the gentleman would be willing to let us all go on as whigs, no inconvenience would result from it. But when he excludes us, who are as true whigs as any, then we feel an insurrectionary spirit, and we are not quite satisfied with the treatment. These citizens of Baltimore then, have taken the name of whigs, and there are none more deserving of it. But when they get a new name, and they make a great boast of it, it seemed like claiming what they never had before. Now, they were whigs long before this new assumption of the name. They were whigs in the revolution, and also in the last war, and the citizens of Baltimore were not doing themselves justice to claim just now what they had borne for the last half century, and it was not right for their friends to put this garment on them, as if it were new, when it is an old one, long worn by them, and is none the worse for wear. He, therefore, objected to the friends of the whigs of Baltimore putting this mantle on as for the first time, for they had it before; it was no new invention, or new thing. But, sir, we go under a name, and a good old one too, which distinguished us from all others. In the struggle between the elder Adams and Mr. Jefferson, the friends of Mr. Jefferson were called democrats, and the friends of Mr. Adams aristocrats, by way of derision, and the name of republican was assumed. This was significant as to the powers of the General Government and its different branches. Now, this term whig will not do as a designation of party, because it includes a majority of all parties. Gentlemen have found out that the term national republican will not answer their purpose, because it cannot be spread broad enough to embrace a majority. The whigs would cover every body; and therefore he wanted the gentleman to find some name that would do. National republican would not cover the South—it would not cross the Potomac. You might build your contemplated fine bridge across that river, and still it would not cross it for the South, not even so far as Virginia or North Carolina; and as to South Carolina, it could not get within sight of it. South Carolina was fond of a name which she would not swap for it, because these nullifiers of the South wanted to establish their own principles. Well, the time was, when they could not get out of the limits of South Carolina with them; and they were quite pent up there—but they seem to have expanded since. He (Mr. G.) had not read, but he had heard much talk of the nullifying gentlemen lately visiting north of this place; and they were taken to the bosom by men, who, twelve months ago, were ready to denounce them as traitors. In Philadelphia, too, these gentlemen were received not only with impunity, but with applause.

This only showed how changeable we are, and he could not say how it might all be in six months hence, for if fifteen thousand men in Baltimore twelve months ago considered that almost treason which they were now hugging to their bosoms as patriotism, we did not know what it might be twelve months hence. They had given us their opinions to-day, and by that time they might change them, and therefore he could not calculate where they might be found hereafter. Now, he took no exception whatever to all this, and yesterday, or the day preceding, when the gentleman from Kentucky [Mr. CLAY] was lecturing Governor Wolf about changing his opinions, it was saying nothing more than what was applicable to the gentleman himself. Governor Wolf was formerly in favor of the bank, and now he was against it, no doubt from the most honest convictions. The Senator himself had changed his own opinion on the same subject; therefore, no censure could attach to gentlemen for entertaining one opinion to-day, and on further consideration, changing it, and acting on it. So, some of these citizens of Baltimore were once friends of the President; they had now changed, but might they not come back? He did not think it strange that there should be changes in our large cities. They were suffering distress, and they had been told that the President was the cause of it, but when they examined the matter, they might find out that the cause of it was of a very different nature. Mr. G. thought the answer of the gentleman from Kentucky to his speech was sufficient, and yet the gentleman from Maryland comes in and adds a new codicil to the will, and the codicil (a thing that is very uncommon) is longer than the will itself. He (Mr. G.) did not like personal remarks. He knew himself to be weak, vulnerable, and very imperfect, and therefore he did not like to be assailed.

Mr. CHAMBERS inquired what he had said which had grieved the honorable member?

Mr. GRUNDY said, that he had not been grieved at any thing the honorable member had said. The burden he had imposed on him was light, and easy to be borne. But what he had said in his speech had been answered, and he took exception to having it answered over again. But he would add nothing more upon these memorials; but if they came from his State, he would endeavor to do them justice. These memorialists had taken up a subject, and decided that, in the absence of all legislative purposes, where there is no design, avowed or implied, of legislative action, either House of Congress has a right to take up the conduct of any individual, discuss it, and decide upon it. If we should adopt this course, we would have but little time for legitimate legislation. We should try the President, and condemn him, and then the Secretary of State, and then take up Governor Wolf, if you please, and decide on him; and so go on and decide upon all other officers in the Government, against whom we may entertain prejudices. Then we should take up the Governor of South Carolina, and Mr. G. thought he would be in a very bad way; he would probably be hung by the sentence of this body. We should then proceed to examine all the public men in the country. Well, this might all be right, but he thought we should not have full time to make all these examinations. He thought we came here to make laws, and provide for the public good and general welfare; but if we were to give opinions on all the public men in the country, it might be a more pleasant employment, and perhaps, in the opinions of some gentlemen, redound more to the good of mankind, to censure public men, than make laws. We should do little else. He would not, therefore, subscribe to the doctrine that we have a right merely to express an opinion, and especially for the Senate, because we are the

ultimate triers of all officers of the General Government; and if we have a right, beforehand, to enter judgment, impeachment is a mere matter of form. He could not, therefore, concur in the sentiments expressed by the citizens of Baltimore.

Mr. CHAMBERS said that the Senator from Tennessee had made a remark which was to him entirely unintelligible, and if he (Mr. C.) had no other apology to offer for rising to answer the Senator, he might claim one for having answered some of the remarks, from the difficulty he had to understand precisely what he meant. The Senator says that when he rebukes, he avoids personal allusions, that he is vulnerable and weak, and did not like to be assailed. Now, (said Mr. C.,) all this is pointed at me, and I ask the Senator of what he complains? What does he complain of? For he does complain in piteous terms.

Mr. GRUNDY said, Because I was dragged into the discussion, and had given no provocation.

Mr. CHAMBERS said he should now add another codicil. Had the gentleman from Tennessee a constitutional exemption from criticism? Was he to be exempt from all remark? He had said himself that he made a remark some years ago, which was the origin of the remark made now, that he had used the expression "moral treason," and that it had now been quoted and adopted. What was the position now occupied by the gentleman? He seemed to be floating between nullification and Jacksonism. Because his speech had been once answered, he rebuked gentlemen for answering again. If the gentleman were to advance such doctrines in Baltimore, as he had advanced here, he would find ten thousand men ready to rebuke him, as well as his master, whether the rebuke would be acceptable or unacceptable. No man could assume an exemption from criticism; and this was the first time he had heard any man so sensitive as to consider a remark in the light of a rebuke.

A word or two now as to what the Senator had said. He had labored for half an hour to show what party had a right to the name of whig. The right was claimed on our side. It was disputed. He (Mr. C.) had re-asserted it. The Senator from Tennessee said, "It wont do." Now, (said Mr. C.,) I think it will do. The gentleman talked the other day about the incoherent materials of the opposition, and said this was an old name. It was an old name; I have borne it from my infancy, and I cannot now assume it as a new name, because it is old. If it was an old name, what objection is there to a party holding it which is understood to have borne the name for forty years. The objection is not good. The gentleman belongs now to the Jackson party—a party not known but for a few years. Can the gentleman tell what name will belong to the next party to which he may be attached? Can he foretel the new name of his party? The gentleman will have some difficulty to recognise his party after a short time, under its present name. The gentleman says that nullification is not yet given up, but that the national republicans were tired of their name. They are not tired; they glory in the name; and I mean to continue to be a national republican. But what surprises me most, is, to hear from the gentleman that Philadelphia and Baltimore have become converts to nullification.

Mr. GRUNDY explained, that he did not say they were converts.

Mr. CHAMBERS. I am at a loss to understand the gentleman. He said that the nullifiers had been to Philadelphia and to Baltimore, and that the people of those cities had hugged them to their bosoms. Yet they were not converts to nullification! The people had become attached to the nullifiers, because they took sides with the people. There was now a danger more imminent, an enemy more dangerous to the country, than nullification; and every man quits his prejudices and rallies under the broad banner of the constitution. Does the Presbyterian give up his principles because he joins the Episcopalian and marches by his side to fight against the British? We have united on a principle broad enough to include all. The gentleman comprehends all this. There are none so dull as those who will not understand—none so blind as those who will not see. The gentlemen who had been referred to had gone to Baltimore, and had endeavored to awaken the people. They have done so, and I will tell the gentleman, whether the note is for nullification or consolidation, it will call forth a warm response, and attract universal approbation; whether they are told by distinguished and eloquent advocates of nullification or consolidation, when the people begin to understand that their constitution, their liberties and rights are in danger, that all power is going out of their hands, and that usurpation is the order of the day, there will be a common flag, and every effort will be made to drive from the Chair him who shall have been found unworthy of the power which the constitution has placed in his hands.

The gentleman thinks that we require a large cover for our party, and I have yet to learn if he intends to come under it. The gentleman has not always been able to keep the step, and if he had not yet got it, there will be some jostling between him and his companions. I have never yet been able to get the Jackson step. The gentleman may have been more successful, but I believe he is not very perfect, although he has tried hard to obtain it.

The gentleman is of opinion that there is no similarity to this case in the Panama mission. That was merely an error in thought: this was an error in act. It was precisely so. Mr. Adams only thought he had the power; but General Jackson did not stop at thinking. While Mr. Adams thought that he might have had it, General Jackson seizes and wields it.

The gentleman thinks there is no relevance in what I read from the debates. What has the President done? He has sent in his protest, for the purpose of overthrowing our power, and putting us down. Yet, as a matter of course, the Senator goes the whole in favor of the protest. The gentleman is responsible for his acts only to his State, and I have nothing to say between him and his constituents. I am against the protest, and I take my course without waiting for any changes.

The error of Mr. Adams was an error of thought, not of fact. The gentleman says I was then on the side of power, that I was not acting on the whig principles, not opposing executive encroachment. What was the occasion to which the gentleman refers? A despised and oppressed people, in the southern portion of this continent, had been long the object of universal sympathy and regard among the American nation. An individual who acts from the noblest motives, and is not slow in the movements of his mind, of whom I would say more if he were farther from me, took up the case, and advocated the cause of that oppressed people. Mr. Adams carried out that feeling. Was there any violation of whiggism in this? I think it was the very essence of the true whig principles. It was the act of whigs, and I went with it. I never indeed voted for the resolutions, because they never came to a vote. There was a great deal of debate for the purpose of defeating them. They were discussed *de die in diem*, and were finally laid on the table. This was the history of the matter. I was in favor of the resolutions, of giving to that people a free constitution, and a government of laws.

I am not aware of any thing else in the gentleman's speech which I am called on to notice. If the Senator supposes that I alluded to him in an unkind feeling, he is unjust to himself and to me. I had no such feeling to gratify. I have merely used a license which is customary, correct, and legitimate, common to every one in argu-

ment, and a right which I cannot, and will not consent to give up.

Mr. GRUNDY replied that he yielded to the gentleman from Maryland entirely, as a soldier of age and experience, for he would not enter the ranks with him. But the gentleman said that he (Mr. G.) had entered into the ranks of the Jackson party, and must soon leave the name; for Jackson must die, and with that event the name. But (Mr. G. remarked) the Jefferson party did not expire with his administration or his life. It has grown up since into three or four parties. Were there not three or four Jefferson dinners given lately? He (Mr. G.) was invited to one of them in Philadelphia, although he did not go, and what was perhaps worse, neglected to send an apology. But the gentleman from South Carolina [Mr. PRESTON] was there; and the gentleman near me [Mr. FORSYTH] was at another of them—the one to which he (Mr. G.) had been invited—so that he did not know how it might be at the death of General Jackson. Now, he would say no more on this occasion—the gentleman from Maryland did not understand him, and he could not make him understand him. These memorialists were whigs, and Mr. G. would not deny it. But good things were not made exclusively for any set of men; they were made for all mankind. And when a man was making a monopoly of a good thing, he did not think he was doing right. So, if one man, or party of men, shall by force appropriate the whole territory of a nation to himself or themselves, and refuse the rights of appropriation to others, it would be wrong. Now, whig belongs to all friends of their country in common. The term Christian includes a variety of religious sects; yet, if one sect should set themselves up and say that we alone are Christians, would it not look like crowding the others out? In the same sense Mr. G. understood the term whig; and let us all stand together as whigs, and let our particular or peculiar political tenets be judged of by our country.

Mr. CLAY then rose, and said that he felt it necessary to say a word or two, although he should be sorry to disturb the gentleman from Tennessee. I, said Mr. C., have enjoyed his jokes this morning, but if he and the gentleman from Maryland have done, I wish to settle a little balance between him and me. The gentleman has complained that my friend from Maryland should have thought of replying to him. I am glad that my friend did supply some of the many deficiences in my reply. But after complaining of this as an act of injustice, the gentleman has himself been guilty of a similar injustice, in referring to a vote which I gave three-and-twenty years ago, and to another which I gave eighteen years ago, the first against, and the other in favor of the bank. The gentleman says he is glad to see that I could change my opinions; and expresses his conviction that public men may change their views every six days, every six hours, and that no exception should be taken to the change. My notion is somewhat different on this subject. I think that a public man ought not to change his opinions on grave subjects connected with the general interests, without such reasons as will satisfy the public at large of the propriety of his course. It he does, it affords a reason for ascribing to him improper motives for the act.

But the gentleman from Tennesssee is very adroit; and when he takes upon himself to say any thing about the coverlet, he seems always to recollect that he may yet wish to come under it himself. The gentleman was once a nullifier; and made his first nullifying speech when Mr. Foot's resolutions were under consideration, and now he turns upon his former friends. The gentleman also, if I am not greatly mistaken, voted once in favor of a bank —[Mr. GRUNDY: No.]—at least, he held opinions favorable to it, and was understood to be friendly to it. In reference to my conduct, I do not choose the benefit of the gentleman's notes. No public man is entitled to change his opinions, except for strong and sufficient reasons; and these reasons ought to be stronger when the change has been recent.

As to Governor Wolf, he stated in a message of December, 1832, his regret that the bank had not been re-chartered; that it had rendered services to the country; and that it was his opinion that if another bill was presented to the President, it would experience a different fate. The Governor has now changed his opinion. As to the change of my own opinion, what was it? Before the commencement of the late war, I had adopted the opinion of the whig party, that it was unconstitutional to have a bank. Then came on the war, bringing in its train fluctuation, difficulty, and distress, demonstrating to the country the necessity of such an establishment. I must beg to call the attention of my friend from Tennessee to the state of the votes on the war question. The vote stood for the war 79—against it 49. On comparison of this vote with the vote on the subject of a bank, in the next Congress, it will be seen that of the 79, forty were returned; and that of the 40, 28 were for, and 12 against a bank. If we extend our research down to 1816, we shall find, I believe, nearly the same proportion in favor of the bank, as there was for the declaration of war. The experience of the war changed every body. Some who held that a bank was unconstitutional, went out of the way, in order to allow the bill to pass, so entirely were they convinced that the bank was necessary for the purposes of the Government. Then was established this whig bank, approved by Mr. Madison, which gentlemen are so assiduously endeavoring to destroy. If any gentleman would read the accounts of the state of the currency at that period, of its depreciated value, notes being nowhere at par, except in New England, where they were redeemable in specie, and the taxes being paid in a depreciated and unequal currency: if any gentleman would look at all these circumstances, and the reasons given for the establishment of the bank, and say that there was no sufficient cause for a change of opinion, then he would consent to be put alongside of Governor Wolf, or his friend from Tennessee himself.

As to the vote which I gave in favor of the bank, (said Mr. C.,) I am ready to abide by the reasons which influenced my course—as published in the volume of documents in relation to the bank, under the authority of Congress.

Mr. GRUNDY replied that he had no doubt of the sincere honesty which produced the change in the gentleman from Kentucky in reference to the bank, and he need not look to posterity to do him justice. Some of his political adversaries already did him justice—more than others would do General Jackson, if he were brought before us for an infraction of the constitution and laws. Governor Wolf was convinced of the propriety of his course. He had no acquaintance with Governor Wolf. He had heard the gentleman from Pennsylvania [Mr. MCKEAN] say he had acted with him in Congress for six years: he was the Secretary of the commonwealth, while Governor Wolf was the Chief Magistrate of Pennsylvania; and that he was a man of great firmness and decision. It did not always depend on time whether a man should change his opinions or not, but upon surrounding circumstances. A state of things might exist which would teach his judgment the necessity of changing. But it was said that he (Mr. G.) had delivered a speech in favor of nullification. He did not know how that was, but if he did, he had been severely punished for it; and if he had now abandoned it, he stuck closely to State rights. He had been pressed so hard upon nullification, that he found it dangerous ground to stand on, and he had just moved a little off to the State rights ground. But he repented sincerely; and the citizens of Tennessee generously and magnanimously forgave him for the temporary dereliction,

if indeed he was guilty of any. And now, he was not willing to call the nullifiers traitors, because they loved their country. But with respect to this whig bank of 1816—it was the first time in all his life that he had heard a bank called a "whig." Now, what were the principles of the whigs of the time of Charles II, when it was said the party originated? Why, they were against royal prerogative, and against corporate rights of every kind. And if we were in favor of prerogative, we were not in favor of great moneyed monopolies. If we have prerogative on one side, they have monopolies on the other.

Mr. CLAY. One correction. I thought I was not mistaken as to the gentleman having given some indication of his opinion. In April, 1814, as I see by the Journal, Mr. Grundy, of Tennessee, offered a resolution. Was there any other gentleman by the name in Congress at that time?

Mr. GRUNDY. I am the man.

Mr. CLAY. The resolution was as follows:

"*Resolved*, That a committee be appointed to inquire into the expediency of establishing a national bank; and that they have leave to report by bill or otherwise."

A word as to the whig bank. The Bank of England was established during the whig reign of William, to check the rapid encroachments of the aristocracy; and its charter had been continued under the whig administration of William IV.

Mr. GRUNDY. You know what I told you. I am not precisely accurate in my recollection of old things. I forget the reign in which the Bank of England was established. But I have not forgotten that in 1813 we had troubles on every hand—our armies were in the field, and we were destitute of means. The older States could not raise men, and statesmen much older and more able than myself offered nothing in the way of relief. I was young, and sanguine in the belief that a bank might be established which would relieve the country. I introduced the resolution for an inquiry, and it was gone into. The gentleman from South Carolina was one of the committee of which I was the chairman. We found then the very same difficulties that now exist. Some were of opinion that the constitution had given us no power to create a bank. The gentleman from South Carolina, I believe, thought that we could do it. I have no particular recollection about that. I thought we might locate a bank in the District of Columbia. Consulting with moneyed men, they held we could create one. On account of the diversity of opinion which prevailed, that book will show that, on my motion, the committee was discharged, and no bill was presented. I could say, though I do not choose to be catechised, what were my opinions about a bank. When called on at a proper time, you shall know them. If my opinions have been at one time for, and at another time against the bank, I have a noble precedent before me in the gentleman from Kentucky: and if he was at one time for, and at another time against it, why not I? It is no farther from you to me, than it is from me to you. But my opinions were not then matured. The gentleman will see by the book in his hand, that I was pressed to give my opinions as to what kind of bank I wished. I replied, Let us see all that can be done, and take all the opinions we can get, and then decide. There are no opinions of mine on record; I gave none, except to the committee, and in favor of the location in the District of Columbia; and as to that I have not a precise recollection. I expect to have this bank question up at home. I shall keep myself uncommitted for that time, as far as I can. I hope gentlemen will now let me alone, and not force me to get up again.

Mr. CLAY said, that the gentleman needed not to get up again, unless for the purpose of answering himself. He would now read the following extracts from a speech delivered by the gentleman on the subject of this bank:

"Mr. GRUNDY then said, that he certainly should never have brought forward this proposition, without having reflected much on it. He knew that it had been agitated in this House, and in the nation, heretofore, and had been much opposed by many of those politicians with whom he usually acted in this House; but he did not believe that each Congress was so bound by the decisions of that which preceded it, that it was a good argument against a measure for members of a former Congress to come in and say, "we have decided it heretofore." As a representative, Mr. G. said, he claimed the right to give at least one vote on this subject, as well as the gentleman from Virginia. The spirit of our constitution had wisely ordained the frequency of elections for the very purpose of undoing what had been wrongly done by their predecessors, and of doing that which had been left undone. If the gentleman from Virginia would reflect on this subject as much as others, who had been instrumental in bringing forward the proposition, he was sure he would not be so confident that he acted correctly in refusing a deliberate consideration of it. I (said Mr. G.) have no secret on this subject: I wish to see a bank established as a national object, let who will be in power: as a general measure I wish to see it adopted. Look at the situation of our country—and I say the gentleman should forget his home, and not leave his country in peril. You have authorized a loan for twenty-five millions, and have provided for the expenditure of so much money. Where is the money? Some well-informed men say there will be no difficulty in obtaining it; others, as well informed, say, that the attempt to obtain it may not be successful. I hope that gentlemen of the former description are correct. I know not what the prospect is; but one thing I do know—I would run no hazard on this point; and for one, though I have as much anxiety to be at home as any one, I am willing to sit a few days longer, to see how it will be. The gentleman from Virginia no doubt felt the same anxiety for the public service; and Mr. G. said, if his constitutional scruples were so great that he could not vote for this measure, in case the money should not be conveniently obtained, it might be necessary to resort to some other. For general consideration, Mr. G. said, he had always been in favor of a measure of this sort; and he entertained no constitutional scruples about it. In point of time, he thought the present situation of the country afforded a cogent argument in favor of the measure."

Mr. GRUNDY. It is all true, just as it is reported. And does it prove that I was in favor of any bank, except a bank in the District of Columbia. But I will lay all this aside, and claim the benefit of the general act of oblivion. I had the same reason for change as the gentleman from Kentucky. The gentleman had formerly said, that in New York, three years was a sufficient period for the limitation of opinions. If I had been pressed as hard as the gentleman from Kentucky, I could take the benefit of this act.

Mr. BROWN said, that a few days since, in some remarks which he had made, he had taken occasion to say, that he believed the Bank of England was established during a tory administration. He was now convinced that that was a tory measure, for history informed us that King William, previous to the establishment of the bank, had thrown himself into the arms of the tories, and a tory Parliament had been elected. He (Mr. B.) had inferred, and did still infer, that it was a tory concern. In making these remarks, it was not with a view of passing any imputation on any party. He believed that the gentleman from Tennessee was a good *bona fide* whig. There were good whigs on both sides—bank and anti-bank whigs. He had no objection to the gentleman from Maryland assuming the name of "whig," for it was like charity—it covered a multitude of political sins.

Mr. McKEAN thought these untimely desultory discussions had at least produced one beneficial result. It had, on this occasion, taught us, when we were laying snares for our neighbors, how liable we were to get caught ourselves. The two honorable Senators from Kentucky and Tennessee [Messrs. CLAY and GRUNDY] had succeeded admirably in fixing on each other the charge of inconsistency, if an honest change of opinion could thus be characterized. This had grown out of the introduction of the name of Governor Wolf into the debates upon the presentation of memorials. The honorable Senator from Kentucky seemed to think, if a certain degree of inconsistency could be fixed on him, he might then consent to be associated with Governor Wolf. After what has been exhibited, whether the gentleman would think that further proof of his qualifications were necessary, he would leave for him to decide, and much as the Governor and his friends might desire the association, it would not become them to solicit the connexion. But it seemed now that the degree of consistency was to be estimated by the length of time it took to change an opinion. The gentlemen had both changed on the subject of the bank, but they had taken more time to do so than Governor Wolf had, as had been alleged. But he denied that there was any positive proof that Governor Wolf had changed. He, however, did not pretend to doubt that Governor Wolf's opinions of the present bank had undergone some change. But he (Mr. McK.) had stated on a former occasion, as a matter of his own knowledge, and would now repeat, that Governor Wolf's opinions as to the utility and necessity of a national bank had not changed. His principal object however in rising, Mr. McK. said, was to take notice of an assertion made the other day by the Senator from Kentucky, and which he had in substance repeated to-day, viz. that he [Mr. CLAY] could prove in a court of justice, that Governor Wolf, three days prior to the 26th of February last, promised to send a message to the Legislature of a directly opposite character to that which he communicated on that day. He did not doubt that the Senator had been so informed; therefore, what he intended to say could not be considered as alluding personally to the honorable gentleman, and as it was not probable the gentleman would have an opportunity of adducing his proof in a court of justice, he would put the question directly at issue, and would now assert, that he questioned the veracity of any man who would make such a declaration; and from this point he would not be driven by any thing but the testimony itself.

Mr. CLAY said, that he had not brought in Governor Wolf into this day's discussion. He had not stated of his own knowledge the circumstances to which the gentleman referred, but he had received them from an unquestionable authority, in which he placed entire reliance, and one which he thought, if the gentleman knew it, he would himself be indisposed to doubt.

Mr. McKEAN repeated that he did not understand the gentleman from Kentucky as speaking from his own knowledge, and that he must still question the veracity of any one who made the statement, and challenge the proof.

The proceedings were then read.

Mr. FORSYTH expressed a wish for time to look over the papers before they were printed, and hoped they might be laid on the table for that purpose.

Mr. POINDEXTER said, he intended to submit a motion to lay the proceedings on the table, not on account of any want of respect to the source from which they came, or of any disapproval of their tenor and purport, but because it would have a singular appearance to spread these proceedings, containing references to the protest, on the Journal, while a question was pending whether the protest should be put on the Journal or not. He moved to lay the proceedings on the table, and the motion was agreed to.

VERMONT MEMORIALS.

Mr. PRENTISS presented a memorial from a large number of the inhabitants of the county of Windsor, in Vermont.

Mr. PRENTISS said he had occasion, a few weeks since, to present to the Senate the resolutions of a convention of delegates from the several towns in the county of Windsor, in Vermont, disapproving of the removal of the public deposites from the Bank of the United States, and complaining of the injurious effects of that measure upon the currency of the country, and upon the employments and industry of the community. He had now a memorial on the same interesting subject, signed by fifteen hundred and fifty-one intelligent and respectable citizens of the same county, consisting of farmers, mechanics, manufacturers, merchants, and professional men. As the memorial gave a very full and just representation of the depressed state of business, and the embarrassed condition of the people in Vermont, and exposed, in very decided and apt terms, the impolicy, injustice, and illegality of the late proceeding of the Executive in relation to the revenue and currency of the country, as well as the disastrous consequences which had followed that extraordinary and unwarrantable proceeding, it would be altogether superfluous, said Mr. P., for him to detain the Senate with further remarks; and he would, therefore, content himself with merely asking that the memorial be read, referred to the Committee on Finance, and printed with the names and occupations of the signers.

It was read, referred, and ordered to be printed.

Mr. SWIFT presented resolutions from Addison county, Vermont, against the removal of the deposites.

On presenting these resolutions, Mr. SWIFT said: I am charged with sundry resolutions, accompanied by a memorial, from citizens of Addison county, Vermont, on the subject of the removal of the public deposites from the Bank of the United States, the consequent derangement of the currency of the country, and the distress and embarrassment produced among that portion of the community, and am requested to present the same to the Senate. I am informed by the gentleman who committed to my charge the resolutions and memorial, that there is appended to the memorial the names of 1,926 freemen, amounting, as I believe, to a majority of all the votes given at any one election in that county. The county of Addison is, for the extent of its territory, one of the most populous and wealthy counties of the State. It contains a rich and fertile soil, and abundantly pays the farmer for his labor in the ordinary products of that climate. Owing to the encouragement given to the various branches of industry by the Congress of the United States, and particularly to the growing of wool, much attention has been paid to the produce of that article, and it has become the staple of that county, and a source of wealth to the farmers. This county possesses manufacturing advantages over almost every other section of country. One of the largest rivers of the State runs through the centre of the county, and its numerous falls afford privileges for manufacturing establishments, to every extent desired; and manufacturing business of various kinds, and to a great extent, has been carried on, by which numerous poor people have heretofore found profitable and constant employment. This county also enjoys great advantages from the facilities afforded it in the transportation of its products to market. It borders on Lake Champlain, which is connected with the navigable waters of the Hudson river by a canal. The character of its inhabitants for industry, morality, and intelligence, would not suffer by a comparison with the population of any other section of country. These are the people, lately enjoying the advantages which I have stated, who now approach Congress with their complaint. They complain that a state of unprecedented plenty and prosperity has been followed by

a sudden and general stagnation of business in all its branches. The trade of the merchant is diminished and diminishing; the business of the manufacturer and mechanic is curtailed; laborers are thrown out of employment; and enterprise, in every department of industry, is crippled. They regard the removal of the public deposites from the Bank of the United States, and the hostile attitude assumed by the Executive branch of the Government against the bank, in that measure, as the primary cause of this state of distress and embarrassment. They deem the said removal of the deposites an unnecessary, unwarrantable, and dangerous exercise of power over the public treasure on the part of the Executive, and resorted to for a purpose not within his legitimate duties, by which the currency of the country has become deranged, and credit and confidence in moneyed institutions and capitalists in a measure destroyed. They profess to believe that, if this experiment on the currency of the country is persisted in, that their embarrassments will be increased, and that their principal staple, wool, and all other products, must fail of a market, or be sold at ruinous sacrifices. They declare that, in their opinion, a sound currency is of indispensable necessity to the enterprise and prosperity of the country, and in preserving a uniform value to labor and property; that it is the peculiar province and bounden duty of Congress to provide and maintain such currency; and that any interference with the same, on the part of the Executive, is an unwarranted and dangerous exercise of power. They deem a national bank necessary as the fiscal agent of the Government, a safe depository of the public funds, and of the highest utility in preserving a sound and uniform currency, by restraining the issues of the State banks within proper bounds, and in furnishing a safe and valuable medium of domestic and foreign exchange. They do not advocate a paper currency without an adequate specie basis, but consider a return to a currency exclusively metallic as being not only impracticable and undesirable, but as a measure fraught with incalculable mischief, if not certain ruin, to all the leading interests of the nation. And they call upon Congress for such speedy measures of relief as will restore the confidence and quiet the apprehensions of the people, in relation to the derangement of the currency and the consequent public distress.

Mr. President, it is my good fortune to be acquainted with some of the gentlemen who were present at the meeting which adopted the resolutions, and whose names are appended to the memorial. I know them well. They are men of the first respectability and intelligence. The gentleman who presided at that meeting (my honored predecessor) is well known to most of the members of the Senate, and will, of course, need no commendation from me. Sir, I consider these gentlemen fully competent to judge of the past and present pecuniary condition of the people of that county, and of the change from a state of prosperity to a state of embarrassment and distress, which they say has taken place among them: and they are fully competent to judge of the cause which has produced that change; and it is their firm, candid, and deliberate judgment, that this change has been produced by the unnecessary, unwarrantable, and unjustifiable measures of the Executive branch of the Government. I am aware, sir, that much excitement prevails throughout the country on the subject, and it has heretofore been charged to memorialists who have complained of Executive encroachments and abuse of power, that they have been influenced by interest in, or friendship for, the Bank of the United States, or by a spirit of hostility to the Chief Magistrate of the United States. Sir, these memorialists have no interest in the bank but what is common to all other citizens. I believe there is not a share of that bank owned by a citizen of that county; and I believe also that very little, if any, is owned by any resident of the State. That they have an interest, in common with the other citizens, in the bank, as a fiscal agent of the Government, and as the means by which a sound and uniform currency is secured, they admit; and so far from entertaining feelings of friendship for the bank or its stockholders, I am confident that, until the recent measures of the Executive, by which the operations and importance of the institution have become more fully known, a majority of the people entertained strong prejudices against it. Many who were interested in the banks of that State believed that the United States Bank exercised an unjust control over the issues of the State banks, and thus deprived them of a portion of the profits to which they were entitled; and thus many complained of what they now deem essential to a sound and uniform currency. And thus these measures, by proving to the people the importance of the institution, have produced great unanimity in favor of a national bank. I can also assure you, sir, that these memorialists have not been influenced, in sending to you their memorial, by a spirit of hostility to the present Chief Magistrate. They feel no personal hostility to him. They well know that the political relation which exists between him as Chief Magistrate and themselves as citizens of this great republic, will soon cease for ever by the expiration of his present term of service, and they neither expect or desire to diminish or extend that term. It is true that they are, and ever have been, opposed to the leading measures of his administration, believing them to be ruinous to the best interests of the country, yet they would sincerely rejoice to see him abandon those measures, and then fill up the remainder of his term of service with usefulness to his country and honor to himself. They, however, possess too much intelligence and firmness of purpose, to yield support to measures which they deem arbitrary and unjust. No, sir, they never will yield nor consent that a single vestige of their rights shall be wrested from them by arbitrary power; they know their rights, and will maintain them. Sir, they have no expectation of seeking redress, but in a peaceable, constitutional way. In this way they will seek until redress becomes hopeless; but they do not despair or even doubt that redress, sooner or later, will be granted them. They know the jealousy of power entertained by the people; they judge from the history of the past, as well as from the present signs of the times; and they do not fear the result of the issue now pending between the President and the people. Should the course adopted prove unsuccessful, and redress in this way hopeless, I will not predict as to the future course they may think proper to adopt; they have not authorized me to do so; or to use for them (as I have been accused of doing on a former occasion) the language of threats and menace. Sir, I ask that the resolutions and memorial be read, printed with the names, and committed to the Committee on Finance.

MEMORIAL FROM BOSTON.

Mr. WEBSTER presented the memorial of a large number of citizens of Boston, whom he spoke of as intelligent and respectable merchants; setting forth that inconveniences arise from the present state of the laws regulating the legal tender of the country; that the gold coin bears a less value, in relation to silver, than its just and true value; and they pray Congress that the legal value of gold may be made to correspond with its real value, and that the coins of other countries, at proper rates, may be made a legal tender. The subject, said Mr. W., is important; and I entirely concur in the opinions here expressed. Indeed, sir, I have had a measure, in relation to the subject, prepared for some weeks, but have delayed bringing it forward, in consequence of the pendency of a similar measure in the other House. I have the pleasure to notice, that that measure is making

progress, and may be expected soon to receive a decision. The memorialists will see that their wishes, in this particular, have been in some measure anticipated; and that there is reason to hope that such a law as they desire will shortly pass.

The memorial was referred.

MEMORIAL FROM ROSS COUNTY, OHIO.

Mr. EWING said: I have before me, and am instructed to present to the Senate, a memorial signed by 1,750 of the inhabitants and qualified voters of the county of Ross, in the State of Ohio. That county includes a fair portion of the beautiful and fertile valley of the Scioto—covering a part, also, of the picturesque region which lies between the broad and level plains towards the north and west, and the hilly and mineral country to the south-east. Its citizens, and I know them well, for many of them are my old and respected friends, are intelligent, industrious, and enterprising; and, as it is one of the oldest counties in the State, they have many of them accumulated that degree of competence, and even wealth, which is the sure reward of well-directed industry, in a country so highly favored by nature as that is. The number of votes given in that county, at the last October election, is stated at 2,464; and the gentleman who has forwarded me this memorial, states, that, in addition to the signatures which I now present, a sufficient number are in the hands of gentlemen, and not yet returned, to swell the aggregate to 2,000. I think I may, therefore, fairly assume that this memorial expresses the opinions and the feelings of a majority of the people of that county. Ross county, perhaps, would feel as little the direct effect of the overthrow of the Bank of the United States as any part of the Western country. As far as I know, the people of that county are not, to any considerable extent, its debtors; and they have in their principal town, Chillicothe, one of the oldest and strongest of our banks. But that bank cannot, consistently with its own safety—which I feel assured its directors will never hazard—supply the wants of the commercial and agricultural community.

Mr. President, I will say nothing of the former political opinions of the people of Ross, who have signed this memorial, or of those who have not signed it. It is immaterial what may have been their personal preferences; they are all American citizens; all friends of free Government and national prosperity; all opposed to ruinous experiments on the happiness of a great and free people; all, I trust, opposed to a concentration of the powers of Government in the hands of one man.

The memorialists, in common with the rest of their fellow-citizens, complain of the deranged state of the currency—the destruction of commercial credit and confidence—the fall of price in all the great staples of the country; and especially in the price of fat cattle, their principal staple. They trace the causes of all these evils to that fatal experiment, to which all candid and intelligent men will finally attribute them, notwithstanding the bold and repeated asseverations of those who began by denying the existence of public distress, and now attempt to cast the censure upon the victim, instead of the perpetrator of the lawless aggression which caused it.

The memorialists further say, that, if the Bank of the United States had been permitted to live out its day, and expire in due course of time, that its termination would have caused less embarrassment in the country; that the people would have been prepared to meet it, and could have done so, without great or serious suffering; but that they were unprepared for the sudden shock which is thus brought on their business by this wanton attack upon the bank, which has so deranged the business of the country, that it most imperiously requires a remedy; and that none is, in their judgment, so safe and adequate as the re-charter of the Bank of the United States.

Mr. President, I some time since, on the presentation of a memorial from Hamilton county, suggested the belief, derived from the highly respectable gentleman from whom I received it, that two-thirds of the qualified voters of the county had signed, or were ready to sign, that paper, if it had been presented to them. My colleague declared his belief, founded on a long acquaintance and intimate knowledge of the city and county, that the memorial did not in fact contain a number of signatures equal to half the voters in the city. Returns of the last October election, since received, enable me to say that the memorial is signed by a number equal to more than half the votes given in the city and county at the last October election, and my general information as to the opinion of the people of that county is confirmed by all that I have since heard on that subject.

On the authority of those 4,310 witnesses, I spoke of general pecuniary pressure and mercantile embarrassment in that county, and especially in the city. My colleague, on the authority of very recent information, denied that such embarrassment existed, and stated that the prices of all agricultural products were better than they had been for former years. I hold in my hand a price current for the 11th of April, the day on which the discussion took place in the Senate, for four successive years, which will show that my colleague was wrongly informed on that subject, and that my own information was correct. The comparative prices are as follows:

1830—Flour, superfine	–	$3 00
Pork, clear	–	10 50
do mess	–	9 00
do prime	–	7 00
Hams	–	6¼
Whiskey, gallon	–	18½
1831—Flour, superfine	–	4 00
Pork, clear	–	12 00
do mess	–	10 50
do prime	–	8 00
Hams	–	7
1832—Flour, superfine	–	4 00
Pork, clear	–	11 00
do mess	–	9 50
do prime	–	7 50
Hams	–	7
Whiskey, gallon	–	23
1833—Flour, superfine	–	4 62
Pork, clear	–	11 25
do mess	–	10 00
do prime	–	8 00
Hams	–	6¼
Whiskey	–	26
1834—Flour, superfine	–	2 75
Pork, clear, no price		
do mess	–	10 00
do prime	–	8 00
Hams	–	7
Whiskey	–	18

And, by a letter which I have just received, I am advised that the morning after the paper containing those prices current went to the press, an arrival from New Orleans brought intelligence that flour had fallen there to $2 87½; that bacon was down to about 3 cents, and whiskey to 18 cents; and a letter from the son of a member of the other House, who is an extensive farmer, states that flour has fallen to $2 in Dayton, and that the millers have ceased to do merchant work, in consequence of the fall of prices. I am further advised that I was not inaccurate in my incidental remarks, as to the notes of the bank of Maryland, in circulation in Ohio. A letter from a gentleman in Manchester, in that State, informs me that a large amount of those notes were in circulation in that neighborhood; and that the heirs of one of his friends had sold their patrimony, and received payment in that paper,

and that they were reduced from competence to poverty; unless those notes, which are worth nothing now in Ohio, will bring something in market, at home.

My colleague also erred in the supposition that the stock in the banks, lately chartered, in Cincinnati, was subscribed for freely. I am informed that none of that stock is yet in market.

I also, said Mr. E., take this occasion to present the memorial of 112 citizens of Vermilion township, in Richland county, in the State of Ohio. These memorialists reside in the northern part of that State. They are, by occupation, like the rest of their fellow-citizens, farmers. It is an agricultural community, and the effect of this experiment operates chiefly upon their agricultural products. They say, what all others say as to the present state of things; and in addition, they say that they remember the unfortunate state of our currency when the old Bank of the United States went down, and they dread the same misfortune if the present state of things continues, and if the Bank of the United States be not re-chartered; and they pray for its re-charter as the only sufficient remedy for the present deranged state of our currency.

Mr. WEBSTER said, that he esteemed it an honor to have been requested, on behalf of the memorialists from Ross county, to enforce, if he could, the sentiments of their memorial on the convictions of the Senate.

The opinions expressed in the memorial are such opinions, said Mr. W., as I agree to, without exception. They are true opinions, I think, respecting the present condition of the country, the causes of that condition, and the only practicable remedy for the evils under which the country is at present suffering. It would give me great pleasure to persuade Congress to adopt these sentiments, for the sake of the whole country. I have the pleasure to know several of the signers of this paper, and I must speak of them, Mr. President, as persons who have an important stake in the great interests of the country, and who are very competent judges of what measures those interests require Congress to adopt. These citizens of Ross county, sir, may be assured, that, for one, I concur with them in sentiment; that I heartily approve their proceedings, and shall act, steadily and cordially, in support of measures such as shall promise, in my judgment, to restore to them that prosperity of which I have so recently seen them in full enjoyment, and to which their own enterprise and industry, as well as the natural advantages of their situation, give them so just a right.

The memorials were then read, referred to the Committee on Finance, and ordered to be printed.

At quarter past 4, on motion of Mr. WEBSTER, the Senate proceeded to the consideration of Executive business; and, after remaining some time with closed doors,

The Senate adjourned.

FRIDAY, MAY 2.

PROCEEDS OF PUBLIC LANDS.

Mr. CLAY having made a report from the Committee on Public Lands, on the bill to appropriate, for a term of years, the proceeds of the public lands, and on the reasons assigned by the President for the return of that bill; and having moved for the printing of 5,000 extra copies,

Mr. FORSYTH opposed the motion, on the ground that it involved an unnecessary expenditure of public money, and that he could not consent to print what he had not heard.

Mr. CLAY said, that, if the ordinary number only had been printed of the message of the President, on the subject of that bill, he should not have asked for the printing of an extraordinary number of this report. This report answered the arguments of the message, treating them, at the same time, with all proper respect; and an opportunity would be given to the Senator from Georgia to reply to the reasoning of the report, whenever the bill should come up for consideration. The report concluded with no resolution, but simply recommended the passage of the bill. It was a new bill, and the gentleman from Georgia would have an opportunity to express his sentiments concerning it. The bill proposed to divide four and a half millions, which was the amount of the sales of public lands last year, among the States. It was not probable, however, that, owing to the measures of the Executive, the revenue from that source, during the present year, would be more than one-half of the last year. It was proposed to divide this four and a half millions. All parts of the bill were open to amendment, or to such alterations as the Senate might desire. The Senator would have sufficient opportunity to look over the bill, and he might then criticise its provisions as freely as he chose.

Mr. MOORE said that he would not oppose the motion to print, as there was an extra number of the message printed, and that was done on his motion. He therefore considered that it would be improper in him to make objections to the extra number of the report. As a member of the Committee on Public Lands, he was opposed to the report. He would not now go over the ground of this objection. Neither the bill nor the report embraced the views of the people of Alabama, nor, he believed, of any of the new States. He would move to lay the report on the table until to-morrow, that every Senator might have an opportunity of examination.

The motion was withdrawn.

Mr. PRESTON said, that, considering that by his vote on printing the report, he should give no indication of the vote he should give on the bill, he would vote in favor of the motion.

The motion to lay on the table was then renewed, and decided in the negative.

Mr. FORSYTH referred to the commencement of the report, on the subject of the non-return of the land bill at the last session, and urged that it was impossible, because the bill itself could not have been placed in the hands of the President for his examination until 4 o'clock of the last day of the session. The President could scarcely have had time to read the bill. It was known to every one that the President reads by proxy. The different members of the cabinet read the bill, and when they came to any part which they think admits of doubt, they call his attention to it. It was said in the report, that Mr. Madison sent back his message on the bank bill, usually called the bonus bill, on the same evening. But what was that message? It was so short as only to cover half a sheet of paper. And it was said that he sent it in because his successor was coming in after 12 o'clock that night. Now, he, Mr. F., did not understand that the successor cannot act on the bill sent to his predecessor. This seemed to him to be an erroneous idea. Suppose there were to be an interregnum here, would there be any interruption of the Executive power? The constitution supposes a continuance of power. If the President should receive a bill, and not have time to examine it, it became the province of his successor to open it and act upon it. There can be no hesitation on this subject, although Mr. Madison doubted that his successor had the power.

If the report throughout justified the impression made at the commencement, it was calculated to produce the impression that the President was unjust to Congress, and the publication of it would be to sanction the dogma of the committee. He might vote for the printing, if he were allowed time to examine the report.

He asked the ayes and noes on the question of printing the extra number, and they were ordered.

Mr. POINDEXTER said the President must have known the provisions of this bill several months, perhaps

a year before it passed, and he had then made it the subject of a specific message, to mislead the judgments of the people. It was a measure of immense importance to the new States, and the course pursued by the President was most extraordinary; it was not such a message as he had a right to present, because we could not originate any new measure on it. Why should the new States ask for appropriations for public improvements and education, when they set their faces against the measure which would effect it.

Mr. BLACK said that he was not willing that his vote on the printing should be made the test of his vote on the bill. The bill was very important as relates to the great principle involved in it, as well as the great objects to which it looks. He had voted against the former bill, and his opinions being unchanged, he should vote against the present, unless material modifications were introduced. But his opposition was not on the ground assumed in the veto message. As to plenary powers on the subject, it was his conviction that Congress possessed them. He also thought that Congress had been altogether liberal to the new States. He was not, therefore, against the bill on either of these grounds. His objections were, that the bill distributed the gross, instead of the nett proceeds, leaving the expenses of collections on sales to be defrayed out of the duties on imports. He was altogether opposed to the idea that the bill was unconstitutional.

He could not consent that the question of printing a document in reference to an important law should be made the test of opinion as to the principles of the bill itself. He should vote for the motion to print an extra number.

Mr. PORTER said that he was surprised at the discussion which had taken place to-day. He could not have imagined that the Senate would have spent so much time in discussing the subject of printing, when it had such a pressure of business on its hands. This was not a question whether the Senate approved of the report, but merely whether the opinions of the committee should be given at large to the nation. He thought it necessary that the report should go abroad, in order that they might learn the opinions of the people in regard to it, before proceeding to legislate on the matter. On referring to the Journal of the Senate, he had found that, on the 5th of December, 1833, the President sent in his message to the Senate, stating that he had vetoed the land bill which had been passed at the previous session, and he gave his reasons at length for that act. He (Mr. P.) perceived that, on that occasion, the honorable gentleman from Alabama [Mr. MOORE] moved that 5,000 extra copies of the message be printed. Now, there appeared to have been no opposition made to the motion of the honorable member. Why, then, he would ask, should there be any objection to printing the same number of copies of this report? He could not, for his part, see any possible ground for objecting to this course being taken. The bill, in his opinion, was of as much importance as any that could come before the Senate. Believing, as he did, that if the bill should receive the sanction of Congress it would put an end to conflicting interests of the most delicate nature, he should most heartily record his vote in favor of the measure.

Mr. KING, of Alabama, said he was not disposed, on this occasion, to enter into any discussion on the merits of the bill. At this time, he said it was not either necessary or proper; but he rose for the sole purpose of doing justice to the course of the President of the United States with regard to the message sent to the Senate, giving his reasons why he could not sanction the measure. He was surprised that the Senator from Kentucky, [Mr. CLAY,] when adverting to the fact that the bill had not been returned by the President at the conclusion of the last session, had cast some censure on him for this omission, when he and every Senator knew the fact that the bill was not presented to the President until the last moment, and when, from the very nature of his duties, it was absolutely impossible for him to give even the slightest examination to so important a measure, much less to prepare his objections in time to send them in. Now, he would appeal to the Senator from Kentucky, whether it was just to censure the President for withholding this bill for the few moments then remaining of the session, when he must either act on it instantly without examination, or wait until the next session, to send in his objections. The Senator also thought that, had the bill been returned by the President, that two-thirds of both Houses would have been found to pass on it. Now, was the Senator correct, as to the facts of the case? Was it possible that two-thirds could have concurred in passing this bill, if it had been returned, when the Journals of this House contradicted it most conclusively? The bill was passed by a majority of only three; and what grounds then, had the gentleman for supposing that such a change would have taken place in the opinions of members of the Senate, in that short space of time, as to give a majority of two-thirds? It was not even possible that such a change could have taken place.

The President, (Mr. K. said,) as soon as it was in his power, examined the provisions of this bill, and at the earliest possible time thereafter, returned it, with his objections, to Congress. Although it had been several months before Congress, yet the bill had undergone many and important changes before it finally passed, and at too late an hour for the President to become acquainted with them. How could the President pass upon this bill, until it came to him in its proper shape? and although he might have been acquainted with it, as it was originally introduced, how could he have prepared his objections before hand, to a bill that might be and was so essentially altered in its details? The President, at the very first moment he possibly could, under that instrument by which we all hold our seats in the Senate, returned the bill to Congress, with the reasons why he could not approve of it. The gentleman from Mississippi said, that the message of the President was a most extraordinary one, and as the gentleman was so fond of rejecting the President's communications, he supposed he would be for rejecting this also. As the gentleman seemed so fond of finding fault, he thought he should take care that it should be done in such a way that the people should not suppose he acted solely with a fault-finding spirit. The Senator spoke of the great advantages to be derived to the new States from the adoption of the bill; but he and the Senator thought quite differently on the subject. He, on the contrary, thought the passage of the bill would produce great disadvantages to the new States. Why, the sales of the public lands could only produce four millions, and how could it produce two millions to the State of Mississippi? Was the State of Mississippi to get one-half of the proceeds of the sales of the public lands?

Mr. POINDEXTER explained: If five hundred thousand acres of land were granted to the State of Mississippi, she could have them so located as to produce three dollars per acre.

Mr. KING said he should like to have an opportunity to examine this document, before he voted on the printing of it. He had great reluctance to withhold information, but he must vote against printing so large an edition, until he had given it some examination. If the gentleman would consent to let the paper lie on the table, he would look into it at his earliest opportunity, and if he could consistently vote for the printing, he would cheerfully do so.

Mr. CLAY said he might have been willing to consent to the postponement of the motion to print, if the gentleman from Georgia had not put his suggestion on the impossible contingency that he might, on examination, con-

sent to the positions in the report. If the Senate will consent to the printing, he will give an opportunity to the people to examine, and give their decision as to the correctness of these positions. The gentleman from Alabama says that we are a fault-finding set on this side of the Senate. If we are, I may truly say that the gentlemen on the other side are a fault-mending body. I think the gentleman from Alabama and myself had better change spectacles, as we are about of the same age, and each look out of the other's glasses. We should both read the message differently. I think the message of the President was extra constitutional. It was sending us a dead bill, on which we could found no action. If the printing of the message had been decided by the consistency of its reasoning, no one would have voted for it. But we on this side voted for the extra number of the message. So much for our liberality. Although the President sent us a dead bill, on which no legislative measure can be founded, we propose an answer to his reasons, as able as we can make it. And what is the liberality of gentleman on the other side? They object to the printing because they think it will be sending out reasoning which the people will not detect. I said, if the President gives bad reasons, let them go forth, that the people may discover them: if he reasons well, the people ought to be possessed of his arguments. I, therefore, was not against the printing.

The gentleman from Alabama says he does not think the lost bill could have been passed by a constitutional majority. I speak it in my place, that I solemnly believe that nearly or quite the constitutional majority could have been obtained for the bill. We only wanted in this House three or four members to make up the constitutional majority; and in the other House the bill was passed by a majority exceeding two-thirds of the number who voted. I do not admit that we, in our practice, are to bind ourselves by those rigid rules which govern in a court of justice.

There is another fact. It was currently understood that the President was at the Capitol, examining the bills. He is said to have come here with the veto in his pocket, in case the bill should pass. There was a provision in the bill specifying colonization as one of the objects to which the proceeds were to be applied. This was stricken out in the House. The veto is said to have been prepared in reference to that clause, and was rendered inapplicable by the striking of it out of the bill. I will tell the member from Alabama that I have no proof which would enable me in a court of law to establish this fact, but I believe it to be true. The bill was brought under the notice of Congress the session before the last, and was passed at the last session: it is the practice of the Secretary to send copies of bills to the President while they are pending. That bill was sent to him the year before the last, and it was a subject of comment in his message. He ought, therefore, to understand the subject sufficiently. The same bill was sent him last session. At what time was it sent to him? It was sent to him at 5 o'clock of the 2d of March, and Congress adjourned the next morning. With all his previous information, and with the bill for nine hours in his possession, could he not have examined it? When the Cumberland road bill, usually called the tolls bill, was returned by Mr. Monroe, he sent it back the same evening, with a statement that he would transmit his reasons at the next session. He afterwards sent a pamphlet which placed me under the necessity of saying an unkind thing, considering how sincerely I respected him—that there was so much of it, that it was difficult to find the argument. As to Mr. Madison, he returned the bank bill which was sent to him on the 3d of March, on the same evening. The gentleman from Georgia had alleged that the report stated that the bill ought to have been returned on the same evening, because the successor of General Jackson could not take cognizance of it. There is no such statement. But to whom could Mr. Monroe have returned the toll bill next morning? Congress had gone. A bill must be returned, according to the constitutional provision, or it dies. This is one objection to the conduct of General Jackson. He has deprived Congress of their constitutional right. By withholding it, the President defeats the bill, although the two Houses should be unanimous in its favor. This bill was gone. It was not well understood at the time; and those who were desirous to act upon it, could not. The constitutional limit of ten days, did not apply in this case. The object of that provision is to prevent Congress, at their long session, from adjourning for the purpose of defeating any design of the President to use the veto power; but it has no reference to the short session. If we examine our statute-book, we shall find that three-fourths of all the laws passed at the short session are passed on the 2d of March, the day before the adjournment of the two Houses. The complaint now is, that, on a subject which had been examined by the President, and was well understood by him, a bill should have been kept back by him, and Congress should thus be deprived of their constitutional right of passing the bill, the objections of the President to the contrary notwithstanding.

I am sorry that on a question of printing, I should have been drawn into this discussion. I take it for granted, after the printing of an extra number of the veto message, gentlemen would have had no fears that the reasoning of the President, which it took him nine months to prepare, might not be safely trusted against a report of the Committee of Public Lands, drawn up amidst the pressing business of an unexampled session. He concluded with expressing his regret that the gentleman from Alabama [Mr. MOORE] did not consider himself at liberty to follow the counsels of his own judgment; for he (Mr. C.) was satisfied that the conclusions of the gentleman's mind, if he were free to act upon them, would lead him to sanction the reasoning of the report.

Mr. FORSYTH said that he was afraid he should not be very liberal if he followed the example of the honorable Senator from Kentucky. A document had been sent here from one of the departments some days since, and which an honorable member wished to have printed, but it was laid upon the table, (where it still remained,) on motion of the gentleman from Kentucky. The Senator was mistaken if he supposed there was any apprehension on the part of honorable Senators to affect his argument. He (Mr. F.) and others, were apprehensive lest the responsibility attaching to the report which had just been read, should not rest with those only who supported it, but with the whole Senate. He therefore intended to record his vote for the purpose of showing that he did not approve of it. With respect to the power of the President to give his approbation to a bill passed by Congress after his predecessor should have quitted office, it was hardly necessary to argue the question. But he would say a word or two as to what was his own judgment in the matter. The honorable Senator seemed to suppose that the successor of one President could not put his signature to any legislative enactment which might be left unfinished by his predecessor, and therefore it would not be obligatory on the people. The constitution, he (Mr. F.) would assert, made a bill, sent by either of the two Houses of Congress to the President, binding on the people of this country, provided he approved of and returned it within ten days. Indeed, it would become a law, without his consent, if he kept it more than ten days in his possession. The honorable Senator from Kentucky had told the Senate in the most solemn terms, that the bill of last session, if it had been sent back to the Senate, would have been passed by a constitutional majority. Now, this only showed how prejudiced we could be when our wishes were involved in a matter. Let the gentle-

man examine the votes of those who voted in the negative, and he (Mr. F.) thought he would find it exceedingly difficult to discover one among them who was capable of change. No; they were made of "sterner stuff." [Here Mr. F. read the names of those Senators who had voted in the negative on that occasion.] He should have much liked to have seen the honorable member pick out five, which number would be necessary to obtain a constitutional majority, and so pass the bill. The gentleman had told them further, (though without evidence which he could produce in a court of justice, if called upon to prove the fact,) that the President had come here on the 3d of March with a veto message in his pocket. Now had that been the case, it would only have proved how desirous he was to return the bill. Still the honorable Senator believed that such was the fact, and against such evidence as this on the Journal. Now supposing the case to be as stated by the honorable member—what did it prove? Why, merely that the President had taken precisely the course which the gentleman had thought he ought to have taken. The President was desirous to return the bill in the form in which it was presented to him: it was unsatisfactory, and he sent back the bill, accompanied by a message, giving his reasons why he had vetoed it. He (Mr. F.) thought it was very obvious that the President wished to do himself and the country justice. It was well known that he had a great number of bills to read as the session drew to a close, and it was impossible that he could have had sufficient time to prepare a new message on the subject. The Senate ought to have sent the bill to him sooner than they did, then he might have returned it with his message before the rising of Congress.

Now, he (Mr. F.) would say a word or two in regard to the injustice which it had been said the Chief Magistrate had done the country, in the exercise of his power, in withholding that bill. It was alleged to be an encroachment on the powers of Congress. But whose fault was it? It was their own; it was their duty to have sent it to him at an earlier day. What was the act of the President? Why he had postponed returning the bill for seven or eight months. Congress had still power over the subject, and if, as the gentleman from Kentucky had averred, the Senate could have passed the measure in 1833 by a majority of two-thirds, why then they could do it now. But how was it with the other House? There had been an important change in that body, for the present Congress had been appointed under the new census, and it at present represents a great majority of the people. He would ask if gentlemen would have had Congress to pursue that course which would have prevented a fair expression of the opinions of the people on this subject? Surely not. Supposing, by casualty, a constitutional majority could have been procured in both Houses, was there any man who looked to the great foundation upon which our Government stood, disposed to deny the right of the majority to govern according to their will? Was there any man who would not have regretted the passing of this act under any other circumstances? Now, if the bill had been passed at the last session of Congress, what would it have been? The act, although condemned by a large portion of the people, could not have been repealed, without the consent of a majority of the Senate, constituted as it now was. And he would ask, if there was any honorable member who wished such had been the case?

Mr. PRESTON rose merely to state, that he was not willing to meet the issue proposed by the Senator from Georgia. The gentleman had called for the yeas and nays with regard to the printing of a report which he had not heard. He, Mr. P., declined expressing any opinion on the report; and he rose for the purpose of disclaiming any inference that might be drawn from his vote in favor of the printing of the report, with regard to his opinions as to the land bill.

Mr. CLAY said, that, with respect to the vote alluded to by the Senator from Georgia, he would observe that there were several absentees on that occasion, some of whom, he believed, would have voted had they been present; but he did not choose to go into all the particulars attending that vote, he rose for another purpose, which was to make one single observation in reply to what the gentleman had said about the constitutional ten days. Now, let us, said he, take those ten days; the consequence then to be drawn from the argument of the gentleman was, if the ten days run on, notwithstanding the termination of the session, the bill had become a law; or if the successor of the President could approve a bill on the fourth of March that was passed on the third, he might do the same thing on the fifth, and so on to the end of the ten days. He did not, however, concur with the gentleman, and therefore thought the conclusion incorrect.

The gentleman tells us, said Mr. C., that if a majority of two-thirds could have been got at the end of the last session, in consequence of the President's returning the bill, that surely the same majority could be had now. He (Mr. C.) wished the Senator could make that good. There had been two or three changes in the Senate since the last session, unfavorable to the measure. There was the Senator from Maine, [Mr. SHEPLEY,] whose predecessor voted for the bill of the last session, and he felt confident that that gentleman could not by any means be induced to vote for the bill of this. There was, also, the Senator from New York, [Mr. TALLMADGE,] and others perhaps, neither of whom, he feared, would vote for it.

Mr. SHEPLEY moved to amend the motion to print, by adding a clause providing for the printing of 5,000 copies of the second report of the Secretary of the Treasury on the subject of the removal of the deposites, of December 30, 1833.

Mr. CLAY said this motion was not in order. If the gentleman would move to add 5,000 or 500,000 of the message acted on yesterday, he would give him his vote.

Mr. SHEPLEY. What message?

Mr. CLAY. Had the gentleman forgotten the message re-nominating the rejected bank directors?

The CHAIR pronounced the amendment of Mr. SHEPLEY to be out of order.

Mr. CALHOUN said that he should vote for the printing of the extra number as a matter of courtesy. But his opinions concerning the bill itself were expressed at the last session, and they remained without change.

The question on printing of 5,000 copies was then taken, and decided in the affirmative: ayes 32, nays 9.

Mr. CHAMBERS moved, that when the Senate adjourn, it adjourn to meet on Monday next.

Mr. POINDEXTER hoped not. The Senate, he said, was under protest, and the sooner they got out of it the better.

On taking the question, it was decided in the negative: ayes 17, noes 21.

Mr. WEBSTER then said it would be necessary to adopt an order for the purpose of giving effect to what he presumed was the wish of the Senate, when the injunction of secrecy was yesterday removed from the Executive proceeding. He thought this might as well be done in public session, and he had prepared a resolution relative to the publication of the proceedings in Executive session, which he had sent to the Secretary.

Mr. FORSYTH said there was other Executive business, which required the action of the Senate.

On motion of Mr. WEBSTER,

The Senate then proceeded to the consideration of Executive business, and after remaining for some time in secret session,

The Senate adjourned.

SATURDAY, MAY 3.

NEW BEDFORD MEMORIAL.

Mr. SILSBEE said he desired to present a memorial from that section of New England which was extensively engaged in the fishing business. They complained of great pecuniary distress, and pressure, and injury to their commerce, owing to the removal of the deposites. He moved the usual reference of the memorial; and, after being read,

Mr. FORSYTH said he thought he understond that this memorial came from a district of country engaged in the business of fishing, complaining of the destruction of their commerce. We had heard much of distress in the country, and we had memorials presented on the subject every day, and honorable gentlemen here proclaimed that great distress, and reductions in the prices of various products, were produced by the late measures of the President. As to the other great objects of industry, the prices current showed how correct they were. He would ask the gentleman who presented this memorial, what the price of oil was?

Mr. SILSBEE replied, that he had not taken much time to inform himself. He believed that oil was from 70 to 75 cents a gallon; what the ordinary price was, he could not say. It sold at from 90 to 100 cents by the small quantity, and he would tell the gentleman that ships employed in the whale fishing had depreciated 25 per cent. He also hoped the gentleman from Georgia did not mean to say that he (Mr. S.) had occupied much time in discussions upon presenting memorials.

Mr. FORSYTH did not intend charging the honorable gentleman with having occupied the time of the Senate by speaking upon memorials. He would do him no such injustice, but he alluded to all the gentlemen on that side of the House. As regarded the distress of the people of New Bedford, he thought the memorial said that ten thousand seamen were affected by the act of the Executive, and the honorable member told us that the object for which the sailors were employed bore the ordinary price. Mr. F. said that, from his experience and observation, 70 to 76 cents was a very living price for fish oil; and while it stood at that, the sailors would be engaged in the business. But it was said that the equipments of vessels were much reduced in price, and that a deficiency in the value of ships of 25 per cent. had taken place. But, Mr. F. thought that, upon examination, it would be seen that this was not founded in fact. The cries of distress were got up, not in the sections from which these memorials came, but elsewhere. The heaviest cry came from Baltimore, and there the pressure was extreme. He held in his hand the prices current in Baltimore, and from that it would seem that the prices were good. Fish, shad were $6 50 and herring $3 50 per barrel—flour, sales of Howard street at $5 per barrel. The article of sugar, he would advert to for the benefit of the gentleman from Louisiana, [Mr. PORTER,] was $7 to $8 50, and he had heard a very large crop was sold lately in Philadelphia at 8 cents. Tobacco $3 50, cotton 12½ to 13—holders firm and expecting better prices. He hoped gentlemen would look at the prices current from the various parts of the country from which these memorials come. He believed that persons doing business on credit, might be suffering embarrassments, but he denied that there was any distress pressing on the great objects of the country.

Mr. WEBSTER said, that the theory of the honorable member from Georgia was factitious, and not real. But he thought the slightest reference to the great interests of the whale fisheries, would convince any man that it must be most affected by causes disturbing the general credit of the country, owing to the long credits which the business required; and, therefore, the gentleman was mistaken, in applying his remarks to the people of New Bedford. The fishing business was almost the sole business of New Bedford and Nantucket, and the time was, when, with no other trade, they had from 70 to 80 ships engaged in it beyond the capes of Good Hope and Horn—they must, therefore, deal on credit, and their cry was not false clamor. But we were told by honorable gentlemen that when this question was settled, prosperity would revive. Well, a decision had been made a month ago, by a majority of half a hundred votes, that the bank should not be re-chartered, and yet the country is not settled, but is farther from it than ever.

Mr. FORSYTH replied, that he had not said that there was no cause of distress in the country, and that all the complaints sent here were false clamor. He admitted there was distress in some portions of the country, arising from the abridgment of banking accommodations, and the derangement of the exchanges of the country. He believed that distress did exist among business-men whose accommodations had stopped, and where runs had been made upon banks having no metallic basis to support them. What he said, was this, that there was no foundation for the cry of distress, when we looked to the prices of the products of labor upon the forest, the ocean, or the earth. And what were they? All the prices showed them to be as high now as they were at this time last year, or higher than they were at the time when, according to the statements of honorable gentlemen, the country was overflowing with prosperity. The prices current were so over the whole United States. In Boston, on the 28th April, in the article of coffee, the prices were rising. [Mr. F. here read from the newspaper report of prices current.] Now, as to the article of cotton, in Boston four thousand bales were sold on manufacturers' account. So that all the manufactories were not stopped yet. New Orleans cotton, 13 to 15; flour in demand and scarce, and he hoped when this news of the flour market reached New Orleans, it would rise there. Fish and molasses, as high as last year; sugar, prices firm and supplies limited. Now, gentlemen said that the great necessaries of life were high, because the people must eat; but here all the prices were given. The lumber trade, too, stood in the same condition as it did this time last year, when we were enjoying the most unbounded prosperity. But the gentleman from Massachusetts said that he (Mr. F.) was mistaken in regard to the New Bedford people. What he (Mr. F.) stated, was, that the persons engaged in the whale fishing, if it be admitted that the article of their pursuit in business is as high as usual, cannot be suffering distress. But the gentleman from Massachusetts tells us of great rivalry existing in the New Bedford and Nantucket fisheries. And what were the elements of this rivalry? Let us examine the subject a little. The people of New Bedford and Nantucket are, beyond all doubt, unrivalled by the world in nautical skill and enterprise. But the case is different in other parts of the world, where the expenses of an outfit, &c. are very great. There they are much cheaper. But the gentleman from Massachusetts said that their business was deranged because they purchased on a credit. The materials were all there; and the only difference was, that those who had not capital could not get it. Mr. F. said his remarks applied to the sailors in that service, as the memorial referred to ten thousand sailors who were injuriously affected by the measures of the administration. He believed that the sailors engaged in those voyages for a share in the profits of the voyage. Well, how were they affected? The returns of the former voyages were here, and the object of their enterprise was at the same price. Was there any difficulty in making investments, when the materials were 25 per cent. less in price than formerly? But the honorable gentleman had referred to our predictions, that when this agitating question was settled, relief and tranquillity would be restored to the country. And

he told us that it was settled by the other branch of Congress. Did that gentleman so consider it? Could he calculate that it was settled? What was the object of these memorials, and the speeches delivered upon them? Why, that it should be unsettled until it could be settled in a particular way. If honorable members had been satisfied with the judgment of the House of Representatives, and turned their attention to the adoption of measures for the general good, it would have been settled; but they have entered into the drama before the people with the House of Representatives, and none with more force and eloquence than the honorable gentleman from Massachusetts, that the country must and should be agitated. But as far as it could be settled under the circumstances, it had been produced. Had not a manifest change for the better, in the money market, taken place? Had not stocks risen? Had not exchange risen? Were there complaints in the city market? No. And this was owing, in part, to the fulfilment of the prophecy by us; and when the people saw that the wishes of the gentleman could not be accomplished, gentlemen would cease to agitate the public mind, which would not have been agitated by the measures of the Executive, but for the interposition of extraneous causes.

[Some further remarks were made by Messrs. CHAMBERS, KNIGHT, and PORTER, which were not reported.]

Mr. EWING said, that the evidence brought forward by the Senator from Georgia, to show that there was no distress in the country, was of such a nature as would lead all men of business to conclusions the very reverse of those of the honorable Senator. He (Mr. E.) would show the gentleman the erroneous nature of his reasoning, by reference to one article—that of flour. It had been said that articles of necessity could always command a price. This might be true in some cases, but was not always so. Flour was an article of prime necessity, and yet it had fallen in price. During the winter and spring, the Eastern markets were supplied from their immediate neighborhood; the adjacent farmers brought in their flour, which was generally consumed before the Western supply came in; there was, therefore, no decrease in price under these circumstances, in the cities; the price there kept up, because the supply was only equal to the demand; but when great quantities were brought in from the West, the quantity of money in circulation regulated the price. If there was plenty of money to buy up the flour and lay it up till wanted, the sale was good; if there was little or no money, the sale was bad. The honorable Senator from Georgia had shown them a price current from the Eastern cities, for the purpose of proving that flour was fetching a good price; it might do so there, for the causes he (Mr. E.) had mentioned; but they had advices from the West of a very different character. The price was not there so good as in the Eastern cities. He held in his hand a letter dated the 25th ultimo, which stated the price of flour at New Orleans to be $2 87, and this would induce corresponding depression in Cincinnati. The Senator from Georgia had said, that when the high price of flour in the Eastern cities reached the West, it would raise the price there. It would not do so. The people of the West knew as well as the honorable Senator what the price of flour was in the Eastern cities; but they knew, also, the effect which would be produced by sending their flour to those markets. Were they to do so, the price would instantly fall. There were great quantities of flour in the West ready to be sent. A great portion of the Western supply was bought up by capitalists for exportation, and another great portion was bought to be laid up. Now, if there was not money to purchase in this way, he (Mr. E.) would ask whether, when the flour came in from the West, it would command as high a price in the Eastern cities as it now commanded? When the quantity of flour now ready in the West, should be shipped and brought to the East, there would be a glut in the market, in consequence of the want of money to purchase. This result was natural, and must take place.

Mr. SILSBEE said, he had thought the Senator from Georgia would find it a hard task to prove that prices were as high as last year. He had set out with a promise to show this. Had he done so? No! he had failed in every instance—in the products of agriculture, manufacture, and navigation. He had said that the price of oil had not fallen. He (Mr. S.) affirmed that it had. If the honorable Senator could prove the truth of what he had asserted, he (Mr. S.) would never again hazard an opinion on that floor.

Mr. SPRAGUE would be glad to hear the Senator from Georgia prove that the lumber trade was as good now as it was last lear. He (Mr. S.) would be most grateful for intelligence of this kind if it came from a correct source. He had received recent information of a different kind from two of the principal rivers of Maine on which this trade was followed; and a gentleman was now sitting behind him from the capital of the State, who had informed him, both before and since the honorable Senator from Georgia spoke, that a few days since there was no sale for the article of lumber. Those who had a stock of it could not sell a single cargo.

There was now a general voice from Maine, and particularly the towns on the Kennebec; and he had it directly from a person well acquainted with the trade of that country, that there was no sale for the article. The stocks of lumber lie dead on the hands of the holders; it had, indeed, become *lumber* on their hands. At Bangor there was no demand. Four vessels had sailed from that port a few days ago with (as it was described by the party by whom he had been made acquainted with the fact) nothing on board, but glory in the hold, and experiment on deck. The honorable Senator from Georgia had said, that the fall of twenty-five per cent. in the value of shipping, was beneficial to the place. Many of his (Mr. S.'s) constituents were ship-builders, and he could hardly imagine that they would look upon it as a benefit to them, that the value of their labor had fallen in the market twenty-five or thirty per cent. The ship-building and lumber trade had stopped; and, if that would not produce distress, he would like to know how distress could be inflicted on the community.

Mr. FORSYTH had not looked into the price of lumber; but he understood that lumber had suffered excessively. This was not owing to the removal of the deposites; but, it was cut high up the river, with a view of being brought off the ground when the river was so high as to float it. The river has not risen during the present season, and therefore the owners had not been able to get it to market.

He did not make the ridiculous assertion, that a fall in the price of shipping was beneficial to ship-builders; but, that the cost being lower was beneficial to the sailors, under the supposition of their profits continuing as usual.

He was not conversant in the prices of oil; but he bought sperm oil in Georgia at about a dollar per gallon, by retail; and he took it for granted that the wholesale prices in Boston could not be above seventy or seventy-five cents.

The gentleman had said that he (Mr. F.) had asserted what he had not proved. He did not say that all products bore the same price as last year, but that certain productions were of the same price. The gentleman had acknowledged that the price of cotton, the great staple of the country, was good. Here Mr. F. stated, from the price current, the prices of several commodities, which prices, he observed, were good. The article of wheat, for which formerly from ninety cents to a dollar was esteemed a good price, was now quoted at one dollar and

eighty cents. The price of sugar was as great now as it was last year. But the Senator had said it was not so high as it ought to be, when the crops are taken into consideration. The Senator was a sugar-grower, and thought he ought to have higher prices for a small crop than for a large one. The price of sugar in Louisiana was regulated by that of Cuba. And what was the price in Cuba? Allowing all the expenses of shipping, transit, &c., Cuba sugar would cost about seven cents and a half, and eight cents was the price of Louisiana sugar. And yet the gentleman said, that the removal of the deposites caused a depression in the price of this article; while it was a matter which was regulated by foreign competition, and particularly by Cuba.

The honorable Senator from Louisiana and the honorable Senator from Maryland had spoken of agitation. He knew there was agitation; and he had no doubt that the agitation was increased by personal distress. The hopes of many of acquiring fortunes by the bank had vanished, and the feeling created by the disappointment was intense. But the Senator would not deny the right of concluding that it was not this alone that had produced the distress. Convictions no doubt existed that the President of the United States had done wrong, particularly amongst those who were disposed to find fault with every thing which was done by the President: all their efforts had not been wanting to prove to the people, that their estimation was correct; that they saw through good spectacles, and not through glorification spectacles. That there should be agitation was expected and looked for. The result was in the womb of time; but he was convinced of the correctness of his own judgment, and looked for a fair judgment on the part of the people of the United States. What could the agony of suffering produce, but conviction on the public mind? Was violence of any kind to be used to overthrow the administration? Surely not. We have seen, said Mr. F., an attempt made to convert this assembly into a sort of theatre. Senators have been cheered from the gallery, as if they were players, for the gratification of the public; and we have seen, from one side of the House, plaudits and hisses in the Senate chamber of the United States.

Associations, Mr. F. said, were now forming in Baltimore, whig associations—and for what purpose? Were their operations to be at home or abroad? While at the spirit of those associations no man could look but with abhorrence and detestation, the spirit itself, Mr. F. said, was harmless. They might agitate as they pleased; the mischief would be local, the crime would be local, and the punishment would be local. They could not operate on the Government without a change in its character; that change could and would be made, when the people chose to exert their power; but we were not like the people of Europe; it was not here that a watch-word such as "religion" or "freedom," could raise men to fight; no cunning word could raise them; here the institutions of the country were on a sound and firm basis, and gentlemen might agitate, they might drive the public sentiment so far, that man would be opposed to man, and the indignation of the community would fall on that man who would thus agitate, and dreadful vengeance would fall upon them all; but the crime would be local, the mischief local, and the punishment would be local.

Mr. SPRAGUE, after a few remarks in reply to Mr. FORSYTH's remarks, said that there was a great quantity of the products of the country on hand, which could not be disposed of at any rate; and the enhanced price which had been noticed, only showed that the derangement of the currency in the community had been greater even there, (Maine,) than had been imagined. Those who had articles on hand, could not dispose of them there at any rate. [Mr. FORSYTH thought Mr. S. had said that all the vessels had gone out empty.] Mr. SPRAGUE had not said so; he repeated what he had said on the subject: that the vessels had gone out loaded, and found no market.

Now, as to the sailors, with whom Mr. S. had some acquaintance, the Senator [Mr. FORSYTH] had said that the depreciated price of the ships would benefit the sailors. Mr. S. would be glad if he would explain how such a result would follow. There were two classes of sailors, one of whom went out on shares. [Mr. FORSYTH said there was another part, to whom the profits were undiminished.] To be sure, Mr. SPRAGUE said, by putting things contrary to fact, and, together with his poetry, the gentleman had introduced what was not matter of fact—it was all mere poetry. Mr. S. could not understand how the sailors could be benefited by the value of vessels being less. Mr. S. thought that, if the value of vessels was depressed twenty-five per cent., the value of labor must be necessarily depressed. The depression of the value of labor with one class, could not increase the value of labor in another class. There was a general sympathy—and the wages of the sailor must diminish as the price of the ship was diminished, as well as the wages of the shipwright and all concerned in shipping.

And how could those sailors who went on shares, be benefited by a diminution of the value of the ship? The ship-owner, whatever was the value of the ship, received a certain proportion of profits—one-sixteenth, by the usual arrangement—and the rest was divided among the sailors. How, then, could a decrease in the value of the ship increase the profits of the sailor?

But Mr. S. had received authentic information yesterday and to-day, that in fact the profits did not remain the same to this class of sailors, in the voyages which had been recently settled. The settling price of the voyages between the sailors and ship owners, had been such, that the sailors had not received enough to meet the demands on the charges of their outfits, and for their own personal services they had received nothing. Was that a benefit to the sailors? If a new enterprise was to be entered upon, men who had money might now buy ships cheap; but would this prove that those now concerned in this kind of property had not suffered by the disastrous blow of the Executive? Certainly not.

Mr. POINDEXTER made some remarks, which were not reported.

The memorial was then referred to the Committee on Finance, and ordered to be printed.

Mr. POINDEXTER moved to postpone the special order until Monday; which was agreed to.

Mr. POINDEXTER then offered the following resolution, which lies one day on the table.

Resolved, That, until the special order of the day on the protest of the President of the United States shall be finally disposed of, the Chair shall announce the order on each day immediately after the Journal shall have been read.

Mr. HENDRICKS moved the consideration of the resolution offered by him last week, appropriating Friday and Saturday in each week to the consideration of bills. The motion was negatived: Ayes 15, noes 18.

The Senate then adjourned.

MONDAY, MAY 5.

The resolution offered on Saturday, by Mr. POINDEXTER, to take up the protest immediately after the reading of the Journal, till it should be disposed of, was taken up.

Mr. HENDRICKS moved to amend the resolution by excepting Fridays and Saturdays, to be devoted to the passage of bills.

Mr. EWING did not think the amendment at all calculated to hasten the business of the Senate.

The CHAIR expressed a doubt whether it was in order.

Mr. WEBSTER thought the amendment could not be important: if the debate on the protest should terminate in two days, as had been suggested, the rule of the amendment would terminate with it.

Mr. HENDRICKS thought this difficulty did not exist; he designed his amendment to be indefinite; if not so considered, he would alter it so as to extend to the remainder of the session.

Mr. CLAY was opposed to the amendment, on the ground of a sentiment which had been expressed, and in which he concurred, that till this question on the protest should be decided, the Senate should proceed to no legislative business. He thought, too, that the amendment contradicted the original resolution; and for these two reasons he was opposed to it.

Mr. TIPTON was aware of the sentiment to which the honorable Senator had alluded; but after so long a time spent in debate on the subject of memorials, he thought that there should still be a small portion of the time devoted to ordinary business. He called for the yeas and nays, and the call was sustained.

Mr. KNIGHT would suggest a modification to the amendment, that the first hour on Fridays and Saturdays should still be open, as heretofore, to memorials and reports of committees.

Mr. HENDRICKS accepted this modification.

Mr. CLAYTON made a few remarks against the amendment, part only of which were heard.

Mr. KING, of Alabama, thought the whole time ought not to be taken up with the protest, after, for so long a time, so little business had been done, except to debate on memorials.

Mr. CLAYTON said the gentleman from Alabama thought to convey to the public the idea that the Senate had not discharged its duty relative to bills, &c., and that it was behind the House in that respect. He (Mr. C.) denied that this was the case; the committees of the Senate had been as diligent as those of the House. The Senator from Alabama had said nothing to show the Senate that it would be better to occupy two days in the presentation of bills than, to proceed with and conclude the debate upon the protest. He (Mr. C.) should vote against the amendment, because he believed the Senate would get through its business much earlier by adopting the resolution of the Senator from Mississippi than by pursuing any other course.

Mr. HENDRICKS said the Senator who had just resumed his seat had certainly committed an error in saying that the Senate was not behind the House in the performance of its duties. Mr. H. referred to the book of general orders, to prove that the Senate was not so far advanced as the House.

Mr. POINDEXTER bore testimony to the diligent manner in which the Senate committees executed their duties. He was understood to say that the committee to which he belonged had reported 12 or 15 bills. The Senate, Mr. P. said, had passed a great number of bills from the House, while of those sent from the Senate to the House only two or three had been acted upon. Two weeks would be sufficient to transact all the business of this kind which was before the Senate.

Mr. HENDRICKS said the list of general orders showed that 200 bills had come from the other House.

Mr. KING said he did hope that the amendment of the Senator from Indiana would prevail; or, at all events, that some modification of the resolution presented by the Senator from Mississippi would be effected.

This protest was no great favorite of his, (Mr. K.'s;) he did not, however, feel the alarm respecting it which seemed to disturb the peace and quiet of other gentlemen. It did appear to him that the Senator from Mississippi had not sufficiently considered the possible effects of his resolution. It was true that no practical evil consequences might ensue from it, but it might prove injurious in a public point of view. The design, too, which had been drawn by these gentlemen, who followed the example of the most aristocratic body in the world, (the Parliament of England,) was marred and broken. They had infringed upon their determination to perform no business until the protest was disposed of: they had recently passed a bill. As a matter of time he did not think the question of any importance; as much time would be occupied if the debate upon the protest proceeded irregularly, as if the Senate determined upon doing nothing until it was disposed of. But the dignity of the Senate was censured! In his whole life he had never heard so much about "dignity" as he had during the last few days listened to on that floor. Senators had been, recently, bursting with indignation, and now they were literally broken down by the weight of their own dignity. He submitted whether it was becoming the real dignity of Senators to sacrifice the interest of their country to a feeling of false pride. The Senate was in no danger; it had never been so strong or so saucy as it was at the present moment: why, then, was it, like the Italian beggar, continually wounding itself, for the purpose of exciting the commiseration and benevolence of the public. He repeated, that this resolution of the honorable Senator from Mississippi, might produce inconvenience. What would they have done the other day under such a resolution if gentlemen had lately been losing from $15 to $20 a day upon a cargo, and might have been bankrupt, but for the passing of the bill to which he had before alluded? He was surprised, at the time, to see any opposition made to the consideration of the bill, under such circumstances, and on the ground that the Senate ought, first, to dispose of the protest. He hoped that Senators would not tie up their hands, and prevent themselves from acting in cases similar to that which he had just mentioned.

The question was then taken by yeas and nays, upon the amendment offered by the honorable Senator from Indiana, when there appeared:

YEAS.—Messrs. Brown, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Knight, Linn, McKean, Prentiss, Shepley, Swift, Tallmadge, Tipton, White, Wilkins, Wright.—20.

NAYS.—Messrs. Bell, Benton, Black, Clay, Clayton, Ewing, Leigh, Moore, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Smith, Sprague, Tomlinson, Tyler, Webster.—19.

Mr. POINDEXTER moved to withdraw his resolution.

The CHAIR decided that the motion was out of order.

Mr. POINDEXTER then moved to lay the resolution upon the table.

The yeas and nays were taken upon the latter motion, and were as follows:

YEAS.—Messrs. Bell, Benton, Black, Clay, Clayton, Ewing, Frelinghuysen, King of Alabama, King of Georgia, Knight, Leigh, Moore, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Smith, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster, White.—26.

NAYS.—Messrs. Brown, Forsyth, Grundy, Hendricks, Hill, Kane, Linn, McKean, Prentiss, Shepley, Tallmadge, Tipton, Wilkins, Wright.—14.

The resolution was consequently laid on the table.

DEPOSITE BANKS.

The following resolutions, submitted by Mr. SOUTHARD on Friday, were taken up:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the weekly and monthly reports and statements of the Bank of the United States, and also those of the banks which have been selected as places of deposite for the public moneys, which have been received at the Treasury Department since the first day of February last; and that he be further di-

rected to communicate to the Senate such reports and statements of said banks which he shall hereafter receive, as soon as conveniently may be, after the same shall have been received.

Resolved, That the Committee on Finance be directed to inquire whether any, and which, of the banks selected by the Secretary of the Treasury for the deposite of the public moneys, have stopped payment; the amount of public money deposited in them at the time of their suspension, if any; that they inquire, also, into the circumstances attending their selection, and the security taken by the Secretary; and whether the public moneys are safe in the places where they are now deposited; and that they have leave to send for persons and papers.

The first resolution was agreed to without opposition.

On the question on the second resolution—

Mr. FORSYTH suggested that all the objects contemplated by this resolution were embraced in the resolution just adopted. He thought, therefore, that either the second resolution was altogether unnecessary, or was not necessary until the first shall have been answered. The proper course therefore was, to lay the resolution on the table, if the mover had no objection.

Mr. WEBSTER said the mover was not present, but that he had no particular objection to lay the resolution on the table for the present. But, in his opinion, it was high time that some such resolution should be passed. It was high time that a committee of this body should, of its own authority, institute an inquiry into the condition of the banks in which the public money was deposited. The inquiry in the first resolution did not then embrace all that was necessary. It was now proposed to pass an act to enable the Executive to carry into effect the arrangements which he had made with certain banks, and it was proper that the inquiry contemplated in this resolution should be made. As the mover, however, was not present, and as it was desirable not to interfere with the special order, he should not object to the resolution being laid on the table.

Mr. FORSYTH would not urge the laying of the resolution on the table. But he thought it would be right to amend the resolution, by inserting the word "present" before the words "Secretary of the Treasury," in order that the reference should be confined to the recent acts of the Executive.

Mr. WEBSTER expressed his willingness to adopt such modification.

The resolution was then so amended, and agreed to.

PRESIDENT'S PROTEST.

The Senate then proceeded to the consideration of the special order, being the resolutions of Mr. POINDEXTER, as modified on motion of Mr. CLAY;

The question being on the amendment offered by Mr. BIBB—when

Mr. WRIGHT rose and said, he had to thank the Senate for its indulgence in permitting him now to extricate himself from the unpleasant position in which he had, for several days, been placed in relation to the present debate. When he obtained the floor, four days ago, his principal and almost only object was, to reply to some of the remarks which had on that day been made by the honorable Senator from Kentucky, [Mr. CLAY.] Although time had been given to him for further reflection, he still could not consider it his duty materially to alter that course. The proceedings of the morning had evinced to him a strong disposition in the Senate to close the debate, and he hoped not to occupy so much of their time as to show any other inclination. In answer to a suggestion which had fallen from some honorable Senator in the course of the morning, he believed he could say that the time which had elapsed since he had been entitled to the floor, would not induce him to extend his remarks, or to make a larger draft upon the time of the body, than he should have done, if he had been permitted to succeed the honorable Senator more immediately. The delay had been unpleasant to him, but he had tried to improve it to condense rather than extend his remarks.

The question before the Senate was the disposition which should be made, by that body, of the paper upon the table, denominated the President's protest.

The paper complained that the Senate had passed a sentence against the President, in its nature and character judicial, while the provisions of the constitution had not been observed in the proceeding. It complained that the Senate had virtually constituted itself the impeaching body by the course it had taken, whereas the constitution had conferred the sole power of impeachment upon the House of Representatives; that it had proceeded to final judgment and sentence against the accused, without allowing him a trial upon the accusation, or the privilege of being heard in his defence; that the laws for the organization of the Senate in such cases had not been observed, inasmuch as the Chief Justice of the Supreme Court had not been called to preside over its deliberations, and as no "oath or affirmation" had been administered to the individual Senators—a qualification which the constitution expressly required to enable them to sit in the high court for the trial of impeachments: And it further complained that the sentence of the Senate had been pronounced and made a perpetual record, by entry upon its Journal, without having received the vote of two-thirds, required by the constitution to authorize the Senate to enter a judgment of guilty against any public officer.

Mr. W. said it was not his purpose, at this time, to examine the justice of these complaints. Upon a former occasion, and when the resolution complained of was before the Senate, he had been indulged with the opportunity to submit his views upon all the important questions involved in the paper now under consideration. The deliberate conviction of his own mind then was, that the resolution was, and must be considered, judicial in its character; that its passage must be held as a final judgment upon an impeachment for the offences specified in it; and that all the moral consequences of such a judgment, upon the officer against whom it was directed, might follow its record upon the Journal of the Senate. He had not, however, then been fortunate enough to convince the majority of the Senate that his positions were well taken, and he had no hope that a repetition of that effort would be attended with any better success now. Upon a careful review of the argument he had then made, he could not promise himself that he could mend or strengthen it by a repetition, and he would not consume the time of the Senate by an attempt to do so. He said he should hold himself excused from the discussion of these questions upon the present occasion, even if he had not attempted to establish them by argument when the resolution was under discussion, because the communication of the President argued them at large, and, in his humble judgment, that paper was its own best defence upon these points. He had not heard its material facts impugned, or its reasoning successfully assailed; and surely it was unnecessary for him to attempt to defend that which was already sufficiently defended. By any attempt to strengthen what seemed to him impregnable, he might impair a defence which did not call for his support.

Mr. W. said his object would therefore be, to give to the Senate, as concisely as he might, his views of the immediate questions presented for their decision, and then to proceed in his replies to the honorable Senator from Kentucky. In order, however, that the whole subject might be clearly understood, he considered it his duty, before he proceeded further, to correct one mis-

take which several gentlemen seemed to have fallen into at the early part of the discussion. He referred more particularly to both the honorable Senators from New Jersey, because their remarks were more clearly impressed upon his memory. They had spoken of the protest as embracing and complaining of the passage of both the resolutions offered by the honorable member from Kentucky. This was a mistake of fact, important in its bearing upon the discussion. It had been seen, upon the first appearance of the paper, that it was important to those who had sustained the resolution complained of, to show that it was connected with the legislation of the Senate, and was calculated to lead to legislative action. In their ardor to show this, gentlemen had carelessly blended the two resolutions, and had discussed the communication of the President as referring to both. This was not so. One of the resolutions merely pronounced upon the official conduct of the President, while the other declared the reasons of the Secretary of the Treasury for the change of the public deposites from the Bank of the United States to the State banks "unsatisfactory and insufficient," in the judgment of the Senate. The latter resolution might lead to legislation, and perhaps was calculated to do so; for, if the reasons for the change of the deposites were considered unsatisfactory, the Senate might consider it proper to originate a law, or joint resolution, directing their restoration. This would be within the conceded jurisdiction of the Senate; and he had not heard that either the President or any one else, denied the power of the Senate to take that course, or the propriety of its doing so. The protest surely contained no such denial, nor did it contain any reference whatever to this last-mentioned resolution. Its complaints were all directed to the first; to that resolution which pronounced the President guilty of unconstitutional and illegal acts, without any reference to legislation. The paper left no room for misconception or mistake upon this point, for it recited at length the resolution to which alone it referred. He must, therefore, insist that this point should be clearly understood hereafter; and that the President's communication should not be either condemned or pronounced erroneous and false, for complaining of an act of the Senate to which it did not contain the most remote reference. The resolutions were entirely independent of each other, and contained expressions of opinion upon separate and entirely independent subjects; and the President had only complained of that one which criminated him. Of that which simply pronounced upon the reasons of the Secretary, he had said nothing.

The points presented for the decision of the Senate, as the subject presented itself to his mind, Mr. W. said, were three:

1st. Had the President a right to send the protest to the Senate?

2d. Is it the duty of the Senate to receive it?

3d. Is it the duty of the Senate to enter it upon its Journal?

Mr. W. said, in the course of the debate, frequent reference had been made to the duty of the President, found in the constitution in the following words:

"He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

And the question had been confidently asked, and more confidently repeated, Where is the authority in this provision of the constitution for the President to send to the Senate a paper of this character? He did not consider the communication now under discussion as having any relation whatever to the clause of the constitution he had just read. It was not, in any sense, a communication giving "information of the state of the Union," nor did it recommend any measure to the consideration of Congress, nor was it a communication to Congress of any description. It was a communication to the Senate alone, simply remonstrating against a proceeding of that body condemning the official conduct of the President, and pronouncing him guilty of an impeachable offence. Mr. W. said he did not know that his views upon this point were correct, but he considered the right of the President to make this communication the same which every citizen of the United States possessed by the constitution to address either or both Houses of Congress in a respectful manner, upon any subject in which his individual or official rights and interests are involved. What, said Mr. W., is the character of the communication before us? It states that a proceeding of the Senate has infringed upon the constitutional rights of the Executive branch of the Government; that we have pronounced the President, as such, guilty of an impeachable offence, and have thus visited upon his character and fame the moral effects, so far as our pronunciation may have weight, of a conviction for a high crime, although the legal consequences of a regular sentence, after a trial upon an impeachment, do not follow. Hence he feels himself aggrieved, both personally and officially, and he sends to us his remonstrance and protest against the injury. This is the paper, conceded on all hands to be respectful in its language and manner, and addressed to the justice of the body which has inflicted the injury. That any private citizen, who might feel himself aggrieved by the action of the Senate, would possess the right thus to remonstrate, will not be denied; and has the President lost that right because he happens to hold the first office in the gift of the people? Is the possession of a public office to deprive the citizen of his constitutional right to protect his public and private character, or even of the humble right of complaint, when he shall consider his character and acts unjustly assailed? He, Mr. W., did not understand that any such limitation to the right of petition or remonstrance had been prescribed by the constitution; he had not been able to find any such disability annexed to the possession of an honorable and responsible office, and he called upon honorable Senators to pause and reflect before they attempted, by their action in this instance, to establish a rule which might not only bind themselves, but take from them one of their most dear and invaluable rights. This was his view of the right of the President to send this paper to the Senate, and he could not but consider it as clear and indisputable, as the right of any citizen of the country to petition the Senate for any purpose whatsoever.

Is it then the duty of the Senate to receive the paper? His answer to this question was, that the duty of the Senate, as to the receipt of this paper, is the same with its duty as to the receipt of any petition or remonstrance, respectful in its language and manner, and addressed to the body. He could see no possible distinction, and surely if he had succeeded in establishing the right of the President to send the paper to the Senate, upon the ground upon which he had put that right, there could be no distinction. Either was the constitutional right of the citizen, and that the injury complained of, in this instance had a double bearing—that the President's character, in an official as well as in a private sense, had been unjustly assailed and deeply injured; and that the remonstrance and protest reached and exposed the injury in both respects, could not affect the right to present the paper, or the duty of the Senate to receive it when presented. Mr. W. said he had already remarked, that the communication was admitted upon all sides to be respectful in its language and manner, and he would not anticipate any objection to its receipt, founded upon exceptions in these particulars, so long as no such exceptions had been taken. His acquaintance with parliamentary rules was very limit-

ed, but he did understand it to be the duty of every legislative body, especially of the legislative bodies of this country, to receive every petition and remonstrance addressed to them in language respectful to the body, and to its individual members, and until this character should be denied to the paper before the Senate, he must consider it the imperative duty of the Senate to receive it.

This, Mr. W. said, brought him to his third point. Is it the duty of the Senate to enter the protest of the President upon its Journal? This question he considered addressed itself to the justice of the Senate, and the entry of the paper upon the Journal became a duty or not, as the Senate should or should not think its entry there an act of justice to itself and to the individual from whom it came. For himself he could entertain no doubt, that justice to the President, to the Senate, and to the public, required that it should be made a perpetual record, by an entry upon the Journal. The Senate had entered upon that Journal, and pronounced to the world, the high charge against the President, of a violation of the constitution and laws. They had not given to the President any opportunity to offer his defence to their accusations, but, without notice to him, they had made them a part of their recorded proceedings; and their Journal, laid upon his table, and showing to him his conviction, was his only notice of their action. Feeling aggrieved personally and officially by the sentence itself, which he considers unjust, and by the manner in which it was pronounced, without notice to him and without any opportunity on his part to defend himself, and by exhibiting the truth, to defeat a conviction, he now makes this communication, setting forth the injustice of the proceeding of the Senate towards him, and presenting his defence to the charges made against him, so far as any such charges have been specifically set forth. This, his defence and exculpation, he respectfully requests may be entered upon the same Journal upon which the Senate has recorded his guilt, in order that the record which carries down to future ages the resolution condemning him, may carry along with it his justification. Is not the request a reasonable one? Is it not an act of duty to the high officer accused, that he should thus be permitted to perpetuate his defence against an irregular and informal condemnation by the Senate? Is it not just to the President that his defence should be spread upon our Journal by the side of that condemnation which we have voluntarily pronounced against him, and that both should be embraced in the same record, and be thus left together for the inspection and judgment of our successors and the public. It is said, as a reason for refusing this communication a place upon the Journal of the Senate, that the President has no right to demand its entry there. Sir, said Mr. W., he has made no such demand; he claims no right to make such a demand; he merely requests, respectfully requests us to permit its being thus entered, to the end that in all future time, the Journal may exhibit the whole case. This request is a full admission, if one were needed, that the President makes no claim of right to have this paper spread upon our Journal. Was ever such a request found in those communications which the President makes to Congress under the clause of the constitution before quoted? Certainly not; and this simple fact shows most conclusively that the President did not consider this communication as coming at all within the class of communications there mentioned, or as made by virtue of the power there given, or rather the duty there imposed upon him. He sends this paper to the Senate as his personal and official defence against a personal and official accusation which we have entered upon our Journal, and he asks of our justice, what he does not claim as a right, that we shall give the same perpetuity and publicity to his defence, which we have given to our charges. It is further said, as a reason both for refusing to enter the communication upon our Journal, and for refusing even to receive it, that it is in itself a breach of the privileges of the Senate. Mr. W. said he was little, very little acquainted with this doctrine of "the privileges of Parliament." He had never found it either pleasant or profitable to himself to study the doctrine, and after the examples given to the Senate but a few days since, by the honorable Senator from Illinois, [Mr. KANE,] of the odious and disgusting ceremonies gravely practised by a British House of Commons, by way of punishment for breaches of the "privileges" of that legislative body, he felt sure that the Senate of the United States would not find its attachment to parliamentary privileges strengthened. Still British precedents had been cited to justify the course which was proposed for the Senate in relation to this message from the President. So far as he had heard these precedents read, and so far as he had been able to examine them in the course of his partial research, he believed them all to be wholly inapplicable to the case before the Senate. They are all cases of communications from the Crown to the one or the other House of Parliament, pending some legislative action, and designed to influence that action. They are not complaints of individual injustice to the Prince, or of encroachments upon the powers and rights of the Executive; but they are attempts on the part of the Crown to dictate to the Legislature its course of legislative action. Such is not the case before the Senate. Here is no effort to influence the action of the Senate, or the votes of Senators, for the votes had been given and the action was complete weeks before the communication came to the Senate. The communication relates to an act of the Senate, not legislative, but judicial, in its nature and character, and the *gravamen* of the complaint is that the action had been completed, and the sentence of the Senate passed, without notice to the President, who was the accused officer, and without allowing him to be heard in his defence. Were it otherwise; had the President made a communication of this character to the Senate while the resolution complained of was before the body, and not definitively acted upon; and had the complaint then been made of an attempt by the President to influence the action of the Senate, it would have seemed to be worthy of some attention. But surely this objection comes too late when our votes are recorded, our resolution adopted, and our action not only completed but passed beyond our power of recall. The paper before us is not designed to influence our action, but to show that we have acted unlawfully and unjustly, and have thereby deprived a distinguished citizen, and the highest officer in the Government, of his constitutional and legal rights.

But, said Mr. W., without dwelling longer upon this topic, let me caution gentlemen not to place too much reliance upon English precedents as being applicable to the legislative bodies of this country. We have written constitutions defining the rights and limiting the powers of all the departments of Government. How is it in England? What is the constitution of the Government of Great Britain? It is the will of Parliament. What are the "privileges" of the British Parliament? They are the will of the British Parliament. Mr. W. said, he believed that one of the highest courts in the kingdom had uniformly decided that it was incompetent for that court to adjudge what was, and what was not, a "privilege" of Parliament, because "the privileges of Parliament" were the will and pleasure of Parliament. Would any one contend that the privileges of the Congress of the United States are the will of the Congress of the United States? that the privileges of the Senate are the will of the Senate? Surely not, and how then can the decisions of the British Parliament, as to questions of "privilege," form safe precedents for the Congress of the

United States? The power of the Parliament over the subject is supreme, and any decision it may please to make, is the paramount law of the case. The power of Congress is confined to the specific grants of power to be found in the constitution of the United States, and neither it, nor either of its branches, can claim privileges in contravention of that instrument and of the constitutional rights of the citizen. Mr. W. said he could not consider British precedents upon the subject of parliamentary privilege as deserving of much weight when attempted to be applied to our institutions. He rather considered them as dangerous guides, calculated to mislead us in the rigid construction of our constitutional privileges, and to draw us towards those parliamentary claims which have proved the most dangerous to civil liberty—the claims of unrestrained legislative will as the measure of legislative privilege. Mr. W. said he knew of no privilege of the Senate, and he certainly was not conscious that any privilege of his own was violated by the protest; and he considered it not less the duty of the Senate, than an act of justice to the President, that it should be entered at length upon the Journal, to remain forever with the high accusation to which it was an answer.

Other precedents, Mr. W. said, had been cited for another purpose, drawn from the acts of the Senate itself. Reference had been made to the proceedings of the celebrated Panama mission, a leading measure of the late administration; and he understood the object of the reference to be to justify the Senate in the passage of the resolution of which the protest complained. He felt it to be his duty to examine these precedents, because he was convinced that they would be found to have no possible application to that proceeding which they were adduced to justify. The cases would be seen to be wholly unlike in every material particular, and to exhibit no analogy and resemblance other than that which may be imagined between the views of the judge as to what the law is, wholly disconnected from any consideration of an act done, or crime committed, and the opinion of that same judge, judicially pronounced, passing sentence of condemnation upon a culprit for a violation of that law. Even this resemblance, if it deserved that appellation, could only be traced between the case now under discussion and the first precedent cited. Between the present question and the latter precedent relied upon, he was unable to discover any relationship of any denomination whatsoever. He would not, however, ask the Senate to take his opinions as authority upon the subject, but he would detain them while he read the resolutions, that every Senator might form his own opinion as to the extent to which they were precedents for the unexampled condemnation which had been pronounced upon the official conduct of the President by the resolution complained of. He then read from the Journal of the Senate of 1825-6, p. 414, as follows:

"Mr. Branch submitted the following motion for consideration, which was read, and ordered to be printed in confidence, for the use of the members:

"Whereas, the President of the United States, in his opening message to Congress, asserted that 'invitations had been accepted, and that ministers on the part of the United States would be commissioned to attend the deliberations at Panama,' without submitting said nominations to the Senate: And whereas, in an Executive communication of the 25th of December, 1825, although he submits the nominations, yet maintains the right previously announced in his opening message, that he possesses an authority to make such appointments, and to commission them without the advice and consent of the Senate: And whereas, a silent acquiescence on the part of this body may, at some future time, be drawn into dangerous precedent: Therefore,

"*Resolved*, That the President of the United States does not, constitutionally, possess either the right or the power to appoint ambassadors or other public ministers, but with the advice and consent of the Senate, except when vacancies may happen in the recess."

This, said Mr. W., is the first precedent relied upon in the practice of the Senate; and what is it? The President asserts a power as constitutionally resting in his hands, but does not attempt its exercise. On the contrary, he does what the resolution declares he should do, and makes to the Senate the very nominations which the resolution declares should be made to that body before commissions issue; but in the communication transmitting the nominations, he is understood to re-assert the right to issue the commissions, without first having obtained the advice and consent of the Senate. For over-caution, and lest the silence of the Senate might be held an acquiescence in the assertion of power made by the President, and lest that assertion and silence might, "at some future time, be drawn into dangerous precedent," the resolution is offered, counteracting the assertion of power made by the President. No official act of the President is complained of, but merely the assertion of an opinion which the mover of the resolution held to be erroneous, and contrary to the constitutional powers conferred upon the President. It is worthy of particular remark that no vote of the Senate appears ever to have been taken upon the resolution, and, therefore, it goes no farther as a precedent than that it was offered by an individual member of the Senate, received, and entered upon the Journal, but never acted upon, adopted, or in any other way made the act of the Senate. As has been before remarked, the resolution refers to no act of the President, official or unofficial, other than an expression of an opinion as to his constitutional powers in the appointment and commissioning of foreign ministers. It neither answers nor condemns any act of the President, official or unofficial, but merely pronounces an opinion upon the point involved, contrary to the opinion entertained and expressed by the President, but never acted upon; and all the record shows, is, that the then President believed he had the right, without the advice and consent of the Senate, to commission ministers to represent this Government abroad, and at places and in relations where no such representatives of the Government had before existed, and the Senator who offered the resolution did not believe that he possessed any such power. So much for the first precedent cited from our own authority to sustain the action of the Senate in condemning, without trial, the President of the United States for his official acts.

Mr. W. then read from the same Journal, page 461, as follows:

"A motion was made by Mr. Van Buren to amend the resolution by adding thereto the following:

"*Resolved*, That the constitution of the United States, in authorizing the President of the United States to nominate, and, by and with the advice and consent of the Senate, appoint 'ambassadors and other public ministers,' authorizes the nomination and appointment to offices of a diplomatic character only, existing by virtue of international laws; and does not authorize the nomination and appointment (under the name of ministers) of representatives to an assembly of nations, like the proposed Congress of Panama, who, from the nature of their appointment, must be mere deputies, unknown to the law of nations, and without diplomatic character or privilege.

"*Resolved*, That the power of forming or entering (in any manner whatever) into new political associations, or confederacies, belongs to the people of the United States, in their sovereign character, being one of the powers which, not having been delegated to the Government, are reserved to the States or people; and that it is not within the constitutional power of the Federal Government to appoint deputies, or representatives of any description,

to represent the United States in the Congress of Panama, or to participate in the deliberation, or discussion, or recommendation, or acts, of that Congress.

"*Resolved*, As the opinion of the Senate, that (waiving the question of constitutional power) the appointment of deputies to the Congress of Panama, by the United States, according to the invitation given, and its conditional acceptance, would be a departure from that wise and settled policy by which the intercourse of the United States with foreign nations has hitherto been regulated, and may endanger the friendly relations which now happily exist between us and the Spanish American States, by creating expectations that engagements will be entered into by us, at that Congress, which the Senate could not ratify, and of which the people of the United States would not approve.

"*Resolved*, That the advantages of the proposed mission to the Congress of Panama, if attainable, would, in the opinion of the Senate, be better obtained, without such hazard, by the attendance of one of our present ministers near either of the Spanish Governments, authorized to express the deep interest we feel in their prosperity, and instructed fully to explain (when requested) the great principles of our policy, but without being a member of that Congress, and without power to commit the United States to any stipulated mode of enforcing those principles, in any supposed or possible state of the world."

This, Mr. W. said, was the second precedent relied upon, and from which quotations had been made, to sustain the resolution of the Senate of which the President complains in the protest. What is this authority? The resolutions deny the constitutional power of the President and Senate, under the authority given in that instrument to appoint "ambassadors and other public ministers," to appoint representatives to a Congress of nations, and assert that the character of such representatives would not be diplomatic, and that the persons appointed would not be entitled to diplomatic privileges; that the Federal Government, in all its branches, does not possess the constitutional power to enter into political associations and confederacies, new in their character, and unknown to the country, but that this is one of the powers reserved to the States or to the people; that the appointment of deputies to represent the United States in the proposed Congress of nations at Panama, would be a departure from the wise policy heretofore pursued by the Government in its intercourse with foreign nations, and might endanger the friendly relations at the time existing between the United States and the Spanish American states; and that all the valuable purposes of the proposed mission, or representation, might be better attained through the agency of some one of our diplomatic agents near those states. This is the substance of the four resolutions, and do they assume to condemn the official acts of the then President? Do they even assume to deny to him constitutional powers which they do not at the same time deny to the Senate itself, and to every other branch of the Government? Mr. W. said he did not so understand them, and he had been wholly unable to trace the most remote analogy between these resolutions and that sentence of the Senate pronounced against the official acts of the President which they had been referred to to sustain. When these resolutions were offered to the Senate no effective act had been performed by any department of the Government. The President had nominated what he called ministers to attend the Congress of nations at Panama, but he had not attempted to commission and despatch them, without the advice and consent of the Senate; and it was upon the question of giving this advice and consent that these resolutions, as well as that one which constituted the first precedent quoted, were offered to the attention of the Senate. The questions involved in both were those of constitutional power in some one or in all of the departments of the Government, or questions of political expediency, as connected with the wise and safe administration of our foreign relations. No official act of any officer of the Government, or of any department of the Government, was either alluded to or proposed to be censured or condemned. The whole contest, in both cases, was one of opinion merely, and not of action, and, whichever way it should have resulted, no officer or department of the Government was either impeached or condemned for acts in violation of the constitution or laws. It is also a fact worthy of remark, and not to be overlooked, that these last resolutions were expressly rejected by the Senate, by a single vote, taken upon the whole.

Such, Mr. W. said, had been the success of the powerful advocates of the proceeding of the Senate in condemnation of the President, in their attempts to support, by precedent drawn from our own parliamentary history, the action of this body. Might he not, without injustice to any one, assume that a proceeding so novel, and which found such very slender supports, or rather such entire want of support from any former expression ever offered to either branch of Congress, must be, at least, doubtful as to either its legislative, executive, or judicial propriety? He must be permitted to think that, whichever character should be claimed for this resolution of the Senate, it would be found equally indefensible in principle and precedent.

Mr. W. said it now remained for him to reply, as briefly as possible, to some of the remarks of the honorable Senator from Kentucky, [Mr. CLAY,] and having done so, he would relieve the Senate from hearing him further.

The honorable Senator told us, and I was somewhat surprised that he had been able to convince himself that such was the fact, that the advocates of the resolution uniformly avoided speaking of the motives of the President. Had the honorable gentleman forgotten that in almost the first sentence of his address, on opening the debate, he pronounced to the Senate and the country that the President was attempting to grasp all the powers of this Government into his single hand? Had he forgotten how frequently that officer of the Government was, during the course of this debate, termed a despot, a usurper, a military chieftain? how often the harsh term of "a robbery of the public treasury" was applied to the act of the removal of the deposites?

[Here Mr. CLAY explained. He said he did not intend to refer to the debates in his remarks in relation to the President's motives; that what he had intended to say, was, that the resolution contained no imputation upon his motives.]

Mr. WRIGHT said he would accept the gentleman's explanation; for he felt sure, at the time he heard the remark, that it was not intended in its literal sense. The gentleman used the term "advocates," from which Mr. W. inferred that he alluded to the debates; but as his explanation seemed to admit that, in the debates upon the resolution, the motives of the President were not permitted to escape accusation, he would consider the remark as applied to the resolution itself. And what, said Mr. W., is the resolution, as it stands upon the Journal? Is it merely an accusation, an indictment, an article of impeachment? No, sir. It is a judgment upon an accusation. It does not accuse; but assuming all anterior proceedings, it convicts. In vain, then, do gentlemen tell us that it does not, in its terms, refer to the motives of the President, and that an impeachment must accompany an accusation of crime with an allegation of a corrupt or wicked intent. The position was true as to indictments, and might be true as to impeachments, though Mr. W. believed the allegation of wicked intent was not indispensable in the latter; but however that might be, no one would

contend that any reference to the intention of the defendant is ever made in the entry upon the record of a criminal judgment. That entry merely pronounces the accused guilty of the crime charged in the most general language; and the judgment thus entered carries with it, by necessary implication, all that is required to sustain itself. It relates back to the proceedings anterior to the judgment, for the form of accusation, the allegations of intention, and all else which should have existed to sustain the judgment, and in the absence of those proceedings, the entry of the judgment simply must be held as the strongest *prima facie* evidence that those preliminary proceedings were regular and sufficient. Such, Mr. W. said, was the light in which he viewed the resolution of the Senate. It pronounced the judgment of a majority of the Senate upon an impeachable offence charged against the President. This pronunciation of a judgment of guilty was the only entry upon record, and that entry must, of necessity, carry with it the unavoidable implication of all the preliminary proceedings requisite to authorize the judgment to be so entered. Who, then, could say that the protest was wrong in thus stating the case? And who will say that the President was wrong in complaining of and protesting against this conviction, to whom it shall be known that no preliminary proceedings whatever were had? that no accusation was ever made, and that this general entry of a judgment of condemnation is the only step ever taken? Mr. W. said, if there were no other reason for entering the protest upon the Journal of the Senate, this consideration alone, in his judgment, made it their imperious duty so to enter it, as an act of sheer justice to the President, because, without it, the Journal would not show the true history of the transaction, and would not therefore be stript of the unjust, and, as it would seem from the remarks of gentlemen in this debate, unintended implication to which he had alluded.

Mr. President, said Mr. W., I was much pleased when the honorable Senator told us that this message of the President, ought to be diffused; that he hoped a copy of it would reach the hands, and meet the eye and careful perusal of every man, woman, and child in the country; and that he would gladly contribute from his own private means to give it circulation. I agree with him fully in this opinion, and this wish, but judging from the character and tendency of his remarks, we must have come to a like conclusion from very different views of the paper, and of the effects to be produced upon the public mind by its extended distribution. I think it eminently calculated to justify not only the motives, but the acts of the President with the public; to arouse the public attention to the dangerous, and as I think, unconstitutional exercise of power by this body, in their late condemnation of the President, without an impeachment, and without a trial; and to extend the popularity of that worthy public servant, and strengthen the salutary principles of his administration. The honorable Senator must suppose that effects, precisely the reverse of these, will be produced by the circulation of this message, or, surely, he would not voluntarily contribute to its circulation. He, no doubt, thinks that the paper is calculated to produce a belief in the existence of those alarming encroachments of Executive power against which he so frequently and so eloquently warns us. But whether the honorable Senator or myself be correct in our impressions as to the effect to be produced by the circulation of the message, so long as we both agree that important and salutary purposes would be accomplished by its universal distribution, ought we not also to agree upon the propriety and duty of making so important a paper, and from the reading of which we anticipate so important consequences, a matter of perpetual record upon our Journal? I appeal to the honorable Senator to say whether the consequence he has himself attached to the message does not show that it ought to be perpetuated as a part of our national history. If it contain evidence of Executive encroachments dangerous to our civil institutions, ought we not to spread it upon our Journal, as a solemn warning to all future Presidents against the like attempts? If it unjustly assail the Senate, or any of its members, do we not owe it to ourselves and to our constituents to record the aggression and to place our answer and defence by its side? On the other hand, if, as I suppose, the Senate have encroached upon the constitutional rights of the Executive, and the message exposes the violation of our powers, are we not bound, in strict justice to the President, to give the exposition a place upon the same record which contains our violation? In any sense, Mr. W. said, in which he could view the subject, the message ought to be entered upon the Journal, and he was at a loss to know how gentlemen were able to reconcile it to their feelings to pronounce the paper important, and its wide circulation useful and desirable, and then contend that it ought not to be thus perpetuated. They could not desire to fix upon it this mark of the disapprobation of the Senate, to precede its circulation among the people. They could not fear its effect in the hands of our enlightened citizens, unless that effect shall be modified by this unfavorable treatment of the paper here. He did hope Senators would reflect upon the importance of the questions involved, and would give the message its place upon the Journal of the Senate. But, Mr. President, if the Senate shall conclude to refuse the paper an entry upon the Journal, will they enter upon that Journal the resolutions before you, characterizing and condemning it? Will they pronounce the message unconstitutional, an encroachment of Executive power, and a breach of the privileges of the Senate, and not let that Journal show upon what that harsh judgment was formed? Will they compel us to record our names against the resolutions, and refuse us an entry of the paper to justify or condemn our course? I hope not. If the message is to be excluded, I do hope that the Senate will be content with its exclusion simply, and that if its contents are to be examined for grounds upon which to condemn it, the paper, itself, may be allowed a place by the side of our condemning sentence, that all who hereafter read our Journal may be able to judge between those who approve and those who disapprove it.

Mr. W. said, the honorable Senator had told us that the President had not come here in the humbled and subdued tone of a convicted culprit, but in a tone and spirit indicating a feeling far above any tribunal of the country. He does not come here, sir, in the tone of a criminal or convict, for he is neither; but he comes here in the tone and spirit of an injured man. His personal and official rights have been assailed and violated, and a sentence has been pronounced against him calculated to have the moral influence upon his character and fame, of a conviction for crime, while he has not even been constitutionally accused, much less tried or convicted. It is of this he complains. He is not resisting a judicial sentence, regularly pronounced, but an effort to visit upon him the evil consequences of such a sentence, without allowing him a trial, and against the positive provisions of the constitution. Should he then come in the subdued spirit of a convict? But where does the Senate find authority for saying that the message displays a feeling in the President "far, far above any tribunal of the country?" To what tribunals of the country is the President, as such, legally subject? To the House of Representatives by way of impeachment, and to this body by way of trial upon such impeachment, and to the great tribunal of the people. Has he not in the message expressly recognised and acknowledged his subjection, according to the provisions of of the constitution, to the two Houses of Congress? Is not his complaint that the provisions of that instrument have not been regarded in the late action of the Senate,

but that this House of Congress has stept by the other and assumed a jurisdiction not conferred upon it by the constitution? And is not the message itself an appeal to the Senate against its own injustice, and, in effect, through the Senate, to the tribunal of public opinion, the only tribunal to which an appeal can be taken from the decisions of the Senate? Is it right then to say that the President, in his me-sage, has exhibited a feeling above the tribunals of the country to which he is responsible? I am sure the Senator's sense of justice will show him that he does the President manifest wrong in this declaration.

The conduct of the President, in sending this protest to the Senate, Mr. W. said, had been the subject of severe animadversion, and the act had been pronounced unprecedented and unauthorized. To rebut these suggestions, the Senator from Illinois [Mr. KANE] had presented a precedent from the Legislature of Pennsylvania, which was supposed strongly to support the course pursued by the President upon this occasion. The honorable Senator from Kentucky had commented upon the Pennsylvania case, and seemed to have satisfied himself that it did not go, in any degree, to support the communication of the President now before the Senate, and the request accompanying it, that it should be entered upon the Journal. Mr. W. said it would be his duty very briefly to examine the two cases, that the Senate might the better determine how far the one would justify the other. He had understood the honorable Senator to say, that the attempt was to impeach Governor McKean, then the Governor of the State of Pennsylvania, before the House of Representatives of that State, the body possessing, by the State constitution, the power of impeachment; that a committee of the House reported certain accusations against the Governor, concluding with instructions that articles of impeachment should be prepared; that a majority of the House, acting upon the report of the committee, negatived the accusations, and refused to order an impeachment; that the resolutions, by way of accusation, reported by the committee, although negatived by a majority of the House, were entered upon its Journal in the due course of the action of the House upon them; and that, subsequently to the final action of the House, the Governor sent to it his defence against the accusations, which was received, and ordered to be entered upon the Journal, that the accusations and defence might remain together as matter of record for all succeeding ages. This was the Pennsylvania case, as he had understood the honorable Senator to relate it, and as he understood the facts to be. What was the case now before the Senate? No attempt had been made to impeach the President before the House of Representatives, the body alone possessing the constitutional power to find an impeachment against him; but the Senate, passing by the action of the House, had proceeded in a summary manner, and without impeachment or trial, to pass a sentence of condemnation against him for a high crime, not assuming to act in its judicial character, as trying an impeachment, but in its legislative character, without any practical legislative purpose. Against this sentence, thus pronounced, the President remonstrates, and sends his remonstrance to the Senate, and one of the questions before us is, Shall it be entered upon the Journal? The Senator says, the case of Governor McKean is not an authority in favor of allowing the request of the President, because, in that case, there was an unsuccessful attempt to impeach, and the majority of the body to which the protest was sent, justified the conduct of the officer; whereas, here has been no attempt to impeach, but the majority of the Senate (the judicial tribunal) have condemned without impeachment, and as a mere legislative expression. What is the force of this reasoning? Where an attempt is made to accuse a public officer, which attempt is unsuccessful, because the majority of the impeaching body think him innocent, and refuse to accuse him, the officer shall have the right to defend himself against the unsuccessful accusations, and shall be permitted to spread his defence upon the same record where the rejected accusations are to be found; but if the body, not authorized to accuse, but judicially to try an accusation, shall overstep the accusing power, and pronounce their sentence without either accusation or trial, then the officer shall not be permitted to offer his defence, or to have it made a part of that record which proclaims to the public his condemnation. Surely the Senator will not, upon more reflection, contend for so inconsistent a rule as this. In the one case the accusation is destroyed by the vote of a majority of the body to which it is submitted, and then the officer's defence is received and recorded; in the other case the sentence of guilty is entered upon its record by the judicial body, while neither accusation nor trial have preceded it, and then the defence is refused a place upon that same record. Can any one fail to see, that, if the Pennsylvania case is good parliamentary authority, the case of the President, in this instance, is, in all respects, much stronger?

This, Mr. W. said, brought him to the consideration of the resolution of the Senate, and of the various changes which it had undergone between the time of its introduction and the time when the vote of the Senate was taken upon it. The honorable Senator had said that "the President had been declared by the Senate to have violated the constitution and laws, in the particulars mentioned in the resolution." Mr. W. said the remark struck him with peculiar force when it was made, as it appeared to him to evince an unchanged purpose in the mind of the Senator, although it indicated a forgetfulness of the material difference between the resolution in its present shape, and that resolution which he had at first proposed. One of the principal complaints in the protest, and one which he, Mr. W., thought entitled to peculiar weight, grew out of these changes of the resolution; and that the force of that complaint might be accurately understood, he considered it his duty to call the attention of the Senate to what the resolution was, as introduced, to what it is, as passed, and to its progress from the one form to the other. The original resolution offered by the honorable Senator, was in these words:

"*Resolved*, That by dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States, not granted to him by the constitution and laws, and dangerous to the liberties of the people."

Here, Mr. W. said, specific grounds of violation were assigned. In this shape of the resolution, the President could know what acts of his were complained of. Here, when he was charged with a violation of the constitution and laws, he was told wherein the alleged violations consisted. The removal of the Secretary of the Treasury, because he declined to do a specified act, and the appointment of a successor to do that act, were the violations assigned. In this shape the resolution remained, without an intimation that it was to undergo any material change, until after the honorable Senator was in the occupation of the floor to make a final close of the debate. For full three months the debate continued, and was entirely directed to these specified acts of the President, the one side laboring to sustain the acts as constitutional and lawful, and the other side attempting, with equal perseverance, to prove them to be above and beyond the authority conferred upon the President by the constitution and the law. On the morning of the second day of the honorable

Senator's closing speech, he offered the following, as a modification of the original resolution:

"*Resolved*, That, in taking upon himself the responsibility of removing the deposites of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States, not granted to him by the constitution and laws, and dangerous to the liberties of the people."

Here was a departure from the point which had been debated, and a new fact assumed, upon which the condemnation of the President was to rest. This modification charges upon him the removal of the deposites, and assigns that act as the assumption of a power "not granted to him by the constitution and laws, and dangerous to the liberties of the people." Although objectionable as assuming new ground after the debate had closed, this proposition, like the original, pointed to a specific act, and assigned that act as the violation charged. After the honorable Senator had closed his remarks, and at the moment when the question was being stated from the Chair, the modification above given was withdrawn, and the following was offered in its place, and in the place of the original resolution:

"*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

No question having been taken upon the resolution, it was in the power of the mover to modify it at his pleasure, without any vote of the Senate, and, by the exercise of that right, on his part, it was made to assume the above shape; in which shape it was adopted by the Senate, as stated in the protest. Mr. W. said, he considered this last modification of the resolution one of the most remarkable and indefensible steps in the proceeding of the Senate. Here the President is charged with a violation of the constitution and laws, and no act of his whatever is named as constituting the violation complained of. The President is not informed wherein his guilt consists, though he is pronounced guilty of a high crime, and no man can say what act of his was the act which, in the mind of the Senate, constituted the violation the resolution pronounces against him. "The late executive proceedings in relation to the public revenue," is the specification, while every one knows that there is not a day when "executive proceedings in relation to the public revenue" do not take place. The President, then, may justify, to the satisfaction of every man in the country, every executive act of his official life relating to the public revenue, save one, and be that act what it may, he stands condemned by this resolution, in consequence of it, of a violation of the constitution and the laws; and it will be competent for those who voted for the resolution, to assign that act in justification of their votes, even though the act itself shall never yet have been the subject of attention in the Senate. Are citizens and high public officers in this free country to be not only accused, but condemned, in this blind and general manner? Is the President of the United States, the first officer of the Government, to be thus pronounced guilty of a high crime without notice and without a trial, and not to be told what acts of his life have drawn down upon him the heavy sentence? When this is done, as it has been done by the action of the Senate, is he to be denied the poor privilege of complaint, the humble satisfaction of pointing out the injustice?

Mr. W. said he was well aware that certain acts of the President were occupying the public attention, as the acts intended to be condemned by the Senate in the passage of the resolution; and that those acts were the removal of the late, and the appointment of the present, Secretary of the Treasury, and the change of the deposites by the latter officer; or, if gentlemen please, by the President, through him, as his proper subordinate in the performance of that duty. But will it be now contended that these were the acts which influenced the majority of the Senate in the passage of the resolution? The first of those acts, to wit, the removal of the one Secretary and the appointment of the other, were specifically assigned as the acts of violation, in the resolution as first offered by the honorable Senator. They remained the acts, and the only acts assigned, during the debate of three months. At the close of that debate they were withdrawn, surely for no other cause than that they would not sustain the conclusion sought to be pronounced. The removal of "the deposites of the public moneys from the Bank of the United States," was then substituted as the act of violation which was to constitute the President's guilt. This last act continued to be the specification during the closing day of the Senator's closing speech, only when it too was found insufficient to warrant the conclusion contained in the resolution, and was withdrawn to give place to the last-named modification, containing no other indication of the act or acts complained of, than "the late executive proceedings in relation to the public revenue;" more properly speaking, containing no specification of the act or acts of violation. Who can now say what act of the President has been pronounced by the Senate an assumption of "authority and power not conferred by the constitution and laws, but in derogation of both?" Is the removal of the late Secretary of the Treasury from office, for the cause for which that removal is said to have been made? No; for that act and its alleged cause have been assigned to support the resolution, and have been withdrawn. Is it the appointment of the present Secretary of the Treasury, with the intention that he should remove the deposites? No; for that act and intention have been assigned to support the resolution, and have been withdrawn. Is it both these acts, with the cause assigned for the one, and the intention imputed to the other? No; for all were assigned together, and withdrawn together. Is it the removal of the deposites, and the agency which the President had in that removal? No; for that removal, an act, the responsibility of which he is said to have taken upon himself, was assigned to support the resolution, and was, on the same day, withdrawn. Who, then, can say what act of the President has made him guilty of a violation of the law and the constitution? And yet we censure him for complaining that he has been condemned without a hearing, and without being informed what has been his offence.

Mr. W. said, the honorable Senator had told us that the President was the last man in the world who had a right to complain of the action of the Senate; that he should have left his grievances to the redress of public opinion. And is it so? Is the man who finds himself under sentence for a high crime, without even having known that he had been accused; without having been allowed a trial by his peers; without having been heard in his defence—the last man in the world who had a right to complain of the proceeding? Let me, said Mr. W., ask the honorable Senator, should he to-day find published to the world a judgment of the Supreme Court of the United States, convicting him of a high crime, and should that publication be the first notice to him that he was even accused, would he permit me to tell him, "You, sir, are the last man in the world who has a right to complain of the injustice. True it is, the sentence has gone forth against you, and its moral influence visits itself upon your character and fame, and upon the reputation and feelings of your family and friends; true it is that the sentence has been passed in direct violation of some of the dearest rights secured to you by the constitution of your country; but you must not complain; you must leave your grievances to be redressed by public opinion, and

you must not inform that public that your rights have been thus invaded?" No, Mr. President, the honorable Senator would not permit me to address to him this language in the supposed case; he would complain, and give his complaints to the public, and I feel sure that reflection will convince him that he has laid down a rule for the President, in this instance, which he himself would not observe.

Mr. W. said, he considered it proper, in this place, to notice an argument of the honorable Senator, which seemed to him rather specious than sound; but which was calculated to mislead the public mind. The honorable gentleman, in his forcible and happy manner, inquired, "if the Senate can pronounce the act of the President constitutional, can they not also pronounce that same act unconstitutional?" And having thus shaped his position, he went on to say, that the complaint was not that the Senate had acted upon the subject and expressed its opinion upon the President's official conduct, but that it had pronounced that opinion unfavorable. The position, Mr. W. said, was gratuitous, and not warranted by any thing to be found in the message; and that one of the premises taken for granted was distinctly denied, and without that the reasoning and conclusion fell to the ground. It was not admitted, in a case where an impeachable charge was made, that the Senate could pronounce in favor of the officer accused, until the presentation of an impeachment enabled it to assume its judicial character, and to hear, try, and determine the questions submitted. Mr. W. said he had, upon a former occasion, attempted to establish the position, that a judgment of acquittal was as much judicial as a judgment of conviction; and hence, that the *quo animo* of a public officer, charged with a violation of the constitution and law, could not be examined legislatively, because such an examination, even for the sake of excusing the officer from criminal intent, must of neces sity be judicial. He now repeated the same opinion; and to make it more plain to the Senate that exculpatory action in the case supposed would be a violation of its constitutional powers and duties, he would suppose a case growing out of the existing state of things. Suppose, then, that the opinions of the two Houses of Congress upon the subject of the removal of the public deposites were reversed; that the majority of the Senate believed that the Executive had discharged his constitutional duty faithfully, and that the majority of the House of Representatives held a contrary opinion; that the House was proceeding to impeach the President for his acts upon that subject, and that the Senate should, pending that proceeding, in an assumed legislative character, originate and pass resolutions declaring constitutional and legal those very acts of the President upon which the House were, at the time, founding articles of impeachment, as being violations of the constitution and the law. Will any one doubt that such a judgment of acquittal by the Senate would be a violation of its duty as a judicial body, and a prejudging of a case about to be presented judicially before it? It is not then true that the Senate can properly pronounce in favor of an accused officer, until he is regularly put upon his trial before the body; and the argument of the Senator, based upon this assumption, wholly fails, and requires no further answer than the single allegation, that the position belongs to the Senator himself, and not to any thing to be found in the President's communication.

Again, the honorable Senator contends that the President says, "the Senate did not originally intend any legislation by the passage of the resolution." As well in reference to the remarks of the honorable Senator upon this point, as to those of the member from New Jersey, who was not in his seat, [Mr. SOUTHARD,] Mr. W. said he deemed it important to see what the President had in fact said. He would therefore read from the second column of page four of the message, as published in pamphlet at the Globe office. The language was as follows:

"The resolution in question, was introduced, discussed, and passed, not as a joint, but as a separate resolution. It asserts no legislative power; proposes no legislative action; and neither possesses the form nor any of the attributes of a legislative measure. It does not appear to have been entertained or passed with any view or expectation of its issuing in a law or joint resolution, or in the repeal of any law or joint resolution, or in any other legislative action."

This, said Mr. W., is what the President has said upon the point, and I appeal to every Senator to say if the language bears out the declaration of the honorable Senator from Kentucky. It is merely that the resolution does not "appear" to have been entertained or passed with a view to legislation. The President does not assume to assert the fact of intention and purpose, but merely the appearance. How then stands the case with the Senator from New Jersey? He went so far as to say that the President had stated what was untrue, and what he knew to be untrue, in this particular. I believe, said Mr. W., that this was the first instance, in which a Senator had so far forgotten himself, and what was due to his situation, as, in his place, to charge the President of the United States with known and intentional falsehood, and I shall make no other answer to such a charge than to refer again to what the President has said, and to what the Senator did charge.

Mr. W. said he must, however, draw the attention of the Senate to the fact, that in the whole course of the debate upon the resolution referred to, from the first sentence almost, in the remarks made by the honorable Senator from Missouri, [Mr. BENTON,] in opening the debate against the resolution, to the remarks made by himself, at the close of the debate upon that side, it had been asserted and repeated, that the resolution was judicial in its character, that it did not and could not lead to legislation, and that the action of the Senate upon it, legislatively, was palpably unconstitutional, and a usurpation of power. In answer to these assertions and arguments he had not once heard an attempt to point out the legislation designed to be promoted by the passage of the resolution, though it had been contended that the Senate had a right to pass it to protect its legislative powers. He had not himself believed, when the resolution was before the Senate, that it was calculated to lead to any legislative action, and on and since its passage, he had exercised his ingenuity in vain to conjecture what possible act of legislation could follow from it. His surprise, then, could be well imagined when he had heard the Chief Magistrate, a man who had never, by his most bitter enemy, been accused of evasion or subterfuge, directly charged with intentional falsehood for saying that this resolution did not "appear" to have been entertained or passed with a view to legislation. He now called upon honorable gentlemen to point out the legislation intended to follow the expression of opinion contained in this resolution, and he must be permitted to hope, that the charge of falsehood against the President, for speaking of the appearance only of the measure, would not be repeated, until this call should be answered. The honorable Senator from Kentucky, while he contended that the resolution was intended to lead to legislation, admitted fully that any attempt to reduce the intent to practice was contingent, and depended upon the disposition of the other branch of Congress to concur with the views of the Senate. This was another fact going far to justify the President, and much farther to show that no legislation, dependent upon such a contingency, could have been reasonably expected.

The honorable Senator next introduced the subject of privilege, and, among other things, contended that the message was a breach of the privileges of the Senate, in

its reference to the votes of individual Senators upon the resolution complained of. Mr. W. said he would make no other reply to this position, than to repeat what had been already said by the honorable Senator from Illinois: that the people of every State were as much the constituents of the President as they were of the Senators from the given State; that the relations between them and the President were more immediate than between them and their Senators; that the President had an equal right with any Senator to speak of the wishes of the people of the State from which the Senator might come, to exhibit the evidence of what those wishes were, and to draw conclusions from that evidence. This, if any, was the offence of the President here complained of. The Legislatures of certain States had instructed their Senators to support the President in the acts which the resolution condemns. Some of the Senators, so instructed, had felt it to be their duty to disregard their instructions, and to unite in the condemnation of the President for the acts which the Legislatures of their States have expressly approved. The President is called upon to make his defence against the condemnation thus pronounced upon him, and, among other things, he proceeds to show that his measures have been in accordance with the public will; that, in his judgment, an expression from a State Legislature is the most authentic evidence of the wishes of those whom that Legislature represents, when the people have not had an opportunity, directly through the ballot-boxes, to make their expression upon the point in controversy; that, assuming that evidence to be the true index of the will of the States mentioned, he is sustained by them; and that, had their Senators acted in accordance with this will, thus expressed, he should have been sustained, and not condemned, by the Senate. The President expressly disclaims all intention to interfere with the relations between the Senators and their constituents, and says, in terms, that his only object in referring to the action of their respective Legislatures, was to connect those expressions with the history of the acts for which he had been accused. If this is to be denounced as a breach of the privileges of the Senate, we can effectually seal the lips of the President so far as the opinions and wishes of the people of the States, or the expressions of their respective Legislatures, are concerned, lest in speaking of them, although his immediate constituents, he may be guilty of a trespass upon the privileges of this body.

The honorable Senator next tells us that the President has no right to ask the Senate to record a message which proposes no legislative action. It has already been seen that the President does not demand that the message before the Senate should be recorded as a matter of right, but respectfully requests it as a matter of justice; not that it has any relation to those messages, upon subjects of legislation, which it is his duty, by the constitution, to send to the Congress, but that it is a communication called from him by resolution of the Senate, unjustly accusing him of crime, and unconstitutionally encroaching upon his rights as a citizen and a public officer of the Government. Thus much being premised, it is a sufficient answer to this position to say, that when the Senate shall abstain from expressions, spread upon its Journal, condemning the President's official acts, and thus bringing reproach upon him as a magistrate and a citizen, without any reference to legislative action, that officer will have no occasion to ask this body to record messages in answer to such expressions, and in defence of himself, which propose no legislative action.

Mr. W. said he had now reached an argument not confined to the honorable Senator from Kentucky, but which had been used by most of those who had addressed the Senate upon the subject of the protest, on that side of the House. He referred to the allegation, so often repeated, that the President, in this paper, had set up a claim, on behalf of the Executive branch of the Government, to the possession and custody of not only the treasure, but all the property of the Government, of every name and description whatsoever. To this argument, or rather allegation, he believed it was in his power to give, and he intended to give, a full and perfect answer. It will be recollected, said Mr. W., that the protest appeared here on the 17th of the last month, and that upon the 21st, four days after, an explanatory communication was made by the President, to that part of the paper from which this position is drawn. Upon the reading of the explanatory communication, an honorable Senator from South Carolina [Mr. PRESTON] took the floor, and congratulated the Senate "upon the *retraxit*" of the President. Since that period, he, Mr. W., had understood the honorable gentleman to say that, upon a careful examination of the two papers, he had strong doubts whether the second paper was a "*retraxit*," and whether the proper construction of the first message was not substantially that given to it by the second. The honorable Senator from Maine [Mr. SPRAGUE] had said distinctly, on a late day, that the second message was no modification whatever of the first, but that all the claims of power in the Executive department of the Government, made in the first message, were wholly unimpaired, and only rendered more obscure and unintelligible by the second. The honorable Senator from Kentucky, in the course of his remarks, adopted, in their whole extent, the positions taken by the Senator from Maine, and declared that they were so clear, so sound, and so fully applicable to the facts, that he would not spend the time of the Senate in attempting further to establish them.

Here, then, Mr. President, said Mr. W., we have three distinguished gentlemen of the opposition, all perfectly agreeing that the explanatory message does not retract any thing from the true and fair construction of that communication to which it was intended as an explanation, but that all the claims of power, be they right, or be they wrong, which were made in the first message, are repeated and re-asserted in the second. I, sir, fully agree with the gentlemen that this is so, and I congratulate the Senate and the country, that, while every inch of ground upon this vexed topic is so strenuously contested, we have here a single point upon which there is no difference of opinion. Considering the point, therefore, as fully settled, that both the messages make the same claims of power in the Executive department of the Government, as to the possession and custody of the public money and property, and that there is no longer any dispute about that matter, Mr. W. said he would read from the explanatory message, to determine what these claims in fact were. The language of the President, he said, was as follows:

"I admit, without reserve, as I have before done, the constitutional power of the Legislature to prescribe by law the place in which the public money or other property is to be deposited; and to make such regulations concerning its custody, removal, or disposition, as they may think proper to enact. Nor do I claim for the Executive any right to the possession or disposition of the public property or treasure, or any authority to interfere with the same, except when such possession, disposition, or authority, is given to him by law. Nor do I claim the right in any manner to supervise or interfere with the person intrusted with such property or treasure, unless he be an officer whose appointment is, under the constitution and laws, devolved upon the President alone, or in conjunction with the Senate, and for whose conduct he is constitutionally responsible."

Here then, said Mr. W., by the consent of all, are the claims of power upon this deeply important part of the subject, the possession and custody of the public proper-

ty and treasure. It is true, the honorable Senator from Maine has said that the above language only tends to obscurity and doubt: but with all proper deference for the clear intellect of that honorable gentleman, I have not been able to discover the darkness or obscurity of the language I have just read from this second message—and so confident am I that nothing which I can address to the Senate, will make it more clear and intelligible, either to the members of this body or to the intelligent citizens of the country generally, that I abstain from comment wholly, and most fearlessly leave the claims of power here set forth to be decided by the plain reading of the constitution, and the judgment of our constituents.

I next, said Mr. W., meet the augury of the honorable Senator from Kentucky. He says he told us, but a few weeks since, that the President would set up new claims of power derived from his oath of office, and that, lo! already his prophecy is fulfilled. How, Mr. President, is the fact? Has the President made any claim of power predicated upon his oath of office? I have discovered no such claim. He does tell us, in the protest, that he considered the constitutional rights of the Executive department of the Government infringed upon by the resolution of the Senate; that these rights were intrusted to his care by virtue of his office, and that his oath made it the more imperatively his duty to defend them. Is this a claim of power from that oath, or is it a presentation of the oath as an obligation of duty which he could not forego? I understand the latter to be a fair construction of the President's language, and I cheerfully leave the decision of the point to those who will read the message. I must, however, be permitted to make a single inquiry as to the prophecy. Was it the result of a genuine spirit of divination, or did the conscience of the honorable Senator prompt him so correctly as to what would be the constitutional duty of the President, in the event of the passage of his resolution, that he was enabled to foretel the binding obligation of his oath, and to turn it into a new claim of power? In any event, it is ungenerous for the Senator to make this use of the President's reference to his official oath; for, in his remarks upon that very portion of the message, he told us that he too had taken an oath to support the constitution, and that his oath compelled him to make the remarks which he then submitted to the Senate. He surely would not consider it just, in me, to charge him with having instituted a new claim of power, founded upon his oath of office, in consequence of that remark, and he should not, therefore, in a like case, make the same charge against the President.

Mr. W. said the honorable Senator had asked "What has been the cause of the present tremendous agitation of the country—an agitation bordering upon civil war?" To answer the question, he must ask, What did the gentlemen who differed from him propose as a remedy for that agitation? Was it a restoration of the public deposites to the Bank of the United States? [Here Mr. CLAY nodded assent to the question.] Mr. W. said the honorable Senator gave an affirmative to his inquiry; but he would find very few of his friends, either in or out of this House, who would agree with him. What had been the remedy almost universally demanded by the opponents of the administration in all portions of the country? The answer was simple: A re-charter of the Bank of the United States. That, and that alone, it was said, would quiet the agitations now prevailing as to the moneyed concerns of the country. Would the restoration of the deposites do it—and how? Only by a re-charter of the bank. Mr. W. said he hazarded nothing in saying, that were it unalterably determined that the charter of the bank could not be extended, that institution would not accept, to-day, the public deposites, if offered to it. Should it do so? The removal had been made, and the shock consequent upon that change had been experienced, and its effects had nearly ceased. Were, then, that immense institution to know that a final close must be made of its affairs by the 3d of March, 1836, could it desire the possession of these deposites for the short period of twenty months, with the certainty that they must then again be delivered to other hands? Could it wish to create the shock which must be produced by taking them from the institutions where they now are, for the mere purpose of keeping them for that short period, during which its own capital will furnish it with more means than it can prudently use, with a due regard to its final close, and under the certain knowledge that the same shock must be again repeated, when the expiration of its charter should compel it to cease its agency? Such a desire is contrary to reason, and to the interests of the institution, and cannot exist; and he who expects to quiet the present agitations in the public mind by a series of changes of the public deposites, such as this policy would produce, must have looked very partially into the true causes of the present state of things. No, Mr. President, the honorable Senator is wholly mistaken. Any disposition of the public deposites will not produce the quiet he supposes. A bank! A bank! is the cry. Look at the memorials upon your table, and say if that is not the remedy which the friends of the Senator almost universally point out. The honorable gentleman said it had been attempted to establish the belief that the question was "bank or no bank," with an evident allusion to some remarks made by myself upon a former occasion. Sir, I did then say the question was "bank or no bank," and I repeat the opinion with undiminished confidence. I do not question the sincerity of the honorable Senator's opinion that certain executive encroachments are the great causes of these agitations; but I can assure him, as my sincere belief, that if himself and his friends would come to the conclusion to say "no bank," the agitations would instantly cease, and his imaginary executive encroachments would appear, as I believe them to be, the ordinary action of the Executive branch of the Government. When the calm would come, it was out of his power to say, but he believed, with the honorable Senator and others who had expressed similar opinions, that another trial was to take place at the ballot-boxes, before it would arrive. For himself, he would wait that trial patiently, and confident of the result.

The expression of the honorable Senator, that the present agitations are bordering upon civil war, Mr. W. said he had heard with unfeigned regret. The time was one of excitement, and he was sorry to see efforts from any quarter to increase the passion which was already aroused. He did not believe such efforts would tend to any salutary result. For his own part, he had not permitted himself, for one moment, to be alarmed at the danger of civil war in this prosperous and happy country. He knew the intelligence and patriotism of our citizens too well not to know that they were not prepared to plunge the country into a civil war, to meet each other in the field of blood, and to point the bayonet at each other's breasts, for the sake of a bank. The honorable Senator need have no alarm upon that point. No blood would be shed in that way, to defend the fancied rights or to gratify the insatiable wants, of a moneyed monopoly. If encroachments of power from any department of the Government, dangerous to the liberties of the people, and to the perpetuity of our free institutions, shall appear, they will be resisted and put down, not by the force of arms, and the power of the sword, but by the silent and sure operation of a calm and enlightened public opinion, and the power of the ballot-boxes. They will work all the revolution we are yet to experience, and it will be decisive and effectual.

The honorable Senator, and my esteemed friend from Tennessee, [Mr. GRUNDY,] have discussed their respec-

tive claims to the ancient federal party, and to the modern appellation of whig, most satisfactorily to my feelings, and I have no disposition to interfere with either their claims or their protestations. I must be permitted, however, to say, that I was pleased to hear the gentleman from Kentucky recognise his claim to the larger portion of that class of politicians. Still, I could not but feel convinced that the honorable Senator permitted himself to do great injustice to the intelligent few of that party, who, to use his own phrase, "had gone over to Jacksonism." Surely the gentleman will not deny that the great fault with these men has been the radical errors of their political faith, and he will freely admit that the renunciation of error is creditable both to the head and heart of him who, being convinced of his error, goes over to the truth. And as the numbers are small who have thus left the ranks of the honorable Senator, he ought not on that account, to permit his feelings to characterize them so harshly as his remarks indicated.

Mr. W. said, there was one position of the honorable Senator, however, upon this point, which he could not admit. The honorable gentleman had stated that all the causes of these old political divisions had passed away. So far from it, said Mr. W., in my opinion, the very causes which mainly produced those divisions in 1789, have never, since that period, been in more active operation than at this moment. They have been brought again into action by the present controversy, and however individuals may change sides, the same great causes will continue to operate, whenever the principles which gave them existence shall be revived. Those causes form one of the strongest agents in the political excitements at present experienced, and they will continue to operate now, as they have ever done heretofore, while hope for their success can be kept alive with those who espouse the principles referred to.

The honorable Senator, Mr. W. said, had closed his remarks with a prediction most appalling in its terms, and if the prophet were infallible, which would effectually dishearten the friends of the administration in all parts of the country. It was, "that this protest of the President would prove to be the last blow upon the last nail in the coffin of Jacksonism." Mr. W. said he claimed no gift of prophecy, nor did he ever permit himself to speak with too much confidence of the future, or with too great certainty attempt to foretel future effects from present causes. It was not now his purpose to speak of this prediction with any such design, but he thought, for the encouragement of his political friends, he might be permitted to allude to a former prophetic anticipation of the honorable member, to prove that his predictions had not always been fulfilled, and that, hitherto, he had not been an infallible prophet. During the session of 1832, and prior to the great contest for the Presidency of that year, this same subject of the bank was before Congress. Then the President returned the bill to the Senate with his "veto proper," as I think it is classed in the honorable gentleman's classification. When that paper was under consideration, the Senator addressed this body, and indulged in the most confident anticipations of effects cheering to him and his friends and disastrous to the friends of the administration, to be produced by that veto. With his usual aptness in illustrations, he introduced Dr. Franklin's celebrated fable of the Eagle and the Cat, and dignified the friends of the administration by assigning to them the emblem of the eagle, while that of the cat was reserved for the bank. Having told the story, the result was announced in triumph and with evident exultation; the cat had brought the towering eagle to its own terms of capitulation and compromise. The event, however, did not realize the honorable gentleman's fond anticipations. The result of that election exhibited the administration with vast accessions of strength, and a general improvement of prospects. The eagle was not brought to capitulate to the cat; and, Mr. President, let me congratulate the honorable Senator and the country, that his eagle yet soars aloft upon the dense atmosphere of an enlightened public opinion; and happy am I to be able to say, I have lost none of my confidence that his flight will continue to be upward and onward. But if that mousing cat shall ever succeed in bringing him to the ground, I can tell the Senator the proudest plumage in the eagle of his country will be soiled; the spirit of that lofty bird will be forever broken; and thereafter, if indeed he shall ever rise from the unnatural grasp, his flights may be expected to be made for hire, not from independent pride; with the tamed spirit of the caged bird, not in the rich luxuriance of his native freedom.

When Mr. WRIGHT had concluded—

Mr. CALHOUN rose, and moved that the Senate adjourn, but gave way to allow Mr. CLAY to make a few remarks in explanation of some of the observations of Mr. WRIGHT.

Mr. CLAY said that he felt himself called upon, by what had fallen from the Senator from New York, [Mr. WRIGHT,] to make a few observations respecting the resolution and its modifications, which no one could, perhaps, so appropriately submit as himself. It is true that the resolution, as originally presented, did specify the facts from which the conclusion was drawn of the President's assumption of power not granted to him by the constitution and laws. On what ground the President had asserted that, in that form, it would not have passed, he had not been pleased to state. But he (Mr. C.) had no reason to believe that there was a single vote given for the resolution in its ultimate modified form which would not have been given for the resolution in its original shape. In all collective bodies, it necessarily happens, even among those who concur in the general principle, or end in view, that there may be some diversity of opinion on minor points of mere detail; and it so happened in this case. Some of the Senators who acted with him proposed an alteration in the language of the first resolution, and not thinking it important, he readily consented to it. Hence the first modification. Upon the conclusion of his speech in reply, other friends expressed to him a wish for another modification, and not deeming it objectionable, he cheerfully consented to that also.

Neither upon the occasion of the first or second modification, was one word of complaint or objection urged by any one friend of the administration upon this floor. Watchful, vigilant, and zealous as they are in support of the acts of the administration, the demurrer and special pleading of the protest as to a want of time, place and venue, and want of certainty, it did not occur to one of them to raise his voice, and not one of them did raise his voice against the resolution, in consequence of the defect of precision attributed to it by the President. And why did not Senators object to either modification? Simply because the Executive proceedings to which they allude were clearly and distinctly known to be his removal of Mr. Duane—his subsequent removal of the deposites—his appointment of officers, called agents, without the authority of law—his selection of State banks, and his contracts with these not only without but against law. But now that this objection is brought forward by the President, it is dwelt upon at large and with great emphasis by the same silent Senators. All this is done by the President, and now urged, upon the totally erroneous assumption of the protest that the proceeding of the Senate was not in its legislative but judicial character.

The protest alleges that there existed no purpose of following up the resolution, and that in fact it has not been followed up by any legislative action. If that were the case, he (Mr. C.) utterly denied the right of the President to come here to animadvert upon the resolution.

What we meant to do with it, or under it, or in consequence of it, was no business of his. He had no right whatever to interpose until that legislative proceeding, the consequence of the resolution, to which he refers, shall have been submitted to him for the exercise of his judgment in approving or disapproving it. But the President is absolutely mistaken in assuming that it was never contemplated to carry out the resolution into legislative action. And he was equally surprised to hear the ingenious and able Senator from New York assert that, after anxious consideration, he found himself incapable of conceiving any possible legislative act which could flow from the resolution. And is it really so? Must Congress look on and see itself stript of its highest powers—powers which relate to the public purse, its custody and its safety—and feel an entire incompetency effectually to interpose? Cannot the Senator conceive that Congress might by law provide that, in future, the deposites should be placed in some situation of safety, to be designated by itself? that it might declare that they should never be removed from that place by any act of the President? that he should appoint no officers, under the denomination of agents, not authorized by law? that he should make no contracts with local banks without law, and against law? even, as he (Mr. C.) really believes the constitution to be, that he should remove no Secretary of the Treasury, upon his sole pleasure, without the concurrence of any other body? In short, cannot the Senator conceive of the possibility of precautionary legislation to prevent the recurrence of those various acts of the President, begun in September last, and continued down to the present time, by which he has assumed to himself the absolute control over the public purse, to the entire exclusion of the constitutional authority of Congress? How far it was or may yet be expedient to follow up the resolution by suitable enactments, must, in this as in all other measures, depend upon the circumstances under which we find ourselves. One of those circumstances, and the most essential of them, is the necessity of co-operation in another part of this Capitol; and unfortunately, notwithstanding the cries, distresses, and earnest entreaties of the people, there is yet no evidence of a willingness to afford that co-operation. But so far from the Senator being right in his supposition, he (Mr. C.) would sincerely assure him that the purpose of carrying out the resolution into proper forms of legislative action is not yet absolutely abandoned.

Mr. POINDEXTER then gave notice that he should, hereafter, call for the special order at one o'clock, and would not vote for an adjournment until 5 o'clock.

Mr. WEBSTER stated that he had many memorials to present, but that he should retain such of them as were likely to lead to debate, until the present question should be disposed of; and he expressed a hope that the pending debate would be brought to as speedy a close as possible.

On motion of Mr. POINDEXTER, the Senate then proceeded to the consideration of Executive business. After remaining some time with closed doors,

The Senate adjourned.

TUESDAY, MAY 6.

The resolution submitted by Mr. HENDRICKS, that the Senate should devote the Fridays and Saturdays of each week, until the termination of the session, to the consideration of bills, was considered and rejected—yeas 13, nays 16.

PRESIDENT'S PROTEST.

The Senate proceeded to the consideration of the special order, being the resolutions offered by Mr. POINDEXTER, as modified by Mr. CLAY;

The question being on the amendment offered by Mr. BIBB—when

Mr. CALHOUN rose and said: In order to have a clear conception of the nature of the controversy, in which the Senate finds itself involved with the President, it will be necessary to pass in review the events of the last few months, which have led to it, however familiar they may be to the members of this body.

Their history may be very briefly given. It is well known to all, that the act incorporating the Bank of the United States made that institution the fiscal agent of the Government; and that, among other provisions, it directed that the public money should be deposited in its vaults. The same act vested the Secretary of the Treasury with the power of withholding the deposites, and, in the event of withholding them, required him to report his reasons to Congress. The late Secretary, on the interference of the President, refused to withhold the deposites, on the ground that satisfactory reasons could not be assigned for the act; for which the President removed him, and appointed the present incumbent in his place, expressly with a view that he should perform the act his predecessor had refused to do. He accordingly removed the deposites, and reported his reasons to Congress, and the whole transaction was thus brought up for our approval, or disapproval, entirely by the act of the Executive, without participation or agency on our part; and we were thus placed in a situation in which we were compelled to express our approbation or disapprobation of the transaction, or to shrink from the performance of an important duty. We could not hesitate. The subject was accordingly taken up, and after months of deliberation, in which the whole transaction was fully investigated and considered, and after the opinions of all sides, the friends as well as the opponents of the administration, were fully expressed, the Senate passed a resolution disapproving the reasons of the Secretary. But they were compelled to go farther. That resolution covered only a part of the transaction, and that not the most important. The Secretary was but the agent of the President in the transaction. He had been placed in the situation he occupied, expressly with a view of executing the order of the President, who had openly declared that he assumed the responsibility; and his declaration was reiterated here, in the debate, by those who are known to speak his sentiments. To omit, under these circumstances, an expression of the opinion of the Senate, in relation to this transaction, viewed as the act of the President, would have been, on the part of the Senate, a manifest dereliction of duty.

With this impression, the second resolution was adopted. It was drawn up in the most general terms, and with great care, with the view to avoid an expression of opinion as to the motive of the Executive, and to limit the expression simply to the fact, that, in the part he had taken in the transaction, he had assumed powers neither conferred by the constitution nor the laws, but in derogation of both. It is this resolution, thus forced upon us, and thus cautiously expressed, which has so deeply offended the President; which has called forth his protest; in which he has undertaken to judge of the powers of the Senate; to assign limits in their exercise to which they may, and beyond which they shall not go; to deny their right to pass the resolution; to charge them with usurpation, and the violation of law and of the constitution in adopting it; and finally, to interpose between the Senate and their constituents, and virtually to pronounce upon the validity of the votes of some of its members, on the ground that they do not conform with the will of their constituents?

This is a brief statement of the controversy, which presents for inquiry the question, What is the real nature of the issue between the parties?—a question of the utmost magnitude, and on the just and full comprehension of which, the wisdom and propriety of our course must mainly depend.

It would be a great mistake to suppose that the issue

involves the question, whether the Senate had a right to pass that resolution or not? or what is the nature and character of the resolution? or whether it be correct in point of fact or principle? or whether it was expedient to adopt it? All these are important questions, but they were fully and deliberately considered, and were finally decided by the Senate in the adoption of the resolution—finally and irrevocably decided—so that they cannot be opened for reconsideration and decision by the will of the body itself, according to the rules of its proceedings, much less on the demand of the President. No; the question is not, whether we had a right to pass the resolution? It is one of a very different character, and of much greater magnitude. It is, whether the President had a right to question our decision? This is the real question at issue—a question which goes in its consequences to all the powers of the Senate, and which involves in its recent decision the fact, whether it is a separate and independent branch of the Government, or a mere appendix of the Executive department. If the President has indeed the right to question our opinion—if we are in fact accountable to him—then all he has done has been rightfully done; then he would have the right to send us his protest; then he would have the right to judge of our powers, and to assign limits beyond which we should not pass; then he would have the right to deny our authority to pass the resolution, and to accuse us of usurpation and the violation of law and of the constitution in its adoption. But if he has not the right—if we are not accountable to him—then all that he has done has been wrongfully done, and his whole course, from beginning to end, in relation to this matter, would be an open and palpable violation of the constitutional right and privileges of the Senate.

Fortunately, this very important question, which has so direct a bearing on the very existence of the Senate, as a deliberative body, is susceptible of the most certain and unquestionable solution. Under our system, all who exercise power are bound to show, when questioned, by what authority it is exercised. I deny the right of the President to question the proceedings of the Senate—utterly deny it; and I call upon his advocates and supporters on this floor to exhibit his authority; to point out the article, the section, and the clause of the constitution which contains it; to show, in a word, the express grant of the power. None other can fulfil the requirements of the constitution. I proclaim it as a truth, as an unquestionable truth, of the highest import, and heretofore not sufficiently understood, that the President has no right to exercise any implied or constructive power. I speak upon the authority of the constitution itself, which, by an express grant, has vested all the implied and constructive powers in Congress, and in Congress alone. Hear what the constitution says: Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, [those granted to Congress,] and all other powers vested by this constitution in the Government of the United States, or in any department or officer thereof."

Comment is unnecessary—the result is inevitable. The Executive, and I may add no department, can exercise any power without express grant by the constitution or by authority of law—a most noble and wise provision, full of the most important consequences. By it, ours is made, emphatically, a constitutional and legal Government, instead of a Government controlled by the discretion or caprice of those who are appointed to administer and execute its powers. By it, our Government, instead of consisting of three independent, separate, conflicting, and hostile departments, has all its powers blended harmoniously into one, without the danger of conflict, and without destroying the separate and independent existence of the parts. Let us pause for a moment to contemplate this admirable provision, and the simple but efficient contrivance by which these happy results are secured.

It has been often said that this provision of the constitution was unnecessary; that it grew out of abundant caution to remove the possibility of a doubt as to the existence of implied or constructive powers; and that they would have existed without it, and to the full extent that they now do. They who consider this provision in this light, as mere surplusage, do great injustice to the wisdom of those who formed the constitution. I shall not deny that implied or constructive powers would have existed, and to the full extent that they now do, without this provision; but had it been omitted, a most important question would have been left open to controversy. Where would they reside? In each department? Would each have had the right to interpret its own powers, and to assume, on its own will and responsibility, all the powers necessary to carry into effect those granted to it by the constitution? What would have been the consequence? Who can doubt that a state of perpetual and dangerous conflict between the departments would be the necessary, the inevitable result, and that the strongest would ultimately absorb all the powers of the other departments? Need I designate which is that strongest? Need I prove that the Executive, as the armed interpreter, as I said on another occasion, vested with the patronage of the Government, would ultimately become the sole expounder of the constitution? It was to avoid this dangerous conflict between the departments, and to provide most effectually against the abuses of discretionary or implied powers, that this provision has vested all the implied powers in Congress?

But, it may be asked, are they not liable to abuse in the hands of Congress? Will not the same principle of our nature which impels one department to encroach upon the other, equally impel Congress to encroach upon the Executive department? Those who framed the constitution clearly foresaw this danger, and have taken measures effectually to guard against it. With this view, the constitution has raised the President, from being a mere executive officer, to a participation in the legislative functions of the Government; and has, among other legislative powers, clothed him with that of the veto, mainly with a view to protect his rights against the encroachment of Congress. In virtue of this important power, no bill can become a law till submitted for his consideration. If he approve, it becomes a law; but if he disapprove, it is returned to the House in which it originated, and cannot become a law unless passed by two-thirds of both Houses; and, in order to guard his powers against the encroachment of Congress, through all the avenues by which it can possibly be approached, the constitution expressly provides "that every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary," (none other can pass the limits of their respective halls,) "except on a question of adjournment, shall be presented to the President of the United States, and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be re-passed by two-thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill." These provisions, with the patronage of the Executive, give ample protection to the powers of the President, against the encroachment of Congress, as experience has abundantly shown.

But here a very important question presents itself, which, when properly considered, throws a flood of light on the question under consideration. Why has the constitution limited the veto power to bills, and to the orders, votes, and resolutions, requiring the concurrence of both Houses? Why not also extend it to their separate votes, orders, or resolutions? But one answer can be given.

The object is to protect the independence of the two Houses—to prevent the Executive from interfering with their proceedings, or to have any control over them, as is attempted in this protest; on the great principle which lies at the foundation of liberty, and without which it cannot be preserved, that deliberative bodies should be left without extraneous control or influence, free to express their opinions and to conduct their proceedings according to their own sense of propriety. And we find, accordingly, that the constitution has not only limited the veto to the cases requiring the concurring votes of the two Houses, but has expressly vested each House with the power of establishing its own rules of proceeding, according to its will and pleasure, without limitation or check. Within these walls, then, the Senate is the sole and absolute judge of its own powers; and, in the mode of conducting our business, and in determining how, and when, our opinions ought to be expressed, there is no other standard of right or wrong, to which an appeal can be made, but the constitution, and the rules of proceedings established under the authority of the Senate itself. And so solicitous is the constitution to secure to each House a full control over its own proceedings, and the freest and fullest expression of opinion, on all subjects, that even the majesty of the laws is relaxed to ensure a perfect freedom of debate. It is worthy of remark, that the provision of the constitution which I have cited, in vesting in Congress the implied or constructive powers, is so worded as not to comprehend the discretionary powers of the two Houses, in determining the rules of their proceedings, which, of course, places them beyond the interference of Congress itself.

Let us now cast our eyes back, in order that we may comprehend, at a single glance, the admirable arrangements by which the harmony of the Government is secured, without impairing the separate existence and independence of the parts. In order to prevent the conflicts which would have resulted, necessarily, if each department had been left to construe its own powers, all the implied or constructive powers are vested in Congress; that Congress should not, through its implied powers, encroach upon the Executive department, (I omit the Judiciary as not belonging to the question,) the President is clothed with the veto power; and that his veto should not interfere with the rights of the two Houses to control their respective proceedings, it is limited to bills, or votes that require the concurrence of the two Houses. It is thus that our walls are interposed to protect the rights which belong to us, as a separate constituent member of the Government, from the encroachments of the Executive power; and it is thus that the power which is placed in his hands, as a shield to protect him against the implied or constructive powers of Congress, is prevented from being converted into a sword to attack the rights which are exclusively vested in the two Houses.

Having now established, beyond controversy, that the President has no implied or constructive power; that he has no authority to exercise any right not expressly granted to him by the constitution, or vested in him by law; and that the constitution has secured to the Senate the sole right of regulating its own proceedings, free from all interference; the fabric reared by this paper, and which rests upon the opposite basis, presupposing the right to the fullest and boldest assumption of discretionary powers, on the part of the President, falls prostrate in the dust.

With these views, it will not be expected that I should waste the time of the Senate in examining its contents; but if additional proof were necessary to confirm the truth of my remarks, and to show how strong would have been the tendency to conflict, and how dangerous it would have been to have left the several departments in possession of the right to exercise implied powers at their pleasure, this paper would afford the strongest. In illustration of the correctness of this assertion, I will select two or three of its leading positions, which will show what feeble barriers reason or regard to consistency would be to prevent conflict between the departments, or to protect the Legislative from the Executive branch of the Government, and how regardless the President is of consistency or reason, where the object is the advancement of the powers of his department.

In order to prove that the Senate had no right to pass the resolution in question, the President enters into a long disquisition on the nature and character of our Government. He tells us, that it consists of three separate and independent departments—the Legislative, Executive, and Judicial. That the first is vested in Congress, the second in the President, and the last in the Courts, with a few exceptions, which he enumerates. He also informs us, that these departments are co-equal, and that neither has the right to coerce or control the other; and then concludes, that the Senate had no right to pass the resolution in question.

It is not my intention to inquire, whether the view of the Government which the President has presented, be or be not correct; but, if it were, it would not be difficult to show, that his conception, that they are co-equal, and that neither has a right to coerce or control the other, taken in the ordinary acceptation of these terms, would deprive the Senate of all its judicial powers, and much of its legislative. I will assume that his views are correct; and that, as co-equal departments, neither has the right to interfere with the other; and what follows? If we have no right to disapprove of his conduct, he surely has none, on his own principle, to disapprove of ours. It would seem impossible, that so obvious and necessary a consequence could be overlooked; yet so blind is ambition in pursuit of power—so regardless of reason or consistency, that the President, while he denies to us the right to interfere with him, or to question his acts, does not hesitate to charge the Senate, directly and repeatedly, with usurpation, and a violation of the laws and of the constitution.

The advocates of the President could not but feel the glaring inconsistency and absurdity of his course; and, in order to reconcile his conduct with the principles that he laid down, asserted, in the discussion, that he sent his protest, not as President of the United States, but in his individual character, as Andrew Jackson. We may assert any thing—that black is white, or that white is black. Every page, every line of this paper, contradicts the assertion. He, throughout, speaks in his official character, as President of the United States, and regards the supposed injury that has been done him, as an injury to him, not in his private, but in his official character. But the explanation only removes the difficulty one step further back. I would ask, what right has the President of the United States to divest himself of his official character, in a question between him and this body, touching his official conduct? Where is his authority to descend from his high station, in order to defend himself, as a mere private individual, in what relates to him in his public character?

But, the part of this paper which is the most characteristic—that which lets us into the real nature and character of this movement—is the source from which the President derives the right to interfere with our proceedings. He does not even pretend to derive it from any power vested in him by the constitution, express or implied. He knew that such an attempt would be utterly hopeless; and accordingly, instead of a question of right, he makes it a question of duty; and thus inverts the order of things; referring his rights to his duties, instead of his duties to his rights, and forgetting that rights always precede duties, and are in fact but the obligations which

they impose, and of course that they do not confer power, but impose obedience—obedience, in his case, to the constitution and the laws, in the discharge of his official duties. The opposite view—that on which he acts, and which would give to the President a right to assume whatever duty he might choose, and to convert such duties into powers—would, if admitted, render him as absolute as the Autocrat of all the Russias. Taking this erroneous view of his powers, he could be at little loss to justify his conduct. To justify, did I say? He takes higher, far higher ground; he makes his interference a matter of obligation; of solemn obligation; imperious necessity—the tyrant's plea. He tells us that it was due to his station, to public opinion, to proper self-respect, to the obligation imposed by his constitutional oath, his duty to see the laws faithfully executed, his responsibility as the head of the Executive department, and to his obligation to the American people, as their immediate representative, to interpose his authority against the usurpations of the Senate. Infatuated man! blinded by ambition—intoxicated by flattery and vanity! Who, that is the least acquainted with the human heart—who, that is conversant with the page of history, does not see, under all this, the workings of a dark, lawless, and insatiable ambition; which, if not arrested, will finally impel him to his own, or his country's ruin?

It would be a great mistake to suppose that this protest is the termination of his hostility against the Senate. It is but the commencement—it is the proclamation in which he makes known his will to the Senate, claims their obedience, and admonishes them of their danger, should they refuse to repeal their ordinance—no, not ordinance—their resolution. I am hurried away by the recollection of the events of the last session. The hostilities then and now waged are the same in their nature, character, and principle; differing only in their objects and the parties. Then it was directed against a sovereign member of this confederacy—now against the Senate. Then the Senate was associated with the Executive, as its ally—now it is the object of his attack. I repeat, hostilities will be prosecuted against us, unless we repeal our resolutions, to effect which, is the object of sending us this protest; for, disguise it as we will, to receive this protest and to enter it upon our Journal, would be a virtual repeal, a surrender of our rights, and an acknowledgment of his superiority; and in that light it would be considered by the country and the world, by the present and future generations.

Should we repeal our resolutions by receiving and entering the protest on the Journal, we no doubt will be taken into favor, and our past offences be forgiven; but if not, we may expect that the war message (unless indeed the public indignation should arrest it) will follow in due time, of which the protest contains many indications, not to be misunderstood.

It is impossible for the most careless observer to read this paper, without being struck with the extreme solicitude which the President evinces to place himself in a position between the Senate and the people. He tells us again and again, with the greatest emphasis, that he is the immediate representative of the American people. He the immediate representative of the American people! I thought the President professed to be a State rights man, placed at the head of the State rights party; that he believed that the people of these States were united in a constitutional compact, as forming distinct and sovereign communities; and that no such community or people, as the American people, taken in the aggregate, existed. I had supposed that he was the President of the United States, the only title by which he is legally and constitutionally known; and that the American people are not represented in a single department of the Government; no, not even in the other House, which represents the people of the several States, as distinct from the people in the aggregate, as was solemnly determined at the very commencement of the Government, under the immediate authority of Washington himself. Such, I had supposed, was the established political creed of the party at the head of which he professed to be, and yet he claims to be not only the representative, but the immediate representative of the American people. What effrontery! What boldness of assertion! The immediate representative! Why, he never received a vote from the American people. He was elected by electors, elected either by the people of the States or by their Legislatures; and of course is at least as far removed from the people as the members of this body, who are elected by Legislatures chosen by the people; and who, if the truth must be told, more fully and perfectly represent the people of these States than the electoral colleges; since the introduction of national conventions, composed of office-holders and aspirants, under whose auspices the Presidential candidate of the dominant party is selected, and who, instead of the real voice of the people, utter that of a mercenary corps, with interests directly hostile to theirs.

But why all this solicitude on the part of the President to place himself near to the people, and to push us off to the greatest distance? Why this solicitude to make himself their sole representative, their only guardian and protector, their only friend and supporter? The object cannot be mistaken. It is preparatory to farther hostilities—to an appeal to the people; and is intended to to prepare the way in order to transmit to them his declaration of war against the Senate, with a view to enlist them as his allies in the war which he contemplates waging against this branch of the Government. If any one doubts his intention, let him cast his eyes over the contents of this paper, and mark with what anxiety he seeks to place himself in an attitude hostile to the Senate; how he has converted a simple expression of opinion into an accusation—a charge of guilt—a denunciation of his conduct—an impeachment, in which he represents himself as having been tried and condemned without hearing or investigation. The President is an old tactician, and understands well the advantages of carrying on a defensive war with offensive operations, in which the assailed assaults the assailant; and his object is to gain a position so commanding, in the prosecution of hostilities which he meditates.

Having secured this important position, as he supposed, he next endeavors to excite the sympathy of the people, whom he seeks to make his allies in the contest. He tells them of his wounds—wounds received in the war of the Revolution—of his patriotism; of his disinterestedness; of his freedom from avarice or ambition; of his advanced age, and finally, of his religion; of his indifference to the affairs of this life, and of his solicitude about that which is to come. Can we mistake the object? Who does not see what was intended? Let us bring under a single glance the facts of the case. He first seized upon the public money, took it from the custody of the law, and placed it in his own possession, as much so as if placed in his own pocket. The Senate disapproves of the act, and opposes the only obstacle that prevents him from becoming completely master of the public treasury. To crush the resistance which they interpose to his will, he seeks a quarrel with them; and, with that view, seizes on the resolution in question as the pretext. He sends us a protest against it, in which he resorts to every art to enlist the feelings of the people on his side, preparatory to a direct appeal to them, with the view to engage them as allies in the war which he intends to carry on against the Senate till they submit to his authority. He has proclaimed, in advance, that the right to interfere, involves the right to make that interference effectual. To

make it so, force only is wanting. Give him an adequate force, and a speedy termination would be put to the controversy.

Since, then, hostilities are intended, it is time that we should deliberate how we ought to act; how the assaults upon our constitutional rights and privileges ought to be met. If we consult what is due to the wisdom and dignity of the Senate, there is but one mode: meet it at the threshold. Encroachments are most easily resisted at the commencement. It is at the extreme point—on the frontier—that, in a contest of this description, the assailant is the weakest, and the assailed the strongest. It is there that the purpose of the usurper is the most feeble, and the indignation of those whose rights are encroached upon, the strongest. Permit the frontier of our rights to be passed, and let the question be, not resistance to usurpation, but at what point we shall resist, and the conquest will be more than half achieved. I, at least, said Mr. C., will act on these principles. I shall take my stand at the door of the Senate, if I should stand there alone. I deny the right of the President to send us his protest. I deny his right to question, within this chamber, our opinions, in any case, or in reference to any subject whatever. He has no right to enter here in hostile array. These walls separate us. Beyond this, he has his veto to protect his rights against aggressions from us; but within, our authority is above his interference or control.

Entertaining these views, I, for one, cannot agree to receive the protest. But it is said that the Senate never has yet refused to receive a message from the President. In reply, I answer, that it has never yet agreed to receive a protest from him; and I, at least, shall not contribute by my vote to establish the first precedent of the kind. With these impressions, although I agree to the resolutions offered by the Senator from Mississippi [Mr. POINDEXTER] as modified, a sense of duty will compel me to go farther, and to add, at the proper time, two additional resolutions; one affirming that the President has no right to protest against our proceedings, and the other refusing to receive this, his protest.

I have now said all that I intend in reference to the question at issue between the Senate and the President; and will conclude by a few remarks addressed more directly to the Senate itself.

Of all the surprising events, said Mr. C., in these surprising times, none has astonished me more, than that there should be any division of opinion, even the slightest, as to the right of the Senate to pass the resolution which has been seized on as the pretext to send us this protest. Before the commencement of the discussion, I would not have believed, that there was a single individual, in our country, the least conversant with parliamentary proceedings, who entertained any doubt of the right of any free and deliberative body, fully and freely to discuss and express their opinion on all subjects relating to the public interests, whether in reference to men or measures, or whether in approbation or disapprobation. I venture the assertion, that such a right has never been questioned before in this country, either here or in the State Legislatures, or in Great Britain, for the last century, by any party, whig or tory. Nor is my astonishment diminished by the distinction which has been attempted to be taken, between the expression of an opinion in reference to the conduct of public officers, intended to terminate in some legislative act, and those not so intended—a distinction without example or precedent, and without principle or reason. Nor am I less surprised, that it should be gravely asserted, as it has been in debate, that the resolution in question was not intended to terminate in some ulterior legislative measure. How this impression was made, or could be ventured to be expressed, I am at a loss to conceive, as it was openly avowed, and fully understood, that we only waited for the proper moment to carry the resolution into effect, by giving it the form of a joint act of both Houses. Nor is the attempt to limit our legislative functions by our judicial, in reference to the resolutions, less extraordinary. I had supposed that our judicial were in addition to our legislative functions, and not in diminution; and that we possess to the full extent, without limitation or substraction, all the legislative powers possessed by the House of Representatives, with a single exception, as provided in the constitution. Were it possible to raise a rational doubt on the subject, the example of the English Parliament would clearly prove that our judicial functions impose no restrictions on our legislative. It is well known that the House of Lords, like the Senate, possess the power of trying impeachments, and I venture to assert, that, in the long course of time in which it has exercised this power, not a single case can be pointed out, in which it was supposed that its judicial functions were diminished in any degree by its legislative; and when we reflect, that this portion of our constitution is borrowed from the British, their example must be considered as decisive, as to the point under consideration.

But let us reflect a moment to what extent we must necessarily be carried, if we once admit the principle. If the Senate has no right, in consequence of their judicial functions, to express an opinion by vote or resolution, in reference to the legality or illegality of the acts of public functionaries, they have no right to express such opinion individually in debate; as the objection, if it exists at all, goes to the expression of an opinion by individuals as well as by the body. He who has made up an opinion and avowed it in debate, would be as much disqualified to perform his judicial functions as a judge on a trial of impeachment, as if he had expressed it by a vote; and of course, whatever restrictions the judicial functions of the Senate may be supposed to impose, would be restrictions on the liberty of discussion, as well as that of voting; and consequently destroy the freedom of debate secured to us by the constitution.

I am, indeed, (said Mr. C.,) amazed, that so great a misconception of the essential powers of a deliberative body should be formed, as to deny to a legislative assembly the right to express its opinions on all subjects of a public nature, freely, fully, and without restriction or limitation. It inherently belongs to the law-making power—the power to make, repeal, and to modify the laws—to deliberate upon the state of the Union; to ascertain its actual condition; the causes of existing disorders; to determine whether they originated in the laws, or in their execution, and to devise the proper remedy. What sort of a legislative body would it be, that had no right to pronounce an opinion whether a law was or was not in conformity to the constitution? and whether it had or had not been violated by those appointed to administer the laws? What could be imagined more absurd? and yet, if the principle contended for be correct, such would be the character of the Senate. We would have no right to pronounce a law unconstitutional, or to assert that it had been violated, lest it should disqualify us from performing our judicial functions.

There seems to be (said Mr. C.) a great misconception in reference to the real nature and character of the Legislative and Executive functions. The former is in its nature deliberative, and involves, necessarily, free discussion, and a full expression of opinion on all subjects of public interest. The latter is essentially the power of executing, and has no power of deliberation beyond ascertaining the meaning of the law, and carrying its enactments into execution; and even within this limited sphere its constructions of its powers are formed under responsibility, not only to public opinion, but also to the Legislative department of the Government.

But wherever the Executive is vested with any por-

tion of legislative functions, so essentially do those functions involve the right of deliberation, and a full and free expression of opinion, that they transfer with them, to the Executive, the right of freely expressing his opinions on all subjects connected with such functions. Thus the President of the United States, who is vested by the constitution with the right of communicating to Congress information on the state of the Union; of recommending to its consideration such measures as, in his opinion, the public interest may require; to approve of its acts; and to ratify treaties, which have received the consent of the Senate; has, in the performance of all these high legislative functions, a right to express his opinion as to the nature and character and constitutionality of all the measures, in the consideration of which may be involved the performance of these duties—a right which the present Chief Magistrate has, on all occasions, freely exercised, as we have witnessed this session, both in his annual message, and the one announcing his veto on the land bill. In the former, he pronounced the United States Bank to be unconstitutional, and has, of course, according to his own principle, impeached the conduct of Washington and Madison, (the former of whom signed the charter of the first bank, and the latter of the present,) and all the members of both Houses of Congress who voted for the acts incorporating them.

I am mortified (said Mr. C.) that in this country, boasting of its Anglo-Saxon descent, that any one of respectable standing, much less the President of the United States, should be found to entertain principles leading to such monstrous results; and I can scarcely believe myself to be breathing the air of our country, and to be within the walls of the Senate Chamber, when I hear such doctrines vindicated. It is proof of the wonderful degeneracy of the times—of a total loss of the true conceptions of constitutional liberty. But, in the midst of this degeneracy, I perceive the symptoms of regeneration. It is not my wish to touch on the party designations that have recently obtained, and which have been introduced in the debate on this occasion. I, however, cannot but remark, that the revival of the party names of the Revolution, after they had so long slumbered, is not without a meaning—not without an indication of a return to those principles which lie at the foundation of our liberty.

Gentlemen ought to reflect that the extensive and sudden revival of these names could not be without some adequate cause. Names are not to be taken or given at pleasure: there must be something to cause their application to adhere. If I remember rightly, it was Augustus, in all the plenitude of his power, who said that he found it impossible to introduce a new word. What, then, is that something? What is there in the meaning of whig and tory, and what in the character of the times, which has caused their sudden revival, as party designations, at this time? I take it, that the very essence of toryism—that which constitutes a tory, is to sustain prerogative against privilege—to support the Executive against the Legislative department of the Government, and to lean to the side of power, against the side of liberty; while the whig is, in all these particulars, of the very opposite principles. These are the leading characteristics of the respective parties, whig and tory, and run through their application in all the variety of circumstances in which they have been applied, either in this country or Great Britain. Their sudden revival and application at this time ought to admonish my old friends, who are now on the side of the administration, that there is something in the times—something in the existing struggle between the parties, and in the principles and doctrines advocated by those in power—which has caused so sudden a revival, and such extensive application of the terms. I have not contributed to their introduction, nor am I desirous of seeing them applied; but I must say to those who are interested that they should not be, that nothing but their reversing their course can possibly prevent their application. They owe it to themselves—they owe it to the Chief Magistrate whom they support (who, at least, is venerable for his years) as the head of their party—that they should halt in their support of the despotic and slavish doctrines which we hear daily advanced, before a return of the reviving spirit of liberty shall overwhelm them, and those who are leading them to their ruin.

I can speak (said Mr. C.) with impartiality. As far as I am concerned, I wish no change of party designations. I am content with that which designates those with whom I act. It is, I admit, not very popular, but is at least an honest and a patriotic name. It is synonymous to resistance to usurpation—usurpation, come from quarter and under what shape it may; whether it be that from this Government on the rights of the States, or the Executive on the Legislative department.

When Mr. CALHOUN had concluded, Mr. BIBB withdrew his amendment "that the protest be not received."

Mr. FORSYTH then moved to amend the resolutions, by striking out all after the word "Resolved," in the first resolution, and inserting—

"That the message of the President, protesting against the resolution of the Senate of the 25th of March, be entered on the Journal, according to his request.

"*Resolved*, That, leaving to the States, to whom the Senate is alone responsible, to judge whether the resolution complained of is, or is not, within the constitutional competency of this body, and called for by the present condition of public affairs, an authenticated copy of the original resolution, with a list of the yeas and nays, of the President's message, and of these resolutions, be prepared by the Secretary, and transmitted by the Vice President to the Governor of each State of the Union, to be by him laid before the Legislature at their next session, as the only authority authorized to judge upon the opinions and conduct of the Senators respectively."

Mr. POINDEXTER asked for the yeas and nays on this amendment, and they were ordered.

Mr. CALHOUN then moved to amend the original resolutions, by adding the two following resolutions:

"*Resolved*, That the President of the United States has no right to send a protest to the Senate against any of its proceedings.

"*Resolved*, That the Senate do not receive the protest of the President."

A few words passed between Mr. FORSYTH, Mr. POINDEXTER, Mr. KING, and Mr. CALHOUN, on the question of order, as Mr. FORSYTH'S proposition was pending. Mr. CALHOUN stated, that the obvious meaning of a rule of the Senate, that before any motion to strike out the words of a resolution should be received, was, that the resolution might be made as perfect as possible. Mr. FORSYTH finally withdrew his amendment for the present, to allow the question to be taken on the resolutions of Mr. CALHOUN.

The yeas and nays were then ordered on the amendment proposed by Mr. CALHOUN.

Mr. FORSYTH then rose and said he concurred with the Senator from South Carolina, [Mr. CALHOUN,] that the paper was an official message from the President of the United States—in some sort personal, too, as every paper must be that was presented by an officer, to defend himself on a charge of disregarding his duty, his personal character being in such charge necessarily involved. Considered as an official communication from a co-ordinate department of the Government, it was with unfeigned surprise that Mr. F. saw the pertinacity of members in thus gravely discussing the question, whether the message or protest should be received or not. Senators treat it as an ordinary petition or memorial. Now a petition was never in the hands of the Senate, until it was formally

received. A member under the rule presents a memorial in his place, states its contents, and if no objection is made, it is received. If objection is made, the sense of the Senate is taken—the memorial remaining, until the Senate agrees to receive it, in the hands of the Senator who offered it. How is it with an official message from the President to either House of Congress, or from one branch of the Legislature to the other? The Secretary of the Executive or of the House presents himself at our bar: "I am directed to lay before the Senate a message in writing," &c. It is laid on our table—it is beyond the control of the Executive or of the House—without our permission it cannot be withdrawn—it lies on the table of the Senate, in our possession, before and after it is read. Whatever may be its contents, we cannot refuse to receive it, without acting absurdly. Admit our right to examine the paper, and decide upon its character before it is received, and then, when passion, or reason, or prejudice, prevails, to refuse to receive a message disagreeable to us, what becomes of the rights of the President and the two Houses, in their intercourse with the Executive and with each other? A bill is sent to the President. He returns it with his veto—examining freely the powers of Congress, and placing his refusal to pass the bill on the ground of want of constitutional power in the Federal Government to legislate on the subject of it—speaks freely or harshly of usurpations of power—and can we or the House of Representatives refuse to receive it? What becomes of the bill? It is a law, if not returned to the House where it originates, in ten days. The message and returned bill are not on file or on the Journals of either House; no record of the veto, where alone it can or ought to be looked for, is on the Journals of the House where the bill originated.

What can the President appeal to? In the dispute which will inevitably arise, who is to decide, and how? In the intercourse between us and the President, the right of the Executive is our right. If we could refuse to receive his messages, he could refuse to receive ours. A bill is sent to him, he will not receive it. When does it become a law? He is allowed ten days to decide upon giving or withholding his sanction. He denies having had the consideration of the bill—he has not received it. What is to become of the Government, if such questions are permitted to be raised? In the intercourse between the two Houses of Congress, confusion and controversy would every day arise; in that between the two or either branch of Congress and the Executive, disastrous hostility, followed by violent convulsions, would be the unavoidable result. It was too late, out of time, to talk of receiving the message. It was there. As far as the official character of the President, or his personal honor, was concerned, it was indifferent whether the Senate refused to receive the message, or what treatment it met. Mr. F. thought it had been addressed by the proper channel to the people. As an act of justice to the body, it was sent through the Senate. It was before the people, and they would form and act upon a fair judgment of it. Mr. F. was anxious that a proper disposition should be made of it, from regard to the character of the Senate. The more disrespectfully it was treated, the worse for the Senate, the better for the Executive. In this question, which had been most unnecessarily raised between them, Mr. F. believed the Senate were in the wrong, and feared that the true character and just influence of the body would be most dangerously impaired, if the message of the Chief Magistrate, chosen by the people, and vested with their executive powers, was not treated with due decorum and respect. Recent events have fixed public attention, with intense anxiety, upon the Senate. Its character was scrutinized, and on its future conduct depended its fate. Honorable Senators tell us that we possess the public confidence, and that the hopes of the nation are resting upon our firmness and integrity. That remains to be seen. In his opinion, if greater caution, moderation, and wisdom did not govern the Senate, it will come to be considered a blot upon our system. It will lose its title to public confidence and regard whenever the shield put under its care to interpose between other departments and the people, is thrown away, to assume the sword to assault co-ordinate branches of the Government.

The Senator from South Carolina [Mr. CALHOUN] tells us that the President has assaulted the Senate—that this protest is a declaration of war by the Chief Magistrate against the Senate. War on the Senate! What was the resolution of the Senate? Was it not a declaration of war against the President? An appeal to the people to condemn and punish him? But the President's integrity is not put in issue by the resolution. Ah! What, then, is put in issue? His understanding, if not his integrity. Can a man be accused of usurpation, of tyranny, in office? Can an appeal be made to the people to rush to the rescue of their dearest rights, by one who has seized the purse and the sword, without calling in question the integrity of the accused? Yet after angry debates and unmeasured denunciations by his political opponents, and they have imbodied their censure in one resolution, worded cautiously, to convey every thing against him, and commit themselves as little as possible, his temperate and respectful answer is, making war upon the Senate—is appealing to the people against the judgment of the representatives of the States! He has made no war—he has made no appeal—he has answered a deliberate accusation—he has met the appeal of the Senate to the people. Did honorable members suppose the President would shrink from the tribunal to which the Senate called him, and refuse to plead? They could not know the President and have indulged such a thought. Could any President, however timid and irresolute, fail to defend himself when thus assailed? That the Chief Magistrate had the right to answer his accusers, will not be denied. How it should be done is more questionable. A scrutiny might be demanded of the House of Representatives, and in ordinary cases this might be the proper course. What would have been said if, going to the House, the President had demanded an inquiry into his conduct, thus assailed as he was by the Senate unjustly, and in disregard of the provisions of the constitution? We should have been told that a conspiracy was on foot to destroy the Senate by a union of the Executive and of the House of Representatives—that the President was perfectly safe in demanding an inquiry, because a constitutional majority of the Senate could not be, as was ascertained by the vote on the resolution of censure, found to pronounce him guilty. The course pursued of sending the defence to those who made the accusation, was certainly just and fair. There is his defence made necessary by the act of the Senate. It is denounced as a command to stain our records by recording a contradiction of the record. Does he command? The language is, "I request." But this request is not made, says the Senator from Kentucky, [Mr. CLAY,] as a convicted criminal, humbled by a sense of guilt and penitent for his transgression. No, indeed, it is not. It is made in the respectful and moderate, but firm tone of an officer conscious of innocence, and forgetting the injury inflicted upon him in his just reliance on the justice of his fellow-citizens and of posterity. He requests only that it may be recorded with the accusation, that it may be preserved for the inspection of all those who shall see the charge. Will the Senate refuse this request? It may be thrown in the fire—treated with any and every species of contumely—the consequence of such treatment will fall upon the Senate.

True, or false, it should be preserved. If false, those who have given occasion for it, ought to rejoice. A fair

scrutiny into it, will be just and appropriate. Examine it facts, prove them to be assumed, doubtful, or false. Sift its arguments, show them to be loose, illogical, or illusory. Weigh its conclusions, demonstrate them to be unsound. The Senate owes to itself, and to the President, and to the people of the States, to place the subject in all its true lights, before the world. The Senator from South Carolina [Mr. CALHOUN] asks for the constitutional authority of the President to send such a message? Mr. F. would answer this question distinctly. The authority is given in the concluding paragraph of that part of the constitution which authorized the Senate to pass the resolution. Where is that to be found? Nowhere. The right of the Senate rests upon implication—requires demonstration. Demonstrate the theorem by what process ye may, the President's right to reply and protest, is the corollary. The same honorable Senator, however, says, the Executive can take no power by implication or construction; there are constructive powers, but they are all legislative. The Senator had, in a former discussion, acknowledged distinctly the power of removal in the President of the United States. Where was the express grant for that? It was strictly a constructive power—a power implied. Admitting, for argument's sake, the accuracy of this distinction, where does the Senator find the power of the Senate by construction? The whole Legislature, it is asserted, has constructive power; but each branch must have it separately. Where is the constructive power of either? Such is the argument. The argument is, all have it; therefore each has it. How very unsatisfactory, Mr. F. said, it was scarcely necessary, after stating it, to assert. Admitting, however, this ingenious fallacy to be sound reasoning, how does the Senator exclude the President from the benefit of it? The President is an important portion of the Legislative authority. How can it be denied, that the implied constructive power belonging to the whole Legislature, if divisible, and to be severally assumed by two branches of the three, among whom it is parcelled out, is not possessed in any degree by the third?

The power of passing censorial resolutions, by either House of Congress, was not to be found in the constitution. The framers of the constitution probably supposed such never could be necessary, the powers expressly granted to both, united or separately, being sufficient to prevent or to punish irregularity or criminality in the other departments of Government. Nor was it to be denied that the powers granted are amply sufficient, except in cases of most extraordinary character, none of which had, and, Mr. F. trusted, never could, occur. Either can prevent improvident legislation at its own will; the two Houses can correct misconstruction of laws, by repealing or amending statutes—abuse of power by enacting new limitations on its exercise; while the great remedy of impeachment is at hand to prevent flagrant violations of Executive duty. The inquiry alone into the conduct of the Executive, in any of its branches, with a view to impeachment by the House of Representatives, was a more powerful corrective than any separate resolution of disapprobation either House could pass. While, however, it may be admitted that either could, in its own defence, or in cases of pressing danger, resort to this constructive authority to act by a separate resolution, it cannot be, never has been before, denied that the party censured, upbraided, with usurping power, or violating the obligation of duty, had a right to be heard in any form he chose to present himself, justice and decorum to others being duly regarded.

From the Senator from South Carolina [Mr. CALHOUN] one singular idea fell. He had said, that, as joint resolutions were constitutionally subjected to the President's veto, like acts of Congress, it followed that the framers of the constitution intended that separate resolutions should be beyond Executive interference. The argument would be good, if the constitution said any thing about separate resolutions. As it did not, the fairer inference was, that separate resolutions were not thought of by the framers or authors of the Government. The authority of each House to regulate its own proceedings, referred to, could not apply, as the object of these censorial resolutions was to regulate the course, or, more properly, to influence the proceedings of others.

The President can, of course, have no business with what is done in the regulation of the proceedings of either House; but when the resolutions are exclusively external in their operation, and operate directly on his official and personal conduct and character, his right to interfere is much more clear than the right of either House thus to operate upon him. It is, in fact, but the mere right of self-defence, not denied to any individual or body corporate, however humble, or however exalted. The President had, as was said by the same Senator, the audacity to enter the Senate hall, and interfere between members and their constituents. Was that a fair statement? The President had not only not interfered, but expressly disclaimed all right or intention to interfere between Senators and their constituents and their consciences. He stated, in his own defence, naked facts, according to evidence recorded in the archives of the Senate. He has had the audacity to use simple facts, without drawing even an inference, in his defence. And why not use these facts, as well as any other facts, for that purpose? The Senate is not very scrupulous in its treatment of the President; and the Senators who are so sensitive at this asserted, but denied, interference between them and their constituents, interfere between the President and his constituents, without hesitation or delicacy.

Are we to use the rod without mercy, and treat the Executive as a whipped school-boy; charge him with audacity if he does not kiss the rod which has been applied to his shoulders merely for his own good? If the President had appealed to the States, had sent his address to the State Legislatures, he would have been justified by the example set him here. He has not. He has left the Senators to their constituents, and no doubt the parties would, in due season, come to a right understanding.

The Senator from South Carolina has called the attention of his adversaries to the late general application of the term whig to the discordant fragments of all parties opposed to the administration. He seemed to imagine it arose from the peculiar applicability of the term. The general application of the name did not prove any fitness to the thing to which it was applied. It proceeded not from the harmony between the name and the thing, but from concert between those who were desirous of giving a new and popular name to old and unpopular things. There was an organized and associated press, directed, if not by one impulse here, at least directed to one end by different impulses. The press, through all its ramifications, taking up the watch-word "whig" from its pure source in New York, sounded it through the country, and the secretary of the Hartford convention, and the Osgoods and Parishes of the pulpits of the East, and all like spirits of the West, and South, and Middle States, joined in the concerted cry. Mr. F. did not believe in the possibility of deluding the people to embrace condemned doctrines and politicians, by the simultaneous application to them of a respectable and venerated name. He was sorry to see the attempt, because the effect would be to degrade a name associated with our glorious recollections of exalted patriotism and disinterested suffering; of great public services, and holy devotion to freedom.

Mr. F. asked if the name of whig would not be degraded if applied indiscriminately to persons who had disregarded, in the days of the country's peril, the obligations of duty and patriotism. Ask the Northern section of

the opposition, if the nullifiers are whigs—twelve months since they were rebels. Ask the Southern section if the Hartford conventionists are whigs—a few years since they were a disgrace to the country; were then the open enemies of the constitution. Ask the nationals and the consolidationists, the high tariff and internal improvement men, the State rights men, par excellence, if they are each and all whigs, in the English or American acceptation of the word—and the answer may be: Oh, yes! now, but not a short time since, and they will not be some short time hence, if things go as the hope is that things will go. Mr. F. felt how difficult it was to find an appropriate name for the union of such discordant materials; but he thought he could furnish one sufficiently descriptive. Unlike the party to which he would apply it, it was the name of a compound, good in itself, and made of materials all of which were good in their way. Suppose we call it the Punch party. Punch is the union of insipid water--the deluded men who are the chief material of the party; acid, from the lime of Southern growth—it is produced in the open air in Mississippi; sweetness—the tariff sugar from Louisiana; the spirit—rum of New England; home-made arrack from South Carolina; whiskey from the West, Monongahela or elsewhere; a dash of poteen from the shop of Dr. McNeven, to catch the Irish—an Irishman loves the smell of turf-smoke—the smack of unlawful distillation. Casting an eye to futurity, and supposing that, unlike prophetic forebodings of war, pestilence, and famine, and of the coffin-hand bills, the prophecy of a day or two since, that the last nail was driven into the coffin of Jacksonism, was realized--what a rousing wake we should have, punch being the order of the night, when the veteran was carefully rolled in his pall, to be restored to the great mother of us all. The genius of discord might interrupt the harmony of the scene. If a question should arise about the division of the "spoils of victory," a glorious scratch would follow to determine who should be administrator "*de bonis non*" of Uncle Sam. The insipid would stand no chance. Who ever heard of a good cold-water administration? The acid is quite the thing to give a flavor to the compound, but by itself it serves only to set the teeth of edge. The sugar must be satisfied with the preservation of the 2½ cents per lb. duty. The struggle must rest among the spirits. Of arrack, there is not enough for a broad-bottomed administration. The poteen is of foreign birth, and therefore excluded by the constitution. Nothing, then, is left, but the New England rum and Western whiskey. How stands the account between them? Rum is made of domestic materials, in New England, the region of Faneuil hall, the cradle of American liberty. Yes, says Whiskey, but it is not always made of Southern molasses. And then there is the Hartford convention—and the cradle would have been made the grave of liberty, had not the child grown too great to be smothered in the shell in which its infant limbs were rocked. Whiskey is made of home materials always--it is exclusively agricultural in its origin—but not in its tendency, says Rum--and then recollect the whiskey insurrection, when this rebellious liquid had almost stopped 'the wheels of the Government.' The balance of merit, especially as it regarded the American system, being nearly even, the fate of empire would have to be decided by wager of battle, or the neighing of a horse.

Mr. POINDEXTER said, that notice had been given by the Senator from Georgia, of his intention to move two resolutions by way of amendment. This notification induced him (Mr. P.) now to ask that the vote be taken on the resolutions offered by the Senator from South Carolina, so as to have a distinct vote upon them. He was desirous that then the discussion should go on as between the proposition to be made by the gentleman from Georgia, and the resolutions as they may be amended. The Senate were now likely to have a discussion on the propositions offered by the gentleman from South Carolina, with the prospect of a new discussion on those about to be offered by the gentleman from Georgia. If the vote were now taken, the way would be clear for the discussion of the resolutions which were yet to be offered.

Mr. PRESTON said, it was not without surprise that he had remarked a great degree of acute sensibility among certain Senators, on any motion being submitted touching the encroachments of Executive power; when he did not perceive the slightest degree of sensitiveness, if any motion was made touching the power or rights of the Legislature of the United States. We seem (said Mr. P.) to look at things through different *media*, to which our own peculiar interests or prejudices impart the hue which tinges whatever we rest upon. I am far from supposing that gentlemen, who seem so sensitive as to every thing which touches Executive power, can entertain the slightest idea that any motion of that sort will have the effect of touching what may be their privileges and powers on some future occasion. I am sure they do not take the view, that, in any limitation now prescribed to Executive power, they will be infringed on in any of their future rights. But I remark it as a curiosity of the times, that this sensitiveness exists whenever Executive power is touched, but that there is nothing of squeamishness exhibited when the rights and privileges of the Senate are assailed.

The gentleman from Georgia has said that the Senate has made an assault on the President of the United States, and has rebuked my colleague for saying that the President has made an assault on the Senate. Now, surely, the Senate stands in the same relation to the President that the President stands in to the Senate. Has not the President sent here an attack on the Senate in its individual and its corporate character and capacity, and desired it to be put on our records that he has done so, and to let our Journal exhibit the accusation to the world? And is there in this act any similarity to any thing which has been done by the Senate? What is the state of things? The Senate has passed sundry resolutions. Has the President contented himself with passing resolutions on his part, and entering them on his Journal? No: he has sent here his opinions, couched in his own peculiar terms, and expressive of his own peculiar principles; and the Senator from Georgia says the President, Andrew Jackson, comes here with an humble request of the Senate to record his communication on their Journal, and that we are bound to comply with it. Now, what would the President have said, if we had sent an officer to him, and asked him to put our resolutions on his Executive Journal? Why, sir, he and his friends here would have called it, and justly called it, a usurpation of power, and the President would have rejected the application with scorn. If we had sent a copy to him in an official and private manner, would he have listened to any one who should have advised him to put it on his Journal? What example have we had already. On a subject concerning the custody of the public treasure, the President has protested against the opinions of his own cabinet. His cabinet expressed an opinion that he ought not to remove the treasure. He made his protest against that opinion, and entered that protest on the Executive Journal. We sent to the President, by our resolution, to request a copy of that paper; and what did the President answer to our request? Did he comply with that request? No, sir. What he had communicated to his cabinet, what he had circulated to the whole world through the public newspapers, he refused to our request, because he said that, in making that request, we had transcended our constitutional powers. Now, when he comes to us with a request that we shall record on our Journal his protest against our act, and when he has refused an application to him for

a copy of a paper on his Journal, the same Senators who advised him to refuse our request, wish us to comply with his.

The principle on which the gentleman from Georgia acts, is, that the Senate acted wrong in passing the accusatory resolutions, and he thus justifies the President for sending his protest against the act. Can our wrong make the President right? If we have been wrong in regard to him, does it follow that he may do wrong in regard to us? or, because we have been wrong, that wrong makes him right? Is Executive authority to stand so high, as to be beyond all interference? Here is a protest sent to us to be recorded *in perpetuam memoriam rei*, on our Journals. The Senate have not gone out of their own department. They have passed their own resolutions, and placed them on their own Journal, which are in the hands of their own executive officer. And when the President has recorded his opinions on the Executive Journal, surely we have the same right to record our opinions on our Journal. But the President is not disposed for mere defensive warfare. He is not contented with our entering our opinions on our own Journal, as he did his on the Executive Journal, but he steps out of his department and comes here, as Andrew Jackson, with a request that we shall receive his opinions and record them on our Journal. Suppose the Senate should go beyond their own Journal, and ask the President to enter on the Executive Journal the resolutions disapproving of his conduct—would it be right? Should we not deserve to have our request thrown back upon us with scorn? Certainly we should. Each department ought to be kept separate. The President may act as he pleases at the white house. We will act as we please here.

The gentleman from Georgia says that this question had been made by the President, to repel an assault made on him by the Senate. What! Has Andrew Jackson a right to use his official character to come here, and to throw off that character as soon as he has obtained admission? It is not Andrew Jackson, but the President, who has come here. He comes, and by virtue of his official character, forces open the doors of the Senate, walks up your avenue to the Chair, and then throws off the disguise, and says, I am not the President, but only Andrew Jackson. And thus, by this Protean legerdemain, he comes in one form, and suddenly assumes another. This, sir, cannot be done. He is always the President when he comes here, and he is now complaining to the Senate in the capacity and character of President. This is a contest between the President and the Senate, and I am sorry that gentlemen should have put it on any other ground. We have not adverted to the man in any act of ours; our reference has been to him *in virtute officii*; and, when he presents himself before the Senate, armed and plumed as President, gentlemen are ready to strip him of his official habiliments, to divest him of his plumes, and bring him hobbling to the door of the Senate, ejaculating—

> "Pity the sorrows of a poor old man,
> "Whose trembling limbs have borne him to your door."

My respect for the office will not permit me to acquiesce in such a construction. If the hand of power were to touch the meanest beggar in the street, I should say that he had the right to come here with his prayer for redress. But when the President of the United States comes here with his "Open Sesame!" and opens the portals of this chamber with the magic word, let me not be told that he comes here in his weakness and unpretending poverty.

Is it true that the sole object of this paper is to proclaim to all future times, that an assault has been made by the Senate on the President of the United States? Let it be received, and this document is sent to the people through the medium of the Senate. While lying on our table, and in the process of being read, this very paper, which the gentleman from Georgia says should not have been sent to the people in any other way than through the Senate, is scattered by the President's press, to the amount, it is said, of 40,000 copies, to the whole world. What is sent here, therefore, as a protest, is a proclamation to the people against the Senate, as a constitutional part and department of the Government. It is a stroke aimed at the constitution, intended to violate the constitution, by overturning and destroying the Senate. It is said that we do not represent the people, because we are elected for six years, and that it is he who represents the people. What is this? It is war against the Senate. The whole protest, from beginning to end, is reeking with it. This protest of the poor old man, is, throughout, war to the knife, and the knife to the hilt, against the Senate.

It is easy to see the object of all this war. We are the representatives of the States. The President is elected by a majority of the people of each State, not of the States as they are represented here. The gentleman from New York and myself are on an equality here, but the President gets forty votes from New York, and only nine from South Carolina. Here, we who represent the State of South Carolina, and the gentlemen who represent the State of Rhode Island, and the State of Delaware, represent as much as the gentlemen from the great State of New York, or of Ohio, or of Pennsylvania; and, if the President could destroy this body, three-fourths of the influence of the States would be annihilated. Here, the States may successfully stand in the way of usurpation of power. If the great Middle States stood alone, the President could appeal to them against the smaller States, and, with these, the constitution would be crushed. This, then, is the tendency of things—to break down the Senate and the States, which form a barrier between the liberties of the people and the approach of usurpation. The President hints that the irresponsibility of this body to the people, has induced him to make this attack on the Senate. Of the number of Senators who go out next year, eleven are opposed to the administration, to five who support it; they are going to meet their responsibility. Sixteen Senators go out; and these are of the older members of the body, who were here in 1824 and 1825. Is it they who oppose the Executive? They have been here the longest; subject to the absorbing influence of the Executive; they have always sustained Executive power; it has become their habit; they have grown up with it, and have a natural proclivity to fall into the arms of power. The President may talk as he will of irresponsibility, but the longer Senators have been here, the more favorable have they become towards him.

But as to him, he is elected by a small body of electors, who are removed from the people. It is true, we are trying to give the election directly to the people, and I hope we shall accomplish it. It is said the Senate does not speak the will of the people, not being elected with a view to represent immediately the people; and that they are not so near the people as the other branch. There may be something in the argument; but, if we are not so near the people, we are nearer to the States; and it more especially becomes our duty to regard this as one great confederacy of States.

I have no objection, that, when there is a difference between the departments of the Government, the President shall appeal to the people: but my objection is this, that, when the co-ordinate departments differ, one department shall not be required to register the proceedings of another. For the first time, it has now been seriously broached within these walls, that the Senate is confined in its operations to its duties, executive, legislative, or judicial; and that it has no power to declare its opinions out of the limits of these duties. I recollect,

when such a question arose as to the State Governments and the Government of the United States, they who read the constitution better than we do, asserted that a State Government could not express an opinion as to any difference between the President and any other department of the Government. The contest between federalism and democracy went on that principle. We have an unquestionable right here to express any kind of opinions we may think proper, and the more readily, when that expression can lead to no legislative provisions, because, if they were so to lead, it might require the co-operation of the co-ordinate branches; but we have the right to express opinions. If gentlemen would put their sentiments in the form of a negative proposition, that we shall not pass any resolutions disapproving of any act of the Executive, we shall then understand that we have only the power to become a body of flatterers of the Executive.

The other House have passed a resolution that the bank shall not be re-chartered, because it is unconstitutional. This resolution leads to no legislative action. On the contrary, it excludes all legislation. Suppose a venerable old man, not dead, but standing on the verge, were to rise up from his almost sepulchre at Montpelier, and to say, "I, at one period, pronounced a bank unconstitutional; but, at another time, I approved of an act to charter a bank. You have made me liable to impeachment for doing an unconstitutional act." Mr. Madison declared a bank to be unconstitutional, yet he signed the bank charter; and, if the positions in this protest are sustainable, he is liable to impeachment for that act. What is the course of proceeding of all legislative bodies, as to matters of impeachment? Resolutions are passed, in the first place, declaring certain acts done to be unconstitutional; and, upon these resolutions, are founded charges which are sent to this body and exhibited here for our judgment upon them. This is every day's practice.

The gentleman from Georgia says that the constitution gives to this body no power to pass separate resolutions. It is true, the constitution gives no specific power; but will any gentleman pretend that neither House has a right to pass any resolutions, except such as are joint resolutions? When it is desired to try the sense of a party, a resolution may be separate in its character, and then the President has no veto upon it. And resolutions, separate in their character, and consentaneous, but not joint, might be adopted by both Houses, against the reasons of the President for the removal of the deposites, and the President could not then apply his veto power to them.

The gentleman from Georgia protests against the opposition taking the name of whigs, and recommends to them to adopt the name of the punch party. I am not very anxious to take the name of whig, but no power on earth can take from me the whig principles. Whenever a name has been seized on, and the denomination has struck all who are opposed to the administration with such instant and universal sympathy—when the gentleman from Georgia has seen the same chord vibrating through the bosoms of those who stood in the contest against power in former times and now, and working up everywhere, and in every heart, one common feeling of harmony; and when he has seen all who have previously differed from each other, bring here their differences, and lay them down together on the altar of their country—does it not strike him that there is something of a peculiar character in the course of things? When all are driven together by the same foreign pressure; when nationals and nullifiers, New England, South Carolina, Mississippi, New York—ay, New York!—are all penetrated by the same deep feeling, should it not strike with terror the administration, and those who are linked with it? It may be, when the danger shall be over, and the suffering of the country shall have been relieved, that this strong ligament will again be broken; but I tell gentlemen on the other side, that it will not be broken until the danger is passed away, and oppression has relaxed its grasp upon the country. Then, if we choose to fall back into our original minority, and shall discover danger from another majority, we shall again be found warring against that majority with the same energy as we are now contending.

We are the advocates of State rights—although small, resolved and consistent in our purpose. When we were before the world contending for our principles toe to toe, against our opponents, where was the President? Of what party was he? He stood by until the dispute was nearly settled, and then drew his sword, and calling his party to rally to the gleam of it, directed his exterminating hostility against us. And when we were cold and stiff, true still to his military propensity, he sought for some other object for his attack, and struck at the Bank of the United States. In vain did the bank hold up the constitution for its protection—he struck through it—in vain did the venerated instrument resist the Executive mace. We, not yet dead, struck with horror at the baseness of the act, rushed with all our energies to the rescue, and now we find ourselves in mingled ranks. If the struggle shall be pressed, let what may happen, whoever he be that joins himself to us, it is immaterial what name he comes with, I greet him as my brother in arms, until we shall have put down the danger which threatens us. But the gentleman from Georgia says, Who are ye? Ye are the sugar men and the cotton men of the South; the rum men of the West, and the molasses men of New England. I stand on a cotton bale; where does the gentleman from Georgia stand? Whom have we to oppose? A unit, an anti-bank party? Why, the gentleman from Georgia is a bank man. An anti-tariff party? Why, the gentleman from Pennsylvania [Mr. WILKINS] is a tariff man. An anti-internal improvement party? Why, many of the gentleman's colleagues are of that party. The gentleman from Missouri voted for the Cumberland road bill. But the gentlemen are all leashed together, I will not say to hunt in covers, but they exhibit as great a variety of principles as is to be found in any party in the opposition—at least, I find as many among them.

But the gentleman from Georgia says we are the punch party. Let the people understand this appellation. If the South forms the acid, who is it, I would ask, that has held the press upon us? Who brought us out from the South, and squeezed and pressed us until they have driven our vitals out? Why, the gentleman from Georgia, and the gentleman from Pennsylvania, and those with whom they act. They have pressed us until they have forced us into this mixture, such as the mixture is, and I believe it is one which has been found to be not quite so agreeable to the President's palate as the real mixture is to the palate of the gentleman from Georgia. The punch party! Let it go abroad, let it be told in the nurseries, that we are the punch party, and every one will supply the corollary. Punch and the devil! The gentleman from Georgia, and his friends, will have to take the cognomen of the opposite party.

I think it proper to say, in a word, what are my views. I concur with the gentleman from Massachusetts, that we ought to receive the message. Indeed, we have already received it, and cannot now help ourselves. But I agree with my colleague, that the President ought not to have sent it here, and our best plan is to enter on our Journal the resolution that we deem the practice wrong, and shall decline receiving such communications in future. But, although we may characterize the document as wrong, let us not be guilty of the solecism of saying we will not receive it, when we have already received and read it.

Mr. WEBSTER said, if the protest had been referred to a committee, a report might have been drawn, which might stand forever on the files of the Senate, as an an-

swer to it; but it had been convenient to make a different disposition of it, in which he had acquiesced. He would have been constent to adopt the resolutions of the Senator from Mississippi, [Mr. POINDEXTER,] as originally offered; and he was quite content with the first resolution of the Senator from South Carolina, [Mr. CALHOUN;] but he could not vote for his second resolution, for reasons substantially such as had been alleged by Mr. C.'s colleague, [Mr. PRESTON.] There were three reasons, which he would state, which he thought sufficient to withhold his approbation from the last resolution. It was equivalent to one of the resolutions of the Senator from Kentucky, [Mr. CLAY,] that the protest should not be received. It was Mr. W.'s opinion that it had already been received; he understood that the question on receiving, should have been gone through with, before the reading. Every paper coming from an individual, was either received on vote, or silence was considered equivalent to a reception. Petitions and memorials and documents coming from individuals who had no official right to address the Senate, required to be vouched for by those who presented them. Their contents must be first briefly stated, and if the matter was respectful and proper, they were then received and read. He thought, therefore, that the reading of a paper constituted its reception, in a parliamentary sense. When the accredited messenger of the House, or of the President, came to the Senate, as both had an official right to come there, no voucher for the contents of the document they presented was required. He (Mr. W.) thought, therefore, that they were bound to receive, and permit to be read, whatever came to the Senate, either from the House or the President; both parties having a right to communicate with the Senate, and it being impossible to know, previously to its reading, the contents of any paper which might be offered. He thought the mildest course in manner, as to the President's protest, would be the best course. If the paper had not already been received, he was of opinion that it ought to be received; and the Senate could afterwards dispose of it as it thought fit. He therefore asked, that when the question was taken upon the amendment of the Senator from South Carolina, it might be taken in a divided form. He was in favor of one of the resolutions, but not of the other.

After a few words from Mr. BIBB, the question was taken on the first resolution, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Leigh, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—25.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.—17.

Mr. CLAYTON then requested the gentleman from South Carolina to withdraw his second resolution.

Mr. CALHOUN assented, as he perceived that some difference of opinion existed as to the proper course.

The CHAIR said, that the yeas and nays having been ordered, the resolution could not be withdrawn without the unanimous consent of the Senate.

Mr. FORSYTH then objected.

Mr. CLAY moved to lay the resolution on the table.

The CHAIR presumed the motion to be out of order, as this was an amendment, and the yeas and nays had been ordered, and a part of the amendment had already been voted on.

Mr. CLAY appealed from the decision of the Chair, and a brief debate took place thereupon.

Mr. FORSYTH then asked for the yeas and nays on the appeal, and they were ordered.

The question was then put, "Shall the decision of the Chair stand as the judgment of the Senate?" and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Benton, Black, Brown, Calhoun, Ewing, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, Kent, King of Georgia, Knight, Leigh, Linn, McKean, Poindexter, Porter, Prentiss, Robbins, Shepley, Silsbee, Smith, Swift, Tallmadge, Tipton, Tomlinson, Tyler, Webster, White, Wilkins, Wright.—34.

NAYS.—Messrs. Clay, Clayton, Naudain, Sprague.—4.

The question was then taken on the second resolution of Mr. CALHOUN, and decided in the negative, as follows:

YEAS.—Messrs. Calhoun, Clayton, Ewing, Leigh, Naudain, Poindexter, Robbins.—7.

NAYS.—Messrs. Bell, Benton, Black, Brown, Clay, Forsyth, Frelinghuysen, Hendricks, Hill, Kane, Kent, King of Alabama, King of Georgia, Linn, Moore, Porter, Prentiss, Preston, Shepley, Silsbee, Smith, Swift, Sprague, Tallmadge, Tipton, Tomlinson, Tyler, Webster, White, Wilkins, Wright.—34.

Mr. FORSYTH then moved his amendment, and asked for the yeas and nays on the question—which were ordered.

Mr. F. said that, considering this document was entirely defensive in its character, he thought it proper to send it to the Legislatures of the States, and his object was to give the opportunity.

Mr. CALHOUN suggested the propriety of moving the resolutions as an addition to those originally offered, and not as a substitute for them.

Mr. FORSYTH not agreeing to the suggestion—

Mr. POINDEXTER said, he would say a few words on the resolutions of the Senator from Georgia, [Mr. FORSYTH,] proposed as a substitute for those which he had offered for the consideration of the Senate. The two propositions of the honorable gentleman, are—

1. To record the protest of the President on the Journals.

2. To transmit it to the Legislatures of the several States, to whom alone we are responsible.

This would, indeed, be something new under our system, and would exhibit the Senate before the American people, in an attitude truly ludicrous. A political quack has sent us a poisonous drug, and bowing most respectfully, requests us to swallow it. We are somewhat doubtful of the prescription, and hesitate. The honorable gentleman from Georgia, with more confidence in its efficacy, advises us to take the dose, without regard to its fatal effects, and then seek relief by calling in the family physician to purge us of the poison.

The question was then taken on the amendment of Mr. FORSYTH, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.—17.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Leigh, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Sprague, Swift, Tomlinson, Tyler, Webster.—25.

On motion of Mr. WEBSTER,

The Senate then adjourned.

WEDNESDAY, MAY 7.

PRESIDENT'S PROTEST.

After disposing of the usual morning business,

On motion of Mr. FRELINGHUYSEN, the Senate proceeded to the consideration of the special order, being the resolutions of Mr. POINDEXTER, as modified by Mr. CLAY and Mr. CALHOUN; when

Mr. WEBSTER rose and addressed the Chair as follows:

Mr. President: I feel, sir, the magnitude of this question. We are coming to a vote which cannot fail to produce important effects on the character of the Senate, and the character of the Government.

Unhappily, sir, the Senate finds itself involved in a controversy with the President of the United States; a man who has rendered most distinguished services to his country, has hitherto possessed a degree of popular favor, perhaps never excelled, and whose honesty of motive, and integrity of purpose, are still maintained by those who admit that his administration has fallen into lamentable errors.

On some of the interesting questions, in regard to which the President and Senate hold opposite opinions, the more popular branch of the Legislature concurs with the Executive. It is not to be concealed that the Senate is engaged against imposing odds. It can sustain itself only by its own prudence and the justice of its cause. It has no patronage by which to secure friends; it can raise up no advocates through the dispensation of favors, for it has no favors to dispense. Its very constitution, as a body whose members are elected for a long term, is capable of being rendered obnoxious, and is daily made a subject of opprobrious remark. It is already denounced as independent of the people, and aristocratic. Nor is it, like the other House, powerful in its numbers; not being, like that, so large as that its members come constantly in direct and sympathetic contact with the whole people. Under these disadvantages, sir, which, we may be assured, will be pressed and urged to the utmost length, there is but one course for us. The Senate must stand on its rendered reasons. It must put forth the grounds of its proceedings, and it must then rely on the intelligence and patriotism of the people to carry it through the contest.

As an individual member of the Senate, it gives me great pain to be engaged in such a conflict with the Executive Government. The occurrences of the last session are fresh in all our recollections, and, having felt it to be my duty, at that time, to give my cordial support to highly important measures of the administration, I ardently hoped that nothing might occur to place me, afterwards, in an attitude of opposition. In all respects, and in every way, it would have been far more agreeable to me to have found nothing in the measures of the Executive Government which I could not cheerfully support. The present occasion of difference has not been sought or made by me. It is thrust upon me, in opposition to strong opinions and wishes, on my part not concealed. The interference with the public deposites dispelled all hope of continued concurrence with the administration; and was a measure so uncalled for, so unnecessary, and, in my judgment, so illegal and indefensible, that, with whatever reluctance it might be opposed, opposition was unavoidable.

The paper before us has grown out of the consequences of this interference. It is a paper which cannot be treated with indifference. The doctrines which it advances, the circumstances which have attended its transmission to the Senate, and the manner in which the Senate may now dispose of it, will form a memorable era in the history of the Government. We are either to enter it on our Journals, assent to its sentiments, and submit to its rebuke; or we must answer it, with the respect due to the Chief Magistrate, but with such animadversion on its doctrines as they deserve, and with the firmness imposed upon us by our public duties.

I shall proceed, then, sir, to consider the circumstances which gave rise to this protest; to examine the principles which it attempts to establish; and to compare those principles with the constitution and the laws.

On the 28th day of March, the Senate adopted a resolution declaring that "in the late executive proceedings in relation to the public revenue, the President had assumed a power not conferred by the constitution and laws, but in derogation of both." In that resolution I concurred.

It is not a direct question, now again before us, whether the President really had assumed such illegal power; that point is decided, so far as the Senate ever can decide it. But the protest denies that, supposing the President to have assumed such illegal power, the Senate could properly pass the resolution: or, what is the same thing, it denies that the Senate could, in this way, express any opinion about it. It denies that the Senate has any right, by resolution, in this or any other case, to express disapprobation of the President's conduct, let that conduct be what it may; and this, one of the leading doctrines of the protest, I propose to consider. But, as I concurred in the resolutions of the 28th of March, and did not trouble the Senate, at that time, with any statement of my own reasons, I will avail myself of this opportunity to explain, shortly, what those reasons were.

In the first place, then, I have to say, that I did not vote for the resolution on the mere ground of the removal of Mr. Duane from the office of Secretary of the Treasury. Although I disapprove of the removal altogether, yet the power of removal does exist in the President, according to the established construction of the constitution; and, therefore, although in a particular case it may be abused, and, in my opinion, was abused in this case, yet its exercise cannot be justly said to be an assumption or usurpation. We must all agree that Mr. Duane is out of office. He has, therefore, been removed by a power constitutionally competent to remove him, whatever may be thought of the exercise of that power, under the circumstances of the case.

If, then, the act of removing the Secretary be not the assumption of power which the resolution declares, in what is that assumption found? Before giving a precise answer to this inquiry, allow me to recur to some of the principal previous events.

At the end of the last session of Congress, the public moneys of the United States were still in their proper place. That place was fixed by the law of the land, and no power of change was conferred on any other human being than the Secretary of the Treasury. On him the power of change was conferred, to be exercised by himself, if emergency should arise, and to be exercised for reasons which he was bound to lay before Congress. No other officer of the Government had the slightest pretence of authority to lay his hand on these moneys for the purpose of changing the place of their custody. All the other heads of Departments together could not touch them. The President could not touch them. The power of change was a trust confided to the discretion of the Secretary, and to his discretion alone. The President had no more authority to take upon himself this duty, thus assigned expressly by law to the Secretary, than he had to make the annual report to Congress, or the annual commercial statements, or to perform any other service which the law specially requires of the Secretary. He might just as well sign the warrants for moneys, in the ordinary daily disbursements of Government, instead of the Secretary. The statute had assigned the especial duty of removing the deposites, if removed at all, to the Secretary of the Treasury, and to him alone. The consideration of the propriety, or necessity of removal, must be the consideration of the Secretary; the decision to remove, his decision; and the act of removal, his act.

Now, sir, on the 18th day of September last, a resolution was taken to remove these deposites from their legislative (that is to say, their legal) custody. Whose resolution was this? On the first day of October they were

removed. And by whose power was this done? The papers necessary to accomplish the removal (that is, the orders and drafts) are, it is true, signed by the Secretary. The President's name does not appear to them; nor does the Secretary, in any of them, recite or declare that he does the act by direction of the President, or on the President's responsibility. In form, the whole proceeding is the proceeding of the Secretary, and, as such, had the legal effect. The deposites were removed. But whose act was it in truth and reality? Whose will accomplished it? On whose responsibility was it adopted?

These questions are all explicitly answered by the President himself, in the paper, under his own hand, read to the cabinet on the 18th of September, and published by his authority. In this paper the President declares, in so many words, that he begs his cabinet to consider the proposed measure as his own; that its responsibility has been assumed by him; and that he names the first day of October as a period proper for its execution.

Now, sir, it is precisely this which I deem an assumption of power not conferred by the constitution and laws. I think the law did not give this authority to the President, nor impose on him the responsibility of its exercise. It is evident that in this removal the Secretary was in reality nothing but the scribe; he was the pen in the President's hand, and no more. Nothing depended on his discretion, his judgment, or his responsibility. The removal, indeed, has been admitted and defended in the Senate, as the direct act of the President himself. This, sir, is what I call assumption of power. If the President had issued an order for the removal of the deposites in his own name, and under his own hand, it would have been an illegal order, and the bank would not have been at liberty to obey it. For the same reason, if the Secretary's order had recited that it was issued by the President's direction, and on the President's authority, it would have shown, on its face, that it was illegal and invalid. No one can doubt that. The act of removal, to be lawful, must be the *bona fide* act of the Secretary; his judgment, the result of his deliberations, the volition of his mind. All are able to see the difference between the power to remove the Secretary from office, and the power to control him, in all or any of his duties, while in office. The law charges the officer, whoever he may be, with the performance of certain duties. The President, with the consent of the Senate, appoints an an individual to be such officer, and this individual he may remove, if he so please; but, until removed, he is the officer, and remains charged with the duties of his station; duties which nobody else can perform, and for the neglect or violation of which he is liable to be impeached.

The distinction is visible and broad between the power of removal and the power to control an officer not removed. The President, it is true, may terminate his political life; but he cannot control his powers and functions and act upon him as a mere machine, while he is allowed to live. This power of control and direction, nowhere given, certainly, by any express provision of the constitution or laws, is derived, by those who maintain it, from the right of removal; that is to say,—it is a constructive power. But the right of removal itself is but a constructive power: it has no express warrant in the constitution. A very important power, then, is raised by construction, in the first place; and, being thus raised, it becomes a fountain, out of which other important powers, raised also by construction, are to be supplied. There is no little danger that such a mode of reasoning may be carried too far. It cannot be maintained that the power of direct control necessarily flows from the power of removal. Suppose it had been decided in 1789, when the question was debated, that the President does not possess the power of removal: will it be contended, that in that case his right of interference with the acts and duties of executive officers would be less than it now is? The reason of the thing would seem to be the other way. If the President may remove an incumbent when he becomes satisfied of his unfaithfulness and incapacity, there would appear to be less necessity to give him also a right of control, than there would be if he could not remove him.

We may try this question by supposing it to arise in a judicial proceeding. If the Secretary of the Treasury were impeached for removing the deposites, could he justify himself by saying that he did it by the President's direction? If he could, then no executive officer could ever be impeached who obeys the President; and the whole notion of making such officers impeachable at all would be farcical. If he could not so justify himself, (and all will allow he could not,) the reason can only be, that the act of removal is his own act: the power, a power confided to him, for the just exercise of which the law looks to his discretion, his honesty, and his direct responsibility.

Now, sir, the President wishes the world to understand that he himself decided on the question of the removal of the deposites; that he took the whole responsibility of the measure upon himself; that he wished it to be considered his own act; that he not only himself decided that the thing should be done, but that he regulated its details also, and named the day for carrying it into effect.

I have always entertained a very erroneous view of the partition of powers, and of the true nature of official responsibility under our constitution, if this be not a plain case of the assumption of power.

The Legislature had fixed a place, by law, for the keeping of the public money. They had at the same time, and by the same law, created and conferred a power of removal, to be exercised contingently. This power they had vested in the Secretary, by express words. The law did not say that the deposites should be made in the bank unless the President should order otherwise; but it did say that they should be made there unless the Secretary of the Treasury should order otherwise. I put it to the plain sense and common candor of all men, whether the discretion which was thus to be exercised over the subject was not the Secretary's own personal discretion; and whether, therefore, the interposition of the authority of another, acting directly and conclusively on the subject, deciding the whole question, even in its particulars and details, be not an assumption of power?

The Senate regarded this interposition as an encroachment, by the Executive, on other branches of the Government; as an interference with the legislative disposition of the public treasure. It was strongly and forcibly urged, yesterday, by the honorable member from South Carolina, that the true and only mode of preserving any balance of power, in mixed governments, is to keep an exact balance. This is very true, and to this end encroachment must be resisted at the first step. The question is, therefore, whether, upon the true principles of the constitution, this exercise of power by the President can be justified. Whether the consequences be prejudicial or not, if there be an illegal exercise of power, it is to be resisted in the proper manner. Even if no harm or inconvenience result from transgressing the boundary, the intrusion is not to be suffered to pass unnoticed. Every encroachment, great or small, is important enough to awaken the attention of those who are intrusted with the preservation of a constitutional Government. We are not to wait till great public mischiefs come, till the Government is overthrown, or liberty itself put in extreme jeopardy. We should not be worthy sons of our fathers, were we so to regard great questions, affecting the general freedom. Those fathers accomplished the Revolution on a strict question of principle. The Parliament of Great Britain asserted a right to tax the colonies in all

cases whatsoever, and it was precisely on this question that they made the Revolution turn. The amount of taxation was trifling, but the claim itself was inconsistent with liberty; and that was, in their eyes, enough. It was against the recital of an act of Parliament, rather than against any suffering under its enactments, that they took up arms. They went to war against a preamble. They fought seven years against a declaration. They poured out their treasures and their blood like water, in a contest, in opposition to an assertion, which those less sagacious and not so well schooled in the principles of civil liberty, would have regarded as barren phraseology, or mere parade of words. They saw, in the claim of the British Parliament, a seminal principle of mischief, the germ of unjust power; they detected it, dragged it forth from underneath its plausible disguises, struck at it, nor did it elude either their steady eye, or their well-directed blow, till they had extirpated and destroyed it, to the smallest fibre. On this question of principle, while actual suffering was yet afar off, they raised their flag against a power to which, for purposes of foreign conquest and subjugation, Rome, in the height of her glory, is not to be compared; a power, which has dotted over the surface of the whole globe with her possessions and military posts; whose morning drum-beat, following the sun, and keeping company with the hours, circles the earth daily with one continuous and unbroken strain of the martial airs of England.

The necessity of holding strictly to the principle upon which free governments are constructed, and to the precise lines which fix the partitions of power between different branches, is as plain, if not as cogent, as that of resisting, as our fathers did, the strides of the parent country upon the rights of the colonies; because, whether the power which exceeds its just limits be foreign or domestic, whether it be the encroachment of all branches on the rights of the people, or that of one branch on the rights of others, in either case the balanced and well-adjusted machinery of free government is disturbed, and, if the derangement go on, the whole system must fall.

But the case before us is not a case of merely theoretic infringement, nor is it one of trifling importance. Far otherwise. It respects one of the highest and most important of all the powers of Government; that is to say, the custody and control of the public money. The act of removing the deposites, which I now consider as the President's act, and which his friends on this floor defend as his act, took the national purse from beneath the security and guardianship of the law, and disposed of its contents, in parcels, in such places of deposite as he chose to select. At this very moment every dollar of the public treasure is subject, so far as respects its custody and safe keeping, to his unlimited control. We know not where it is to-day; still less do we know where it may be to-morrow.

But, Mr. President, this is not all. There is another part of the case, which has not been so much discussed, but which appears to me to be still more indefensible in its character. It is something which may well teach us the tendency of power to move forward, with accelerated pace, if it be allowed to take the first step. The Bank of the United States, in addition to the services rendered to the Treasury, gave for its charter, and for the use of the public deposites, a bonus, or outright sum of one million and a half of dollars. This sum was paid by the bank into the treasury, soon after the commencement of its character. In the act which passed both Houses for renewing the charter, in 1832, it was provided that the bank, for the same consideration, should pay two hundred thousand dollars a year, during the period for which it was proposed to renew it. A similar provision is in the bill which I asked leave to introduce some weeks ago. Now, sir, this shows that the custody of the deposites is a benefit, for which a bank may well afford to pay a large annual sum. The banks which now hold the deposites pay nothing to the public; they give no bonus, they pay no annuity. But this loss of so much money is not the worst part of the case, nor that which ought most to alarm us. Although they pay nothing to the public, they do pay, nevertheless, such sums, and for such uses, as may be agreed upon between themselves and the Executive Government. We are officially informed that an officer is appointed by the Secretary of the Treasury to inspect or superintend these selected banks; and this officer is compensated by a salary fixed by the Executive, agreed to by the banks, and paid by them. I ask, sir, if there can be a more irregular, or a more illegal transaction than this? Whose money is it out of which this salary is paid? Is it not money justly due to the United States, and paid, because it is so due, for the advantage of holding the deposites? If a dollar is received on that account, is not its only true destination into the general treasury of the Government? And who has authority, without law, to create an office, to fix a salary, and to pay that salary out of this money? Here is an inspector, or supervisor of the deposite banks. But what law has provided for such an officer? What commission has he received? Who concurred in his appointment? What oath does he take? How is he to be punished, or impeached, if he colludes with any of these banks to embezzle the public money, or defraud the Government? The value of the use of this public money to the deposite banks is probably two hundred thousand dollars a year; or, if less than that, it is yet, certainly, a very great sum. May the President appoint whatever officers he pleases, with whatever duties he pleases, and pay them as much as he pleases out of these moneys thus paid by the banks, for the sake of having the deposites?

Mr. President, the Executive claim of power is exactly this: that the President may keep the money of the public in whatever banks he chooses, on whatever terms he chooses, and to apply the sums which these banks are willing to pay for its use to whatever purposes he chooses. These sums are not to come into the general treasury. They are to be appropriated before they get there; they are never to be brought under the control of Congress; they are to be paid to officers and agents not known to the law, not nominated to the Senate, and responsible to nobody but the Executive itself. I ask gentlemen if all this be lawful? Are they prepared to defend it? Will they stand up and justify it? In my opinion, sir, it is a clear and a most dangerous assumption of power. It is the creation of office, without law; the appointment to office, without consulting the Senate; the establishment of a salary, without law, and the payment of that salary out of a fund which itself is derived from the use of the public treasures. This, sir, is my other reason for concurring in the vote of the 28th of March; and on these grounds I leave the propriety of that vote, so far as I am concerned with it, to be judged of by the country.

But, sir, the President denies the power of the Senate to pass any such resolution, on any ground whatever. Suppose the declaration contained in the resolution to be true; suppose the President had, in fact, assumed powers not granted to him; does the Senate possess the right to declare its opinion, affirming this fact, or does it not? I maintain the Senate does possess such a power; the President denies it.

Mr. President, we need not look far, nor search deep, for the foundation of this right in the Senate. It is clearly visible, and close at hand. In the first place, it is the right of self-defence. In the second place, it is a right founded on the duty of representative bodies, in a free Government, to defend the public liberty against encroachment. We must presume that the Senate honestly entertained the opinion expressed in the resolution of the

28th of March; and, entertaining that opinion, its right to express it is but the necessary consequence of its right to defend its own constitutional authority, as one branch of the Government. This is its clear right, and this, too, is its imperative duty.

If one, or both, the other branches of the Government happen to do that which appears to us inconsistent with the constitutional rights of the Senate, will any one say that the Senate is yet bound to be passive, and to be silent; to do nothing, and to say nothing? Or if one branch appears to encroach on the rights of the other two, have these two no power of remonstrance, complaint, or resistance? Sir, the question may be put in a still more striking form. Has the Senate a right to have an opinion in a case of this kind? If it may have an opinion, how is that opinion to be ascertained but by resolution and vote? The objection must go the whole length; it must maintain that the Senate has not only no right to express opinions, but no right to form opinions, on the conduct of the Executive Government, though in matters intimately affecting the powers and duties of the Senate itself. It is not possible, sir, that such a doctrine can be maintained for a single moment. All political bodies resist what they deem encroachments, by resolutions expressive of their sentiments and their purpose to resist such encroachments. When such a resolution is presented for its consideration, the question is, whether it be true, not whether the body has authority to pass it, admitting it to be true. The Senate, like other public bodies, is perfectly justifiable in defending, in this mode, either its legislative or executive authority. The usages of Parliament, the practice in our State Legislatures and Assemblies, both before and since the Revolution, and precedents in the Senate itself, fully maintain this right. The case of the Panama mission is in point. In that case, Mr. Branch, from North Carolina, introduced a resolution, which, after reciting that the President, in his annual message, and in his communication to the Senate, had asserted that he possessed an authority to make certain appointments, although the appointments had not been made, went on to declare that "a silent acquiescence on the part of this body, may, at some future time, be drawn into dangerous precedent;" and to resolve, therefore, that the President does not possess the right or power said to be claimed by him. This resolution was discussed, and finally laid on the table. But the question discussed was, whether the resolution was correct, in fact and principle; not whether the Senate had any right to pass such resolution. So far as I remember, no one pretended that, if the President had exceeded his authority, the Senate might not so declare by resolution. No one ventured to contend that, whether the rights of the Senate were invaded or not, the Senate must hold its peace.

The protest labors strenuously to show that the Senate adopted the resolution of the 28th of March, under its judicial authority. The reason of this attempt is obvious enough. If the Senate, in its judicial character, has been trying the President, then he has not had a regular and formal trial; and, on that ground, it is hoped, the public sympathy may be moved. But the Senate has acted not in its judicial, but in its legislative capacity. As a legislative body, it has defended its own just authority, and the authority of the other branch of the Legislature. Whatever attacks our own rights and privileges, or whatever encroaches on the power of both Houses, we may oppose and resist, by declaration, resolution, or other similar proceeding. If we look to the books of precedents, if we examine the journals of legislative bodies, we find, every where, instances of such proceedings.

It is to be observed, sir, that the protest imposes silence on the House of Representatives as well as on the Senate. It declares that no power is conferred on either branch of the Legislature, to consider or decide upon official acts of the Executive, for the purpose of censure, and without a view to legislation or impeachment. This, I think, sir, is pretty high-toned pretension. According to this doctrine, neither House can assert its own rights, however the Executive might assail them; neither House could point out the danger to the people, however fast Executive encroachment might be extending itself, or whatever danger it might threaten to the public liberties. If the two Houses of Congress may not express an opinion of Executive conduct by resolution, there is the same reason why they should not express it in any other form, or by any other mode of proceeding. Indeed, the protest limits both Houses, expressly, to the case of impeachment. If the House of Representatives are not about to impeach the President, they have nothing to say of his measures or of his conduct; and unless the Senate are engaged in trying an impeachment, their mouths, too, are stopped. It is the practice of the Executive to send us an annual message, in which he rehearses the general proceedings of the Executive for the past year. This message we refer to our committees for consideration. But, according to the doctrine of the protest, they can express no opinion upon any Executive proceeding upon which it gives information. Suppose the President had told us, in his last annual message, what he had previously told us in his cabinet paper, that the removal of the deposites was his act, done on his responsibility; and that the Secretary of the Treasury had exercised no discretion, formed no judgment, presumed to have no opinion whatever, on the subject. This part of the message would have been referred to the Committee on Finance; but what could they say? They think it shows a plain violation of the constitution and the laws: but the President is not impeached; therefore, they can express no censure. They think it a direct invasion of legislative power, but they must not say so. They may, indeed, commend, if they can. The grateful business of praise is lawful to them; but if, instead of commendation and applause, they find cause for disapprobation, censure, or alarm, the protest enjoins upon them absolute silence.

Formerly, sir, it was a practice for the President to meet both Houses at the opening of the session, and deliver a speech, as is still the usage of some of the State Legislatures. To this speech there was an answer from each House, and those answers expressed, freely, the sentiments of the House upon all the merits and faults of the administration. The discussion of the topics contained in the speech, and the debate on the answers, usually drew out the whole force of parties, and lasted sometimes a week. President Washington's conduct, in every year of his administration, was thus freely and publicly canvassed. He did not complain of it; he did not doubt that both Houses had a perfect right to comment, with the utmost latitude, consistent with decorum, upon all his measures. Answers, or amendments to answers, were not unfrequently proposed, very hostile to his course of public policy, if not sometimes bordering on disrespect. And when they did express respect and regard, there were votes ready to be recorded against the expression of those sentiments. To all this, President Washington took no exception; for he well knew that these and similar proceedings belonged to the power of popular bodies. But if the President were now to meet us with a speech, and inform us of measures adopted by himself in the recess, which should appear to us the most plain, palpable, and dangerous violations of the constitution, we must, nevertheless, either keep respectful silence, or fill our answer merely with courtly phrases of approbation.

Mr. President, I know not who wrote this protest, but I confess I am astonished, truly astonished, as well at the want of knowledge which it displays of constitutional law, as at the high and dangerous pretensions which it puts forth. Neither branch of the Legislature can express

censure upon the President's conduct! Suppose, sir, that we should see him enlisting troops, and raising an army; can we say nothing, and do nothing? Suppose he were to declare war against a foreign power, and put the army and the fleet in action; are we still to be silent? Suppose we should see him borrowing money on the credit of the United States; are we yet to wait for impeachment? Indeed, sir, in regard to this borrowing money on the credit of the United States, I wish to call the attention of the Senate not only to what might happen, but to what has actually happened. We are informed that the Post Office Department, a department over which the President claims the same control as over the rest, has actually borrowed near half a million of money on the credit of the United States.

Mr. President, the first power granted to Congress by the constitution, is the power to lay taxes; the second, the power to borrow money on the credit of the United States. Now, sir, where does the Executive find its authority, in or through any department, to borrow money without authority of Congress? This proceeding appears to me wholly illegal, and reprehensible in a very high degree. It may be said that it is not true that this money is borrowed on the credit of the United States, but that it is borrowed on the credit of the Post Office Department. But that would be mere evasion. The department is but a name. It is an office, and nothing more. The banks have not lent this money to any officer. If Congress should abolish the whole department to-morrow, would the banks not expect the United States to replace this borrowed money? The money, then, is borrowed on the credit of the United States; an act which Congress alone is competent to authorize. If the Post Office Department may borrow money, so may the War Department and the Navy Department. If half a million may be borrowed, ten millions may be borrowed. What, then, if this transaction shall be justified, is to hinder the Executive from borrowing money, to maintain fleets and armies, or for any other purpose, at his pleasure, without any authority of law? Yet, even this, according to the doctrine of the protest, we have no right to complain of. We have no right to declare that an executive department has violated the constitution and broken the law, by borrowing money on the credit of the United States. Nor could we make a similar declaration, if we were to see the Executive, by means of this borrowed capital, enlisting armies and equipping fleets. And yet, sir, the President has found no difficulty, heretofore, in expressing his opinions, in a paper, not called for by the exercise of any official duty, upon the conduct and proceedings of the two Houses of Congress. At the commencement of this session he sent us a message commenting on the land bill which the two Houses passed at the end of the last session. That bill he had not approved, nor had he returned it with objections. Congress was dissolved; and the bill, therefore, was completely dead, and could not be revived. No communication from him could have the least possible effect as an official act. Yet, he saw fit to send a message on the subject, and in that message he very freely declares his opinion, that the bill which had passed both Houses began with an entire subversion of every one of the compacts by which the United States became possessed of their Western domain; that one of its provisions was in direct and undisguised violation of the pledge given by Congress to the States; that the constitution provides that these compacts shall be untouched by the Legislative power, which can only make needful rules and regulations; and that all beyond that is an assumption of undelegated power.

These are the terms in which the President speaks of an act of the two Houses of Congress; in no official paper, in no communication which it was necessary for him to make to them; but in a message, adopted only as a mode through which to make public these opinions. After this, it would seem too late to enjoin on the Houses of Congress a total forbearance from all comment on the measures of the Executive.

Not only is it the right of both Houses, or of either, to resist, by vote, declaration, or resolution, whatever it may deem an encroachment of Executive power, but it is also undoubtedly the right of either House to oppose, in like manner, any encroachment by the other. The two Houses have each its own appropriate powers and authorities, which it is bound to preserve. They have, too, different constituents. The members of the Senate are representatives of States; and it is in the Senate alone that the four-and-twenty States, as political bodies, have a direct influence in the Legislative and Executive powers of this Government. He is a strange advocate of State rights, who maintains that this body, thus representing the States, and thus being the strictly Federal branch of the Legislature, may not assert and maintain all and singular its own powers and privileges, against either or both of the other branches.

If any thing be done or threatened derogatory to the rights of the States, as secured by the organization of the Senate, may we not lift up our voices against it? Suppose the House of Representatives should vote that the Senate ought not to propose amendments to revenue bills; would it be the duty of the Senate to take no notice of such proceeding? Or, if we were to see the President issuing commissions of office to persons who had never been nominated to the Senate, are we not to remonstrate?

Sir, there is no need of cases, no end of illustration. The doctrines of the protest, in this respect, cannot stand the slightest scrutiny; they are blown away by the first breath of discussion.

And yet, sir, it is easy to perceive why this right of declaring its sentiments respecting the conduct of the Executive, is denied to either House, in its legislative capacity. It is merely that the Senate might be presented in the odious light of trying the President, judicially, without regular accusation or hearing. The protest declares that the President is charged with a crime, and, without hearing or trial, found guilty and condemned. This is evidently an attempt to appeal to popular feeling, and to represent the President as unjustly treated and unfairly tried. Sir, it is a false appeal. The President has not been tried at all; he has not been accused; he has not been charged with crime; he has not been condemned. Accusation, trial, and sentence, are terms belonging to judicial proceedings. But the Senate has been engaged in no such proceeding. The resolution of the 28th of March was not an exercise of judicial power, either in form, in substance, or in intent. Every body knows that the Senate can exercise no judicial power, until articles of impeachment are brought before it. It is then to proceed, by accusation and answer, hearing, trial, and judgment. But there has been no impeachment, no answer, no hearing, no judgment. All that the Senate did was to pass a resolution, in legislative form, declaring its opinion of certain acts of the Executive. This resolution imputed no crime; it charged no corrupt motive; it proposed no punishment. It was directed, not against the President, personally, but against the act; and that act it declared to be, in its judgment, an assumption of authority not warranted by the constitution.

It is in vain that the protest attempts to shift the resolution on to the judicial character of the Senate. The case is too plain for such an argument to be plausible. But in order to lay some foundation for it, the protest, as I have already said, contends that neither the Senate nor the House of Representatives can express its opinions on the conduct of the President, except in some form connected with impeachment; so that if the power of im-

peachment did not exist, these two Houses, though they be representative bodies, though one of them be filled by the immediate representatives of the people, though they be constituted like other popular and representative bodies, could not utter a syllable, although they saw the Executive either trampling on their own rights and privileges, or grasping at absolute authority and dominion over the liberties of the country! Sir, I hardly know how to speak of such claims of impunity for Executive encroachment. I am amazed that any American citizen should draw up a paper containing such lofty pretensions; pretensions which would have been met with scorn, in England, at any time since the revolution of 1688. A man who should stand up, in either House of the British Parliament, to maintain that the House could not, by vote or resolution, maintain its own rights and privileges, would make even the tory benches hang their heads for very shame. There was, indeed, a time when such proceedings were not allowed. Some of the kings of the Stuart race would not tolerate them. A signal instance of royal displeasure with the proceedings of Parliament occurred in the latter part of the reign of James the First. The House of Commons had spoken, on some occasion, "of its own undoubted rights and privileges." The King thereupon sent them a letter, declaring that he would not allow that they had any undoubted rights; but that what they enjoyed they might still hold by his own royal grace and permission. Sir Edward Coke and Mr. Granville were not satisfied with this title to their privileges; and, under their lead, the House entered on its Journals a resolution asserting its privileges, as its own undoubted right, and manifesting a determination to maintain them as such. This, says the historian, so enraged his majesty, that he sent for the Journal, had it brought into the council, and there, in the presence of his lords and great officers of state, tore out the offensive resolution with his own royal hand. He then dissolved Parliament, and sent its most refractory members to the tower. I have no fear, certainly, sir, that this English example will be followed, on this occasion, to its full extent; nor would I insinuate that any thing outrageous has been thought of, or intended, except outrageous pretensions; but such pretensions I must impute to the author of this protest, whoever that author be.

When this and the other House shall lose the freedom of speech and debate; when they shall surrender the rights of publicly and freely canvassing all important measures of the Executive; when they shall not be allowed to maintain their own authority and their own privileges, by vote, declaration, or resolution, they will then be no longer free representatives of a free people, but slaves themselves, and fit instruments to make slaves of others.

The protest, Mr. President, concedes what it doubtless regards as a liberal right of discussion to the people themselves. But its language, even in acknowledging this right of the people to discuss the conduct of their servants, is qualified and peculiar. The free people of the United States, it declares, have an undoubted right to discuss the official conduct of the President, in such language and form as they may think proper, "subject only to the restraints of truth and justice." But then who is to be the judge of this truth and justice? Are the people to judge for themselves, or are others to judge for them? The protest is here speaking of political rights, and not moral rights; and if restraints are imposed on political rights, it must follow, of course, that others are to decide, whenever the case arises, whether these restraints have been violated. It is strange that the writer of the protest did not perceive that, by using this language, he was pushing the President into a direct avowal of the doctrines of 1798. The text of the protest, and the text of the obnoxious act of that year, are nearly identical.

But, sir, if the people have a right to discuss the official conduct of the Executive, so have their representatives. We have been taught to regard a representative of the people as a sentinal on the watch-tower of liberty. Is he to be blind, though visible danger approaches? Is he to be deaf, though sounds of peril fill the air? Is he to be dumb, while a thousand duties impel him to raise the cry of alarm? Is he not, rather, to catch the lowest whisper which breathes intention or purpose of encroachment on the public liberties, and to give his voice breath and utterance at the first appearance of danger? Is not his eye to traverse the whole horizon, with the keen and eager vision of an unhooded hawk, detecting, through all disguises, every enemy advancing, in any form, towards the citadel which he guards? Sir, this watchfulness for public liberty, this duty of foreseeing danger and proclaiming it, this promptitude and boldness in resisting attacks on the constitution from any quarter, this defence of established landmarks, this fearless resistance of whatever would transcend or remove them, all belong to the representative character, are interwoven with its very nature, and of which it cannot be deprived, without converting an active, intelligent, faithful agent of the people into an unresisting and passive instrument of power. A representative body which gives up these rights and duties, gives itself up. It is a representative body no longer. It has broken the tie between itself and its constituents, and henceforth is fit only to be regarded as an inert, self-sacrificed mass, from which all appropriate principle of vitality has departed forever.

I have thus endeavored to vindicate the right of the Senate to pass the resolution of the 28th of March, notwithstanding the denial of that right in the protest.

But there are other sentiments and opinions expressed in the protest, of the very highest importance, and which demand nothing less than our utmost attention.

The first object of a free people is the preservation of their liberty; and liberty is only to be preserved by maintaining constitutional restraints and just divisions of political power. Nothing is more deceptive or more dangerous than the pretence of a desire to simplify government. The simplest governments are despotisms; the next simplest, limited monarchies; but all republics, all governments of law, must impose numerous limitations and qualifications of authority, and give many positive and many qualified rights. In other words, they must be subject to rule and regulation. This is the very essence of free political institutions. The spirit of liberty is, indeed, a bold and fearless spirit; but it is also a sharp-sighted spirit; it is a cautious, sagacious, discriminating, far-seeing intelligence; it is jealous of encroachment, jealous of power, jealous of man. It demands checks, it seeks for guards, it insists on securities; it intrenches itself behind strong defences, and fortifies, with all possible care, against the assaults of ambition and passion. It does not trust the amiable weaknesses of human nature, and therefore it will not permit power to overstep its prescribed limits, though benevolence, good intent, and patriotic purpose come along with it. Neither does it satisfy itself with flashy and temporary resistance to illegal authority. Far otherwise. It seeks for duration and permanence. It looks before and after; and, building on the experience of ages which are past, it labors diligently for the benefit of ages to come. This is the nature of constitutional liberty; and this is our liberty, if we will rightly understand and preserve it. Every free government is necessarily complicated, because all such governments establish restraints, as well on the power of government itself, as on that of individuals. If we will abolish the distinction of branches, and have but one branch; if we will abolish jury trials, and leave all to the judge; if we will then ordain that the legislator shall himself be that judge; and if we will place the executive power in the same hands, we may readily simplify government. We may easily bring

it to the simplest of all possible forms, a pure despotism. But a separation of departments, so far as practicable, and the preservation of clear lines of division between them, is the fundamental idea in the creation of all our constitutions; and, doubtless, the continuance of regulated liberty depends on maintaining these boundaries.

In the progress, sir, of the Government of the United States, we seem exposed to two classes of dangers or disturbances; one external, the other internal. It may happen that collisions arise between this Government and the Governments of the States. That case belongs to the first class. A memorable instance of this kind existed last year. It was my conscientious opinion, on that occasion, that the authority claimed by an individual State was subversive of the just powers of this Government, and, indeed, incompatible with its existence. I gave a hearty co-operation, therefore, to measures which the crisis seemed to require. We have now before us what appears, to my judgment, to be an instance of the latter kind. A contest has arisen between different branches of the same Government, interrupting their harmony, and threatening to disturb their balance. It is of the highest importance, therefore, to examine the question carefully, and to decide it justly.

The separation of the powers of government into three departments, though all our constitutions profess to be founded on it, has, nevertheless, never been perfectly established in any government of the world, and, perhaps, never can be. The general principle is of inestimable value, and the leading lines of distinction sufficiently plain; yet there are powers of so undecided a character, that they do not seem necessarily to range themselves under either head. And most of our constitutions, too, having laid down the general principle, immediately create exceptions. There do not exist in the general science of government, or the received maxims of political law, such precise definitions as enable us always to say of a given power whether it be legislative, executive, or judicial. And this is one reason, doubtless, why the constitution, in conferring power on all the departments, proceeds not by general definition, but by specific enumeration. And again, its grants a power in general terms, but yet, in the same, or some other article or section, imposes a limitation or qualification on the grant; and the grant and the limitation must, of course, be construed together. Thus the constitution says that all legislative power, therein granted, shall be vested in Congress, which Congress shall consist of a Senate and House of Representatives; and yet, in another article, it gives to the President a qualified negative over all acts of Congress. So the constitution declares that the judicial power shall be vested in one Supreme Court, and such inferior courts as Congress may establish. It gives, nevertheless, in another provision, judicial power to the Senate; and, in like manner, though it declares that the executive power shall be vested in the President, using, in the immediate context, no words of limitation, yet it elsewhere subjects the treaty-making power, and the appointing power, to the concurrence of the Senate. The irresistible inference, from these considerations is, that the mere denomination of a department as one of the three great and commonly acknowledged departments of government, does not confer on that department any power at all. Notwithstanding the departments are called the legislative, the executive, and the judicial, we must yet look into the provisions of the constitution itself, in order to learn, first, what powers the constitution regards as legislative, executive, and judicial; and, in the next place, what portions or quantities of these powers are conferred on the respective departments; because no one will contend that all legislativepower belongs to Congress, all executive power to the President, or all judicial power to the courts of the United States.

The first three articles of the constitution, as all know, are employed in prescribing the organization, and enumerating the powers, of the three departments. The first article treats of the Legislature, and its first section is: "All legislative power, herein granted, shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

The second article treats of the Executive power, and its first section declares that "the executive power shall be vested in a President of the United States of America."

The third article treats of the Judicial power, and its first section declares that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish."

It is too plain to be doubted, I think, sir, that these descriptions of the persons or officers in whom the executive and the judicial powers are to be vested, no more define the extent of the grant of those powers, than the words quoted from the first article describe the extent of the legislative grant to Congress. All these several titles, heads of articles, or introductory clauses, with the general declarations which they contain, serve to designate the departments, and to mark the general distribution of powers; but in all the departments, in the executive and judicial as well as in the legislative, it would be unsafe to contend for any specific power under such clauses.

If we look into the State constitutions, we shall find the line of distinction between the departments still less perfectly drawn, although the general principle of the distinction is laid down in most of them, and, in some of them, in very positive and emphatic terms. In some of these States, notwithstanding the principle of distribution is adopted and sanctioned, the Legislature appoints the judges; and in others it appoints both the governor and the judges; and in others again, it appoints not only the judges, but all other officers.

The inferences which, I think, follow from these views of the subject are two: first, that the denomination of a department does not fix the limits of the powers conferred on it, nor even their exact nature; and, second, (which, indeed, follows from the first,) that, in our American Governments, the chief Executive magistrate does not necessarily, and by force of his general character of supreme Executive, possess the appointing power. He may have it, or he may not, according to the particular provisions applicable to each case, in the respective constitutions.

The President appears to have taken a different view of this subject. He seems to regard the appointing power as originally and inherently in the Executive, and as remaining absolute in his hands, except so far as the constitution restrains it. This I do not agree to, and shall have occasion hereafter to examine the question further. I have intended, thus far, only to insist on the high and indispensable duty of maintaining the division of power, as the constitution has marked that division out; and to oppose claims of authority not founded on express grants or necessary implication, but sustained merely by argument, or inference, from names or denominations given to departments.

Mr. President, the resolutions now before us declare, that the protest asserts powers as belonging to the President, inconsistent with the authority of the two Houses of Congress, and inconsistent with the constitution; and that the protest itself is a breach of privilege. I believe all this to be true.

The doctrines of the protest are inconsistent with the authority of the two Houses, because, in my judgment, they deny the just extent of the law-making power. I take the protest as it was sent to us, without inquiring how far the subsequent message has modified or explained it. It is singular, indeed, that a paper, so long in preparation, so elaborate in composition, and which is put

forth for so high a purpose as the protest avows, should not be able to stand an hour's discussion before it became evident that it was indispensably necessary to alter or explain its contents. Explained, or unexplained, however, the paper contains sentiments which justify us, as I think, in adopting these resolutions.

In the first place, I think the protest a clear breach of privilege. It is a reproof, or rebuke, of the Senate, in language hardly respectful, for the exercise of a power clearly belonging to it as a legislative body. It entirely misrepresents the proceedings of the Senate. I find this paragraph in it, among others of a similar tone and character: "A majority of the Senate, whose interference with the preliminary question has, for the best of all reasons, been studiously excluded, anticipate the action of the House of Representatives, assume not only the function which belongs exclusively to that body, but convert themselves into accusers, witnesses, counsel, and judges, and prejudge the whole case. Thus presenting the appalling spectacle, in a free state, of judges going through a labored preparation for an impartial hearing and decision, by a previous *ex parte* investigation and sentence against the supposed offender."

Now, sir, this paragraph, I am bound to say, is a total misrepresentation of the proceedings of the Senate. A majority of the Senate have not anticipated the House of Representatives; they have not assumed the functions of that body; they have not converted themselves into accusers, witnesses, counsel, or judges. They have made no *ex parte* investigation; they have given no sentence. This paragraph is an elaborate perversion of the whole design and the whole proceedings of the Senate. A protest, sent to us by the President, against votes which the Senate has an unquestionable right to pass, and containing, too, such a misrepresentation of these votes as this paragraph manifests, is a breach of privilege.

But there is another breach of privilege. The President interferes between the members of the Senate and their constituents, and charges them with acting contrary to the will of those constituents. He says it is his right and duty to look to the Journals of the Senate, to ascertain who voted for the resolution of the 28th of March, and then to show that individual Senators have, by their votes on that resolution, disobeyed the instructions, or violated the known will of the Legislatures who appointed them. All this he claims, as his right and his duty. And where does he find any such right, or any such duty? What right has he to send a message to either House of Congress, telling its members that they disobey the will of their constituents? Has any English sovereign, since Cromwell's time, dared to send such a message to Parliament? Sir, if he can tell us that some of us disobey our constituents, he can tell us that all do so; and if we consent to receive this language from him, there is but one remaining step; and that is, that since we thus disobey the will of our constituents, he should disperse us, and send us home. In my opinion, the first step in this process is as distinct a breach of privilege as the last. If Cromwell's examples shall be followed out, it will not be more clear then than it is now, that the privileges of the Senate have been violated. There is yet something, sir, which surpasses all this; and that is, that after this direct interference, after pointing out those Senators whom he would represent as having disobeyed the known will of their constituents, he disclaims all design of interfering at all! Sir, who could be the writer of a message, which, in the first place, makes the President assert such monstrous pretensions, and, in the next line, affront the understanding of the Senate by disavowing all right to do that very thing which he is doing? If there be any thing, sir, in this message, more likely than the rest of it to move one from his equanimity, it is this disclaimer of all design to interfere with the responsibility of members of the Senate to their constituents, after such interference had already been made, in the same paper, in the most objectionable and offensive form. If it were not for the purpose of telling these Senators that they disobeyed the will of the Legislatures of the States they represent, for what purpose was it that the protest has pointed out the four Senators, and paraded against them the sentiments of their Legislatures? There can be no other purpose. The protest says, indeed, that "these facts belong to the history of these proceedings!" To the history of what proceedings? To any proceeding to which the President was party? To any proceeding to which the Senate was party? Have they any thing to do with the resolution of the 28th of March? But it adds, that these facts are important to the just development of the principles and interests involved in the proceedings. All this might be said of any other facts. It is mere words. To what principles, to what interests, are these facts important? They cannot be important but in one point of view; and that is, as proof, or evidence, that the Senators have disobeyed instructions, or acted against the known will of their constituents, in disapproving the President's conduct. They have not the slightest bearing in any other way. They do not make the resolution of the Senate more or less true, nor its right to pass it more or less clear. Sir, these proceedings of the Legislatures were introduced into this protest for the very purpose, and no other, of showing that the members of the Senate have acted contrary to the will of their constituents. Every man sees and knows this to have been the sole design; and any other pretence is a mockery to our understandings. And this purpose is, in my opinion, an unlawful purpose; it is an unjustifiable intervention between us and our constituents; and is, therefore, a manifest and flagrant breach of privilege.

In the next place, the assertions of the protest are inconsistent with the just authority of Congress, because they claim for the President a power, independent of Congress, to possess the custody and control of the public treasures. Let this point be accurately examined; and, in order to avoid mistake, I will read the precise words of the protest:

"The custody of the public property, under such regulations as may be prescribed by legislative authority, has always been considered an appropriate function of the Executive department in this and all other Governments. In accordance with this principle, every species of property belonging to the United States, (excepting that which is in the use of the several co-ordinate departments of the Government, as means to aid them in performing their appropriate functions,) is in charge of officers appointed by the President, whether it be lands, or buildings, or merchandise, or provisions, or clothing, or arms and munitions of war. The superintendents and keepers of the whole are appointed by the President, and removable at his will.

"Public money is but a species of public property. It cannot be raised by taxation or customs, nor brought into the treasury in any other way except by law; but whenever or howsoever obtained, its custody always has been, and always must be, unless the constitution be changed, intrusted to the Executive department. No officer can be created by Congress, for the purpose of taking charge of it, whose appointment would not, by the constitution, at once devolve on the President, and who would not be responsible to him for the faithful performance of his duties."

And, in another place, it declares that "Congress cannot, therefore, take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution." These, sir, are propositions which cannot receive too much attention. They affirm, that the custody of the public

money constitutionally and necessarily belongs to the Executive; and that, until the constitution is changed, Congress cannot take it out of his hands, nor make any provision for its custody, except by such superintendents and keepers as are appointed by the President, and removable at his will. If these assertions be correct, we have, indeed, a singular constitution for a republican Government; for we give the Executive the control, the custody, and the possession of the public treasury, by original constitutional provision; and when Congress appropriates, it appropriates only what is already in the President's hands.

Sir, I hold these propositions to be sound in neither branch. I maintain that the custody of the public money does not, necessarily, belong to the Executive, under this Government; and I hold that Congress may so dispose of it, that it shall be under the superintendence of keepers not appointed by the President, nor removable at his will. I think it competent for Congress to declare, as Congress did declare, in the bank charter, that the public deposites should be made in the bank. When in the bank, they were not kept by persons appointed by the President, or removable at his will. He could not change that custody, nor could it be changed at all, but according to provisions made in the law itself. There was, indeed, a provision in the law authorizing the Secretary to change the custody. But, suppose there had been no such provision; suppose the contingent power had not been given to the Secretary, would it not have been a lawful enactment? Might not the law have provided that the public moneys should remain in the bank, until Congress itself should otherwise order, leaving no power of removal any where else? And if such provision had been made, what power, or custody, or control, would the President have possessed over them? Clearly, none at all. The act of May, 1800, directed custom-house bonds, in places where the bank, which was then in existence, was situated, or in which it had branches, to be deposited in the bank or its branches for collection, without the reservation of any power of removal to the Secretary or anybody else. Now, sir, this was an unconstitutional law, if the protest, in the part now under consideration, be correct; because it placed the public money in a custody beyond the control of the President, and in hands of keepers not appointed by him, nor removable at his pleasure. One may readily discern, sir, the process of reasoning by which the author of the protest brought himself to the conclusion that Congress could not place the public moneys beyond the President's control. It is all founded on the power of appointment, and the power of removal. These powers, it is supposed, must give to the President complete control and authority over those who actually hold the money, and, therefore, must necessarily subject its custody, at all times, to his own individual will. This is the argument.

It is true, that the appointment of all public officers, with some exceptions, is, by the constitution, given to the President, with the consent of the Senate; and as, in most cases, public property must be held by some officer, its keepers will generally be persons so appointed. But this is only the common, not a necessary consequence, of giving the appointing power to the President and Senate. Congress may still, if it shall so see fit, place the public treasure in the hand of no officer appointed by the President, or removable by him, but in hands quite beyond his control. Subject to one contingency only, it did this very thing by the charter of the present bank; and it did the same thing absolutely, and subject to no contingency, by the law of 1800. The protest, in the first place, seizes on the fact that all officers must be appointed by the President, or on his nomination; it then assumes the next step, that all officers are, and must be, removable at his pleasure; and then, insisting that public money, like other public property, must be kept by some public officer, it thus arrives at the conclusion that it must always be in the hands of those who are appointed by the President, and who are removable at his pleasure. And it is very clear that the protest means to maintain that the tenure of office cannot be so regulated by law, as that public officers shall not be removable at the pleasure of the President.

The President considers the right of removal as a fixed, vested, constitutional right, which Congress cannot limit, control, or qualify, until the constitution shall be altered. This, sir, is doctrine which I am not prepared to admit. I shall not now discuss the question, whether the law may not place the tenure of office beyond the reach of Executive pleasure; but I wish merely to draw the attention of the Senate to the fact, that any such power in Congress is denied by the principles and by the words of the protest. According to that paper, we live under a constitution, by the provisions of which the public treasures are, necessarily and unavoidably, always under Executive control; and as the Executive may remove all officers, and appoint others, at least temporarily, without the concurrence of the Senate, he may hold those treasures, in the hands of persons appointed by himself alone, in defiance of any law which Congress has passed or can pass. It is to be seen, sir, how far such claims of power will receive the approbation of the country. It is to be seen whether a construction will be readily adopted which thus places the public purse out of the guardianship of the immediate representatives of the people.

But, sir, there is, in this paper, something even yet more strange than these extraordinary claims of power. There is, sir, a strong disposition, running through the whole protest, to represent the Executive department of this Government as the peculiar protector of the public liberty, the chief security on which the people are to rely against the encroachments of other branches of the Government. Nothing can be more manifest than this purpose. To this end, the protest spreads out the President's official oath, reciting all its words in a formal quotation; and yet the oath of members of Congress is exactly equivalent. The President is to swear that he will "preserve, protect, and defend the constitution;" and members of Congress are to swear that they will "support the constitution." There are more words in one oath than the other, but the sense is precisely the same. Why, then, this reference to his official oath, and this ostentatious quotation of it? Would the writer of the protest argue that the oath itself is any grant of power; or that, because the President is to "preserve, protect, and defend the constitution," he is, therefore, to use what means he pleases, or any means, for such preservation, protection, and defence, except those which the constitution and laws have specifically given him? Such an argument would be preposterous; but if the oath be not cited for this preposterous purpose, with what design is it thus displayed on the face of the protest, unless it be to support the general idea that the maintenance of the constitution and the preservation of the public liberties are especially confided to the safe discretion, the sure moderation, the paternal guardianship of Executive power? The oath of the President contains three words, all of equal import; that is, that he will preserve, protect, and defend the constitution. The oath of members of Congress is expressed in shorter phrase; it is, that they will support the constitution. If there be any difference in the meaning of the two oaths, I cannot discern it; and yet the protest solemnly and formally argues thus: "The duty of defending, so far as in him lies, the integrity of the constitution, would indeed have resulted from the very nature of his office; but, by thus expressing it in the official oath or affirmation, which, in this respect, differs from that of every other functionary, the founders of our republic have attested their sense of its importance, and have given to it a peculiar solemnity and force."

Sir, I deny the proposition, and I dispute the proof. I deny that the duty of defending the integrity of the constitution is, in any peculiar sense, confided to the President; and I deny that the words of his oath furnish any argument to make good that proposition. Be pleased, sir, to remember against whom it is that the President holds it his peculiar duty to defend the integrity of the constitution. It is not against external force; it is not against a foreign foe; no such thing; but is against the representatives of the people and the representatives of the States. It is against these, that the founders of our republic have imposed on him the duty of defending the integrity of the constitution—a duty, he says, of the importance of which they have attested their sense, and to which they have given peculiar solemnity and force, by expressing it in his official oath!

Let us pause, sir, and consider this most strange proposition. The President is the chief Executive magistrate. He is commander-in-chief of the army and navy, nominates all persons to office, claims a right to remove all at will, and to control all while yet in office, dispenses all favors, and wields the whole patronage of the Government. And the proposition is, that the duty of defending the integrity of the constitution against the representatives of the States, and against the representatives of the people, results to him from the very nature of his office, and that the founders of our republic have given to this duty, thus confided to him, peculiar solemnity and force!

Mr. President, the contest, for ages, has been to rescue liberty from the grasp of Executive power. Whoever has engaged in her sacred cause, from the days of the downfall of those great aristocracies which had stood between the king and the people, to the time of our own independence, has struggled for the accomplishment of that single object. On the long list of the champions of human freedom, there is not one name dimmed by the reproach of advocating the extension of Executive authority; on the contrary, the uniform and steady purpose of all such champions has been to limit and restrain it. To this end the spirit of liberty, growing more and more enlightened and more and more vigorous, from age to age, has been battering, for centuries, against the solid butments of the feudal system. To this end, all that could be gained from the imprudence, snatched from the weakness, or wrung from the necessities of crowned heads, has been carefully gathered up, secured, and hoarded, as the rich treasures, the very jewels of liberty. To this end, popular and representative right has kept up its warfare against prerogative, with various success; sometimes writing the history of a whole age in blood, sometimes witnessing the martyrdom of Sidneys and Russells, often baffled and repulsed, but still gaining, on the whole, and holding what it gained with a grasp which nothing but the complete extinction of its own being could compel it to relinquish. At length, the great conquest over Executive power in the leading western states of Europe has been accomplished. The feudal system, like other stupendous fabrics of past ages, is known only by the rubbish which it has left behind it. Crowned heads have been compelled to submit to the restraints of law; and the people, with that intelligence and that spirit which make their voice resistless, have been able to say to prerogative, "Thus far shalt thou come, and no farther." I need hardly say, sir, that into the full enjoyment of all which Europe has reached only through such slow and painful steps, we sprang at once, by the declaration of independence, and by the establishment of free representative Governments; Governments, borrowing more or less from the models of other free states, but strengthened, secured, improved in their symmetry, and deepened in their foundation, by those great men of our own country whose names will be as familiar to future times as if they were written on the arch of the sky.

Through all this history of the contest for liberty, executive power has been regarded as a lion which must be caged. So far from being the object of enlightened popular trust—so far from being considered the natural protector of popular right, it has been dreaded, uniformly, always dreaded, as the great source of its danger.

And now, sir, who is he, so ignorant of the history of liberty, at home and abroad; who is he, yet dwelling, in his contemplations, among the principles and dogmas of the middle ages; who is he, from whose bosom all original infusion of American spirit has become so entirely evaporated and exhaled, as that he shall put into the mouth of the President of the United States the doctrine that the defence of liberty naturally results to executive power, and is its peculiar duty? Who is he, that, generous and confiding towards power where it is most dangerous, and jealous only of those who can restrain it; who is he, that, reversing the order of the state, and up-heaving the base, would poise the pyramid of the political system upon its apex; who is he, that, overlooking with contempt the guardianship of the representatives of the people, and, with equal contempt, the higher guardianship of the people themselves; who is he, that declares to us, through the President's lips, that the security for freedom rests in executive authority? Who is he that belies the blood and libels the fame of his own ancestors, by declaring that they, with solemnity of form, and force of manner, have invoked the executive power to come to the protection of liberty? Who is he that thus charges them with the insanity, or the recklessness, of putting the lamb beneath the lion's paw? No, sir. No, sir. Our security is in our watchfulness of executive power. It was the constitution of this department, which was infinitely the most difficult part in the great work of creating our present Government. To give to the Executive department such power as should make it useful, and yet not such as should render it dangerous; to make it efficient, independent, and strong, and yet to prevent it from sweeping away every thing by its union of military and civil authority, by the influence of patronage, and office, and favor: this, indeed, was difficult. They who had the work to do saw the difficulty, and we see it; and if we would maintain our system, we shall act wisely to that end, by preserving every restraint and every guard which the constitution has provided. And when we, and those who come after us, have done all that we can do, and all that they can do, it will be well for us and for them, if some popular Executive, by the power of patronage and party, and the power, too, of that very popularity, shall not hereafter prove an over-match for all other branches of the Government.

I do not wish, sir, to impair the power of the President, as it stands written down in the constitution, and as great and good men have hitherto exercised it. In this, as in other respects, I am for the constitution as it is. But I will not acquiesce in the reversal of all just ideas of government; I will not degrade the character of popular representation; I will not blindly confide, where all experience admonishes me to be jealous; I will not trust executive power, vested in the hands of a single magistrate, to keep the vigils of liberty.

Having claimed for the Executive the especial guardianship of the constitution, the protest proceeds to present a summary view of the powers which are supposed to be conferred on the Executive by that instrument. And it is to this part of the message, sir, that I would, more than to all others, call the particular attention of the Senate. I confess, that it was only upon careful re-perusal of the paper, that I perceived the extent to which its assertions of power reach. I do not speak, now, of the President's claims of power, as opposed to legislative authority, but of his opinions as to his own authority, duty, and responsibility, as connected with all other officers

under the Government. He is of opinion that the whole Executive power is vested in him, and that he is responsible for its entire exercise; that, among the duties imposed on him, is that of "taking care that the laws be faithfully executed;" and that "being thus made responsible for the entire action of the Executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands. It is, therefore, not only his right, but the constitution makes it his duty, to 'nominate, and by and with the advice and consent of the Senate,' appoint all 'officers of the United States whose appointments are not in the constitution otherwise provided for,' with a proviso that the appointment of inferior officers may be vested in the President alone, in the courts of justice, or in the heads of departments."

The first proposition, then, which the protest asserts, in regard to the President's powers, as executive magistrate, is, that the general duty being imposed on him by the constitution of taking care that the laws be faithfully executed, he thereby becomes himself responsible for the conduct of every person employed in the Government; "for the entire action," as the paper expresses it, "of the Executive department." This, sir, is very dangerous logic. I reject the inference altogether. No such responsibility, nor any thing like it, follows from the general provision of the constitution making it his duty to see the laws executed. If it did, we should have, in fact, but one officer in the whole Government. The President would be every body. And the protest assumes to the President this whole responsibility for every other officer, for the very purpose of making the President every body, of annihilating every thing like independence, responsibility, or character, in all other public agents. The whole responsibility is assumed, in order that it may be more plausibly argued that all officers of Government are, not agents of the law, but the President's agents, and therefore responsible to him alone. If he be responsible for the conduct of all officers, and they be responsible to him only, then it may be maintained that such officers are but his own agents, his substitutes, his deputies. The first thing to be done, therefore, is to assume the responsibility for all; and this, you will perceive, sir, is done in the fullest manner, in the passages which I have read. Having thus assumed for the President the entire responsibility of the whole Government, the protest advances boldly to its conclusion, and claims, at once, absolute power over all individuals in office, as being merely the President's agents. This is the language: "The whole Executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice, to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts."

This, sir, completes the work. This handsomely rounds off the whole executive system of executive authority. First, the President has the whole responsibility; and then, being thus responsible for all, he has, and ought to have, the whole power. We have heard of political units, and our American Executive, as here represented, is, indeed, a unit. We have a charmingly simple Government! Instead of many officers in different departments, each having appropriate duties, and each responsible for his own duties, we are so fortunate as to have to deal with but one officer. The President carries on the Government; all the rest are but sub-contractors. Sir, whatever name we give him, we have but one Executive officer. A Briareus sits in the centre of our system, and with his hundred hands touches every thing, moves every thing, controls every thing. I ask, sir, is this republicanism? is this a government of laws? is this legal responsibility?

According to the protest, the very duties, which every officer under the Government performs, are the duties of the President himself. It says that the President has a right to employ agents of his own choice, to aid him in the performance of his duties.

Mr. President, if these doctrines be true, it is idle for us any longer to talk about any such thing as a government of laws. We have no government of laws, not even the semblance or shadow of it; we have no legal responsibility. We have an Executive, consisting of one person, wielding all official power, and which is, to every effectual purpose, completely irresponsible. The President declares that he is "responsible for the entire action of the Executive department." Responsible? What does he mean by being "responsible?" Does he mean legal responsibility? Certainly not. No such thing. Legal responsibility signifies liability to punishment for misconduct or mal-administration. But the protest does not mean that the President is liable to be impeached and punished, if a Secretary of State should commit treason, if a collector of the customs should be guilty of bribery, or if a Treasurer should embezzle the public money. It does not mean, and cannot mean, that he should be answerable for any such crime, or such delinquency. What, then, is its notion of that responsibility, which it says the President is under for all officers, and which authorizes him to consider all officers as his own personal agents? Sir, it is merely responsibility to public opinion. It is a liability to be blamed; it is the chance of becoming unpopular, the danger of losing a re-election. Nothing else is meant in the world. It is the hazard of failing in any attempt or enterprise of ambition. This is all the responsibility to which the doctrines of the protest hold the President subject.

It is precisely the responsibility under which Cromwell acted, when he dispersed Parliament, telling its members, not in so many words, indeed, that they disobeyed the will of their constituents, but telling them that the people were sick of them, and that he drove them out "for the glory of God, and the good of the nation." It is precisely the responsibility upon which Bonaparte broke up the popular assembly of France. I do not mean, sir, certainly, by these illustrations, to insinuate designs of violent usurpations against the President; far from it; but I do mean to maintain that such responsibility as that with which the protest clothes him, is no legal responsibility, no constitutional responsibility, no republican responsibility; but a mere liability to loss of office, loss of character, and loss of fame, if he shall choose to violate the laws and overturn the liberties of the country. It is such a responsibility as leaves every thing in his discretion, and his pleasure.

Sir, it exceeds human belief, that any man should put sentiments, such as this paper contains, into a public communication from the President to the Senate. They are sentiments which give us all one master. The protest asserts an absolute right to remove all persons from office at pleasure; and for what reason? Because they are incompetent? Because they are incapable? Because they are remiss, negligent, or inattentive? No, sir, these are not the reasons. But he may discharge them, one and all, simply because "he is no longer willing to be responsible for their acts!" It insists on an absolute right in the President to direct and control every act of every officer of the Government, except the judges. It asserts this right of direct control, over and over again. The President may go into the Treasury, among the auditors and comptrollers, and direct them how to settle every man's account; what abatements to make from one, what additions to another. He may go into the custom-house, among collectors and appraisers, and may control estimates, reductions, and appraisements. It is true, that these officers are sworn to discharge the duties of their

respective offices honestly and fairly, according to their own best abilities; it is true, that many of them are liable to indictment for official misconduct, and others responsible, in suits of individuals, for damages and penalties, if such official misconduct be proved; but notwithstanding all this, the protest avers that all these officers are but the President's agents, that they are but aiding him in the discharge of his duties, that he is responsible for their conduct, and that they are removable at his will and pleasure. And it is under this view of his own authority, that the President calls the Secretaries his Secretaries, not once only, but repeatedly. After half a century's administration of this Government, sir, after we have endeavored, by statute upon statute, and by provision following provision, to define and limit official authority, to assign particular duties to particular public servants, to define those duties, to create penalties for their violation, to adjust, accurately, the responsibility of each agent, with his own powers and his own duties, to establish the prevalence of equal rule, to make the law, as far as possible, every thing, and individual will, as far as possible, nothing; after all this, the astounding assertion rings in our ears, that throughout the whole range of official agency, in its smallest ramifications, as well as in its larger masses, there is but one responsibility, one discretion, one will! True indeed, is it, sir, if these sentiments be maintained, true indeed, is it, that a President of the United States may well repeat, from Napoleon, what he repeated from Louis the 14th, "I am the state!"

The argument by which the writer of the protest endeavors to establish the President's claim to this vast mass of accumulated authority, is founded on the provision of the constitution, that the executive power shall be vested in the President. No doubt the executive power is vested in the President; but what, and how much executive power, and how limited? To this question I should answer, "Look to the constitution and see; examine the particulars of the grant, and learn what that executive power is, which is given to the President, either by express words or by necessary implication." But so the writer of this protest does not reason. He takes these words of the constitution as being, of themselves, a general original grant of all executive power to the President, subject only to such express limitations as the constitution prescribes. This is clearly the writer's view of the subject, unless, indeed, he goes behind the constitution altogether, as some expressions would intimate, to search, elsewhere, for sources of executive power. Thus the protest says, that it is not only the right of the President, but that the constitution makes it his duty, to appoint persons to office; as if the right existed before the constitution had created the duty. It speaks, too, of the power of removal, not as a power granted by the constitution, but expressly as an original executive power, left unchecked by the constitution. How original? Coming from what source higher than the constitution? I should be glad to know how the President gets possession of any power by a title earlier, or more original, than the grant of the constitution; or what is meant by an original power, which the President possesses, and which the constitution has left, unchecked, in his hands. The truth is, sir, most assuredly, that the writer of the protest, in these passages, was reasoning upon the British constitution, and not upon the constitution of the United States. Indeed, he professes to found himself on authority drawn from the constitution of England. I will read, sir, the whole passage. It is this:

"In strict accordance with this principle, the power of removal, which, like that of appointment, is an original Executive power, is left unchecked by the constitution in relation to all executive officers, for whose conduct the President is responsible, while it is taken from him in relation to judicial officers, for whose acts he is not responsible. In the Government from which many of the fundamental principles of our system are derived, the head of the Executive department originally had power to appoint and remove at will all officers, executive and judicial. It was to take the judges out of this general power of removal, and thus make them independent of the Executive, that the tenure of their offices was changed to good behaviour. Nor is it conceivable why they are placed, in our constitution, upon a tenure different from that of all other officers appointed by the Executive, unless it be for the same purpose."

Mr. President, I do most solemnly protest (if I, too, may be permitted to make a protest) against this mode of reasoning. The analogy between the British constitution and ours, in this respect, is not close enough to guide us safely; it can only mislead us. It has entirely misled the writer of the protest. The President is made to argue, upon this subject, as if he had some right anterior to the constitution, which right is, by that instrument, checked, in some respects, and in other respects is left unchecked; but which, nevertheless, still derives its being from another source; just as the British King had, in the early ages of the monarchy, an uncontrolled right of appointing and removing all officers at pleasure; but which right, so far as it respects the judges, has since been checked and controlled by act of Parliament; the right being original and inherent, the check only imposed by law. Sir, I distrust altogether British precedents, authorities, and analogies, on such questions as this. We are not inquiring how far our constitution has imposed checks on a pre-existing authority. We are inquiring what extent of power that constitution has granted. The grant of power, the whole source of power, as well as the restrictions and limitations which are imposed on it, is made in and by the constitution. It has no other origin. And it is this, sir, which distinguishes our system so very widely and materially from the systems of Europe. Our Governments are limited Governments; limited in their origin, in their very creation; limited, because none but specific powers were ever granted either to any department of Government, or to the whole. Theirs are limited, whenever limited at all, by reason of restraints, imposed at different times, on Governments originally unlimited and despotic. Our American questions, therefore, must be discussed, reasoned on, decided, and settled, on the appropriate principles of our constitutions, and not by inapplicable precedents, and loose analogies, drawn from foreign states.

Mr. President, in one of the French commedies, as you know, in which the dullness and prolixity of legal argument is intended to be severely satirized, while the advocate is tediously groping among ancient lore having nothing to do with his case, the judge grows impatient, and at last cries out to him to come down to the Flood! I really wish, sir, that the writer of this protest, since he was discussing matters of the highest importance to us as Americans, and which arise out of our own peculiar constitution, had kept himself, not only on this side the general Deluge, but also on this side the Atlantic. I desire that all the broad waves of that wide sea should continue to roll between us and the influence of those foreign principles and foreign precedents, which he so eagerly adopts.

In asserting power for an American President, I prefer he should attempt to maintain his assertions on American reasons. I know not, sir, who the writer was, (I wish I did,) but, whoever he was, it is manifest that he argues this part of his case, throughout, on the principles of the constitution of England. It is true, that in England the King is regarded as the original fountain of all honor and all office; and that anciently, indeed, he possessed all political power of every kind. It is true that this mass of authority, in the history of that Government, has been diminished, restrained, and controlled by charters, by

immunities, by grants, and by various modifications, which the friends of liberty have, at different periods, been able to obtain or to impose. All liberty, as we know, all popular privileges, as, indeed, the word itself imports, were formerly considered as favors and concessions from the monarch. But whenever and wherever civil freedom could get a foothold, and could maintain itself, these favors were turned into rights. Before and during the reigns of the princes of the Stuart family, they were acknowledged only as favors or privileges, graciously allowed, although, even then, whenever opportunity offered, as in the instance to which I alluded just now, they were contended for as rights; and by the revolution of 1688, they were acknowledged as rights in England, by the prince who then ascended the throne, and as the condition on which he was allowed to sit upon it. But, with us, there never was a time when we acknowledged original, unrestrained, sovereign power over us. Our constitutions are not made to limit and restrain pre-existing authority. They are the instruments by which the people confer power on their own servants. If I may use a legal phrase, the people are grantors, not grantees. They give to the Government, and to each branch of it, all the power it possesses, or can possess; and what is not given, they retain. In England, before her revolution, and in the rest of Europe since, if we would know the extent of liberty or popular right, we must go to grants, to charters, to allowances and indulgencies. But, with us, we go to grants and to constitutions to learn the extent of the powers of Government. No political power is more original than the constitution; none is possessed which is not there granted; and the grant, and the limitations in the grant, are in the same instrument.

The powers, therefore, belonging to any branch of our Government, are to be construed and settled, not by remote analogies, drawn from other Governments, but from the words of the grant itself, in their plain sense and necessary import, and according to an interpretation consistent with our own history and the spirit of our own institutions. And I will never agree that a President of the United States holds the whole undivided power of office in his own hands, upon the theory that he is responsible for the entire action of the whole body of those engaged in carrying on the Government and executing the laws. Such a responsibility is purely ideal, delusive, and vain. There is, there can be, no substantial responsibility, any farther than every individual is answerable, not merely in his reputation, not merely in the opinion of mankind, but to the law, for the faithful discharge of his own appropriate duties. Again and again we hear it said that the President is responsible to the American people! that he is responsible to the bar of public opinion! For whatever he does, he assumes accountability to the American people! For whatever he omits, he expects to be brought to the high bar of public opinion! And this is thought enough for a limited, restrained, republican Government! An undefined, undefinable, ideal responsibility to the public judgment! Sir, if all this mean any thing, if it be not empty sound, it means no less than that the President may do any thing and every thing which he may expect to be tolerated in doing. He may go just so far as he thinks it safe to go; and Cromwell and Bonaparte went no farther. I ask again, sir, is this legal responsibility? Is this the true nature of a Government with written laws and limited powers? And allow me, sir, to ask, too, if an Executive magistrate, while professing to act under the constitution, is restrained only by this responsibility to public opinion, what prevents him, on the same responsibility, from proposing a change in that constitution? Why may he not say, "I am about to introduce new forms, new principles, and with a new spirit; I am about to try a political experiment, on a great scale; and when I get through with it, I shall be responsible to the American people, I shall be answerable to the bar of public opinion?"

Connected, sir, with the idea of this airy and unreal responsibility to the public, is another sentiment, which, of late, we hear frequently expressed; and that is, that the President is the direct representative of the American people. This is declared, in the protest, in so many words: "The President," says the protest, "is the direct representative of the American people." Now, sir, this is not the language of the constitution. The constitution no where calls him the representative of the American people, still less their direct representative. It could not do so with the least propriety. He is not chosen directly by the people, but by a body of electors, some of whom are chosen by the people, and some of whom are appointed by the State Legislatures. Where, then, is the authority for saying that the President is the direct representative of the people? The constitution calls the members of the other House representatives, and declares that they shall be chosen by the people; and there are no other direct or immediate representatives of the people in this Government. The constitution denominates the President simply the President of the United States; it points out the complex mode of electing him, defines his powers and duties, and imposes limits and restraints on his authority. With these powers and duties, and under these restraints, he becomes, when chosen, President of the United States. That is his character, and the denomination of his office. How is it, then, that on this official character, thus cautiously created, limited, and defined, he is to ingraft another, and a very imposing character, viz. the character of the direct representative of the American people? I hold this, sir, to be mere assumption; and dangerous assumption. If he is the representative of all the American people, he is the only representative which they all have. Nobody else presumes to represent all the people. And if he may be allowed to consider himself as the sole representative of all the American people; and is to act under no other responsibility than such as I have already described, then I say, sir, that the Government (I will not say the people) has already a master. I deny the sentiment, therefore, and I protest against the language; neither the sentiment nor the language is to be found in the constitution of the country; and whosoever is not satisfied to describe the powers of the President in the language of the constitution, may be justly suspected of being as little satisfied with the powers themselves. The President is President. His office and his name of office are known, and both are fixed and described by law. Being commander of the army and navy, holding the power of nominating to office and removing from office, and being, by these powers, the fountain of all patronage and all favor, what does he not become if he be allowed to superadd to all this, the character of single representative of the American people? Sir, he becomes, what America has not been accustomed to see, what this constitution has never created, and what I cannot contemplate but with profound alarm. He who may call himself the single representative of a nation, may speak in the name of the nation, may undertake to wield the power of the nation, and who shall gainsay him, in whatsoever he chooses to pronounce as the nation's will?

I will now, sir, ask leave to recapitulate the general doctrines of this protest, and to present them together. They are:

That neither branch of the Legislature can take up, or consider, for the purpose of censure, any official act of the President, without a view to legislation or impeachment;

That not only the passage, but the discussion of the resolution of the Senate of the 28th of March, was unauthorized by the constitution, and repugnant to its provisions;

That the custody of the public treasury always must be intrusted to the Executive; that Congress cannot take it out of his hands, nor place it any where, except with such superintendents and keepers as are appointed by him, responsible to him, and removable at his will;

That the whole Executive power is in the President, and that, therefore, the duty of defending the integrity of the constitution results to him from the very nature of his office; and that the founders of our republic have attested their sense of the importance of this duty, and, by expressing it in his official oath, have given to it peculiar solemnity and force;

That as he is to take care that the laws be faithfully executed, he is thereby made responsible for the entire action of the Executive department, with power of appointing, overseeing, and controlling those who execute the laws;

That the power of removal from office, like that of appointment, is an original Executive power, and is left in his hands, unchecked by the constitution, except in the case of judges; that, being responsible for the exercise of the whole Executive power, he has a right to employ agents of his own choice, to assist him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts;

That the secretaries are his secretaries, and all persons appointed to offices created by law, except the judges, his agents, responsible to him, and removable at his pleasure;

And, finally, that he is the direct representative of the American people.

These, sir, are some of the leading propositions, contained in the protest; and if they be true, then the Government under which we live is an elective monarchy. It is not yet absolute, there are yet some checks and limitations in the constitution and laws; but in its essential and prevailing character, it is an elective monarchy.

Mr. President, I have spoken freely of his protest, and of the doctrines which it advances; but I have said nothing which I do not believe. On these high questions of constitutional law, respect for my own character, as well as a solemn and profound sense of duty, restrains me from giving utterance to a single sentiment which does not flow from entire conviction. I feel that I am not wrong. I feel that an inborn and inbred love of constitutional liberty, and some study of our political institutions, have not, on this occasion, misled me. But I have desired to say nothing that should give pain to the Chief Magistrate, personally. I have not sought to fix arrows in his breast; but I believe him mistaken, altogether mistaken, in the sentiments which he has expressed; and I must concur with others in placing on the records of the Senate my disapprobation of those sentiments. On a vote, which is to remain so long as any proceeding of the Senate shall last, and on a question which can never cease to be important while the constitution of the country endures, I have desired to make public my reasons. They will now be known, and I submit them to the judgment of the present and after times. Sir, the occasion is full of interest. It cannot pass off without leaving strong impressions on the character of public men. A collision has taken place, which I could have most anxiously wished to avoid; but it was not to be shunned. We have not sought this controversy; it has met us, and been forced upon us. In my judgment, the law has been disregarded, and the constitution transgressed; the fortress of liberty has been assaulted, and circumstances have placed the Senate in the breach; and, although we may perish in it, I know we shall not fly from it. But I am fearless of consequences. We shall hold on, sir, and hold out, till the people themselves come to its defence. We shall raise the alarm, and maintain the post, till they whose right it is, shall decide whether the Senate be a faction, wantonly resisting lawful power, or whether it be opposing, with firmness and patriotism, violations of liberty and inroads upon the constitution.

When Mr. WEBSTER had concluded—

Mr. BENTON rose, in reply; and, commencing with the topic with which Mr. WEBSTER had concluded his speech, and repeating his words, exclaimed, Yes! the Senate does stand in a breach! a breach of their own making! and they stand there naked and defenceless, without shelter, cover, or refuge! The Senate broke through the constitution—they made a wide breach in the walls of that sacred instrument—to leap upon the President and pronounce a sentence of condemnation upon him. They broke through all law, all constitution, all forms of justice, all obligations of propriety, and all sense of decency, to pronounce upon the President, and to crush him, as it was believed, with a Senatorial conviction for a high crime and a misdemeanor; and now, when they are put upon their own defence for that act—when they are called upon by an astonished community to justify themselves, as judges, for giving judgment without trial—they exhibit themselves naked and defenceless before the public, without excuse or justification, and vainly endeavor to escape from the reprobation which they have merited, and to elude the scrutiny which they have provoked, by setting up an affected alarm for the safety of their places, raising a concerted cry for the immunity of their privileges, and issuing the piteous appeal of the "forlorn hope," standing in the breach of the constitution.

The attack upon the President, said Mr. B., so indecently and illegally commenced at the beginning of the session, now draws to a close, and approaches its termination. The protracted discussion expires under its own length: all the defenders of the Senate have been heard; the case is ready to go before the people, and to be handed down to posterity, and to receive from the ultimate arbiter of human actions—an impartial public—the final sentence of condemnation or approval to which it is entitled. And how does the case stand on the part of the Senate? How does the Senate appear? Naked, defenceless, unjustified, and unjustifiable! Stripped to the shirt, like the Roman Consuls in the Caudine Forks! and without denial or palliation for the most flagrant breach of the constitution, and the most scandalous disregard of decency, which the history of faction and the annals of cabal has ever exhibited to an outraged community, in any age, or in any country.

What is it, said Mr. B., that the Senate has done? What act of theirs has had the novel effect to place this high body at the bar of the public—to throw it into a deep and deadly breach, and to make it cry out for succor and for safety? What act has the Senate done to produce this strange vicissitude in its fortunes, to work this wonderful metamorphosis on its own dignity and station? What has it done to effect all this? Let facts, and an impartial country, respond to the inquiry! All America knows that, when the deposites were removed last fall, the whole newspaper interest connected with the United States Bank immediately proclaimed a violation of the constitution and of the laws, and demanded the impeachment of the President. The impeachment was not only demanded, but foretold and asserted. The House of Representatives was appealed to; their duty to prefer the impeachment was incessantly urged; their intention to do so was openly affirmed; and so far was the process carried, of preparing the public mind for the event, that the names of the members who were to move it, and of the witnesses who were to attend the trial, were exultingly and ostentatiously paraded in the presses of the bank! All this took place in the months of October and November, and took place too recently and too notoriously to brook contradiction, or to require corroboration on this floor. And thus, for two months before Congress assembled, and

to the full extent that bank intelligence and bank publications could go, the public mind was warned and prepared to witness an attempt to get up a formal impeachment against President Jackson, as soon as Congress met. The dismissal of Mr. Duane, because he would not give the order for the removal of the deposites; the appointment of Mr. Taney to give that order, and the consequent exercise of illegal and unconstitutional power over the Treasury of the United States, which was held to be the Bank of the United States, were the notorious and proclaimed grounds for demanding the contemplated impeachment. Congress meets on the third day of December; day after day, and week after week, passes away, and no member is found to rise in his place to move the impeachment which the bank presses had so openly demanded and so confidently foretold. No member of the House rises in his place to commence that proceeding which, under the constitution of the country, could only commence in the House of Representatives, the immediate organ of the people's grievances, as well as of the people's rights, and appropriately styled the grand inquest of the nation. No member of that body rises in his place to obey the impulsion of the bank, to avenge its cause, to verify its proclamation, and to move the impeachment of the President. In a body of two hundred and forty-eight members, many of them young, many warm, impetuous, daring, none could be found to minister to the vengeance of the bank, and to redeem the pledge for which that institution stood committed in the face of the country. * * * * * The impeachment could not be commenced in the House of Representatives! What next? It is actually commenced in the Senate! On the 26th day of December—just three weeks after Congress had met—and when the whole subject of the finances, the treasury, and the bank, had been referred to the Finance Committee, to originate the legislative measures which the case might require, a resolution is laid upon the table of the Senate, by a member of that body, to condemn the President for the identical acts for which the bank presses had foretold, and demanded his impeachment.

The resolution is laid upon the table, without any legislative object; for the legislative inquiry had already gone to the appropriate committee. It is laid upon the table by a member of the Senate; a speech in the style and temper of the most relentless criminal prosecution, such as the civilization of the age does not admit against the greatest offenders, is prolonged for three days upon it; a debate of the same character rages for three months; the resolution is then three times altered by the mover in the face of the Senate, and a vote is taken upon it, defined by an exact party line, finding the President guilty of a violation of the laws and the constitution, and actually condemning him, without trial, for the commission of an impeachable offence, and that by the very body which could neither begin an impeachment nor decline the trial of one when regularly brought before them. The act of the Senate being finished and consummated, their sentence of condemnation being pronounced—the President, for the first time, breaks silence, and lifts his voice in a proceeding so extraordinary in its nature, and so unjust in its consequences to himself. He sends in his protest! A calm and dignified remonstrance, an impressive and temperate appeal against the injustice that has been done him. In this protest he has taken his stand upon clear, constitutional law—upon the first principles of criminal justice—that the Senate, being his judges, had no right to prejudge his case, and to pronounce him guilty without trial or hearing. This is the ground taken by the President; and what is the answer, the defence, the justification of the Senate! Not a response to the accusation, not a reply to the charge, not a defence for usurping jurisdiction, exercising extrajudicial power, and conducting an *ex parte* proceeding, but clouds of new charges, volleys of new epithets, and torrents of new invective; with an affected cry of danger, and standing in the breach; as if public attention could be drawn off from the true point in dispute—from the examination of the Senate's conduct—by mere dint of clamor, by reckless accumulation of fresh accusation, by distortion and perversion of every word in the protest, and by pursuing the President, like a constable's *posse*, with one incessant uproar, as if engaged in the hue-and-cry pursuit of a fugitive from justice. No, sir, said Mr. B., this is not the business now in hand. The present question is to examine into the constitutionality of the Senate's proceeding against the President, and not to try the President over again upon the old accusation, or to eke out stale charges with new aggravations. The Senate has judged the President, and the country will now judge the Senate. Our present occupation is the defence of the Senate; and what is that defence, stripped of all additions and glosses, and reduced to its point and essence? What is that defence, now that all the defenders have been heard; when the last advocate has spoken, and the case is ready for submission to the judgment of the people? What is this defence? Sir, it is nothing more nor less than a refuge under a subterfuge—a flight from every thing like defence—and a palpable confession that no defence can be made; for the whole excuse of the Senate rests upon a solitary assumption which every speaker has made, and which assumption is neither true in fact nor material in law. It rests upon the assumption that the motives of the President were not impugned! that wicked, corrupt, and criminal intentions were not imputed to him! This is the sum total of the defence. "The resolution is silent as to the motive," says one, [Mr. CLAY.] "It carefully abstains from the imputation of a criminal intent," says another, [Mr. LEIGH.] "It imputes no crime; it charges no corrupt motive; it proposes no punishment," says a third, [Mr. WEBSTER.] Here then, said Mr. B., is the whole point and power of the defence. Its concentrated essence lies in the allegation, that criminal intentions are not imputed to the President.

Upon this defence Mr. B. took two distinct and separate issues: first, that it was not true, in point of fact; and secondly, that if true, it was not material in point of law. In discussing the first of these issues, he said he should not commit the folly of confining himself to the words which were inserted in the resolution, especially as altered, and altered for the third time, in the face of the Senate, and the last hour of the debate.

He must be permitted to believe, and to maintain, that the omission to charge a criminal intent, and especially its careful and studied omission, operated nothing in favor of the Senate, but the contrary. The averment, though not in the resolution, in words, was nevertheless effectually there by implication; and, what is infinitely more, it was evidently in the hearts, and notoriously in the speeches, of all the members who supported the resolution. The charge was, therefore, in the bosoms of the judges; it was in their pleadings; it was promulgated in their speeches, even in all those delivered on the distress memorials, as on the formal resolution. Even now, within this hour, in the hearing of all present, the last speaker on the side of the Senate [Mr. WEBSTER] has openly said, that President Jackson's conduct, in assuming and sanctioning Mr. Taney's appointment of a salaried officer to superintend the deposite banks—(which appointment Mr. Taney never made!)—that such conduct of a President, in the time of Washington and Jefferson, could not have passed a week before it became the foundation for an impeachment. After this, what merit can there be in saying that evil intentions are not charged on the record? The injury to the President is the same, whether in the record or not;

for being a man of sound mind, he is presumed to act with intentions, and to violate the law and the constitution with bad intentions, if he violates them at all. Having sworn to support them, the breach of the oath involves perjury. To the Senate the consequence is the same, whether the evil intention is retained in the heart, spread upon the record, or proclaimed in the speeches of the Senators: in either case they pass upon the guilt and innocence of the accused; and become disqualified, upon every principle of honor and decency, for the office of judge, in the event that a regular impeachment for the same offence should afterwards be preferred. Surely those Senators who have thus spoken, and thus impugned the motives of the President, can never be impartial judges, although their recorded opinion, upon the passage of the resolution, is limited to the fact of violated law and constitution. Resting upon the notoriety of the speeches daily delivered on the floor of the Senate—widely diffused over the country in pamphlets and newspapers; pressed into the hands of all readers, and stuck up in taverns, steamboats, and barbers' shops, to rouse the people against the President, and to render him odious—relying upon the speeches, thus pressed into notice, replete with every violent epithet, crammed with every odious comparison—Cæsar, Nero, Caligula, Cromwell, Bonaparte, and the infatuated Stuarts; and referring to every lawyer's knowledge, that the law presumes the bad intention for every illegal act, he (Mr. B.) would go no further for evidence to prove his first issue, that the Senate's defence was not true in point of fact.

But he meant to take, and to maintain, his great stand upon the second issue, that the omission of the averment of the criminal intent was not material in point of law; that the resolution was the same without the averment as with it; and, that the infraction of the constitution, the wrong to the President, the subversion of all the rights of the accused, the invasion of the privileges of the House of Representatives, and the misconduct of the Senate, were just as complete and just as flagrant, in the adoption of the resolution, as finally modified and passed, as it would have been if passed in the form it first wore, or if stuffed and distended with all the tautologous averments of wicked intentions and corrupt motives—"moved and seduced by the instigation of the devil, and not having the fear of God before his eyes"—which are to be found in the black-letter editions of common law indictments.

Briefly recapitulating what had been said by other Senators opposed to the resolution, and especially by his old friend from Tennessee, [Mr. GRUNDY,] whose skill as a criminal lawyer he had been almost amused to see called in question; briefly adverting to the high and clear ground taken by these Senators; first, that the criminal intent was always presumed by the law when the illegal act was proved; and, secondly, that the Senate's resolution was not an indictment, but a judgment; not the preferment, but the conclusion, of an impeachment; and that judgments never recited intentions; grounds which Mr. B. undertook to affirm entirely upset the defence of the Senate. Leaving all these solid considerations where others had placed them, he would proceed to a new point in the case—to a new reason for the immateriality of criminal averments in prosecutions of impeachment. And upon this new ground would strip the Senate's defence of the last disguise, and leave their resolution ready for the spunge of obliteration, and ripe for the knife of expurgation, the moment the representation in the Senate should be brought into harmony and concord with the feelings and sentiments of the people.

Entering upon the examination of this new point, Mr. B. first called the attention of the Senate to the nature of an impeachment under the constitution of the United States, and wherein it differed from an impeachment in England; while impeachments in both countries essentially differed from prosecutions on indictments. The difference, he said, was marked and essential, and exercised a decided influence over the whole proceeding. In the United States, the sentence upon conviction on impeachment, extended only to a removal from office, and a disqualification for holding future office, with an express liability in the person thus removed and disqualified, to a prosecution upon indictment, and judgment and punishment upon that indictment, for the same offence, according to the law of the land, in the same manner as if no impeachment had taken place. Thus, the effect of conviction upon an impeachment in the United States was purely preventive—purely to prevent further crime—to prevent the same person from acting longer in a station in which his actions were hurtful to the community; while punishment, if any, was left to flow from the ordinary tribunals, and where the trial by jury was a safeguard to the life and liberty and property of the innocent. In the eye of the American constitution, there is no punishment following impeachment; for removal from office is not regarded as punishment, which must follow from the indictment, if necessary, and be superadded to the removal and disqualification; which could not be if the removal from office, either in law or in fact, was punishment; for no man can be twice punished for the same offence. In England, on the contrary, the sentence on conviction under impeachment extends to legal and actual punishment, to punishment in person and in property; for the party may be both fined and imprisoned. On indictments, as every body knows, both in England and America, the direct object of the prosecution is punishment—punishment in life, limb, person, or property; and preventive justice is only an incident, resulting from conviction for crimes, which presumes too much depravity to admit of further trust or confidence in the offender. Whenever, then, punishment would follow conviction, whether on indictment or impeachment—whenever the life or limb of the party was to be touched—whenever his body might be cast into prison, or his property taken by fine or forfeiture—in every such case, the *quo animo*, the state of the mind, the criminal intent, was of the essence of the offence; and must be duly averred, and fully proved, or clearly inferrible from the nature of the act done; but, in the case of impeachment under the constitution of the United States, where the sentence could extend no further than merely to prevent the party from using his power to do further mischief, leaving him subject to a future indictment, then the intent of the party, whether good or bad, charitable or wicked, became wholly immaterial; not necessary to be alleged, nor requiring to be proved, or to be inferred, if the allegation should chance to be made. Every averment relative to the intention would be surplusage; for the mischief to the public was the same, whether a public functionary should violate the law from weakness or wickedness, from folly or from design. In either case the injury to the community was the same; the unfitness of the party to remain in office was the same; the inducement to remove him the same; and, in both cases, the removal would be effected by impeachment; the community would be protected from further injury by the sentence under impeachment; and the offending party, if deserving punishment, would be turned over to the ordinary tribunals, and to all the technicalities and formalities of a jury trial, upon indictment, to receive that punishment.

Young as the United States were, Mr. B. said, brief and scanty as their history, and especially their criminal history, yet was, still the history of these States already afforded ample illustrations of the truth of the positions which he had taken relative to impeachments under the constitution of the Union. It afforded examples of two impeachments tried before the Senate, in one of which there could be no corrupt or wicked intention, for the party was insane, and therefore incapable both in law and

in fact, of being either corrupt or wicked; and in another, of which a mere naked violation of law was charged, without the slightest reference to the intentions, or *quo animo* of the party: he alluded to the cases of the Judges Pickering and Chase. Mr. B. then went into a statement of the impeachment of these two judges, to sustain the view he had been taking, and to apply historical facts and judicial decisions to the legal doctrines which he had laid down. Judge Pickering, a district judge of the United States for the State of New Hampshire, was impeached for acts of flagrant illegality, and which, in truth, implied great wickedness. The articles of impeachment charged wicked and corrupt intentions; yet it was proved that he was incapable in law, or in fact, of wickedness or corruption; for he was utterly insane, both at the time of committing the acts, and at the time he was tried for them; and could not, and did not, appear before the Senate to make any defence. His unfortunate condition was proved and admitted, and the Senate was moved, by counsel, to stop the proceedings against him, and to remit or postpone the trial; but the Senate took the clear distinction between a proceeding which could only go to a removal from office and a disqualification for holding office, and a prosecution which might involve a criminal punishment; and they proceeded with the trial, heard the evidence, found the illegal acts to have been committed, and pronounced the sentence which the good of the community required, and which the unfortunate judge was a proper subject to receive—that of removal from office. They did not add a sentence of disqualification for holding future offices; for he might again recover his understanding, and become a useful citizen. The Senate limited itself to a sentence which the good of the community demanded—which was applicable to misfortune and not to criminality—which was suited to the acts of the judge, and not to his intentions; a sentence which virtually acquitted him of evil intentions; for the acts were of such a nature as to have required, if committed by a person of sound mind, not only disqualification for future office, but prosecution and punishment upon indictment. Mr. B. relied upon this case as one of the strongest which history could present, or imagination could conceive, to show the immateriality of criminal intentions to support impeachments under the constitution of the United States. It was a stronger case than it would have been if corrupt and wicked intentions had not been charged; for being charged, and then disproved, it was a positive decision of the Senate upon the total immateriality of the allegation; it was a clear declaration that the averment was surplusage, and that an officer should be impeached, and removed from office, for illegal acts alone, without the least reference to his intentions, and even in the face of the fact that he was incapable of legal volition, and therefore, could have no intentions in the eye of the law.

The case of Judge Chase, Mr. B. said, was a case of a different kind, to prove the same point: it was a case with, or without, averments of criminal intentions. Judge Chase was impeached upon eight articles; five of them charged corrupt and wicked intentions; three charged no intentions at all; being wholly silent upon the question of motives, and merely alleging the commission of the acts, and the violation of the law. The three articles, thus silent on the question of motives, were distinct and substantive articles in themselves, not variations of the other articles, but containing new and distinct charges; and, therefore, to stand or fall upon their own merits, without being helped out by a reference to the same charges in another form, in another part of the proceedings. They were the articles first, fourth, and fifth. Mr. B. would state them particularly; for, if the least doubt remained on the mind of any one, after seeing the case of Judge Pickering, the tenor of these three articles in the impeachment of Judge Chase would entirely remove and dispel that doubt. The first of these articles, which is No. 1 in the impeachment, relates to the trial of Fries, at Philadelphia, and charged the judge with three specific instances of misconduct in conducting that trial; and concluded them with the allegation that they were "dangerous to our liberties," and "in violation of law and justice," but without the slightest reference to the *quo animo* of the judge, or the state of mind in which the acts were done. The article is wholly silent with respect to his intentions. The fourth article contains four specifications of misconduct; all charged to have occurred on the trial of Callender, in Richmond, and alleged them to be "subversive of justice," and "disgraceful to the character of a judge;" but were wholly silent as to the intentions of the judge, and left the *quo animo* with which he did the acts entirely out of the record. The fifth article charged a specific and single violation of law in ordering the arrest of Callender upon a *capias*, instead of directing him to be called in upon a summons; but without imputing any motive or intention whatever, good or bad, to the judge, for preferring the *capias* to the summons. The only averment is, "that Callender was arrested, and committed to close custody, contrary to law, in that case made and provided." Such were the three articles, said Mr. B., which charged violations of law upon Judge Chase, without imputing criminal intentions or corrupt motives to him; and upon which the judge was as fully tried, and made as ample a defence, both upon the law and the facts, as he did upon the five other articles, which contained the ordinary averments of wicked and corrupt intentions. Neither the learned judge himself, nor any one of his counsel, numerous and eminent as they were, made the least distinction between the articles which charged, and the articles which did not charge, corrupt intentions. They went to trial upon the whole alike; put in no demurrers; made no motions to quash; reserved no points; and defended the whole upon the law and the facts of each separate case. This, said Mr. B., should exterminate doubt, and silence cavil. It is the decision of the managers, and they were eminent lawyers and profound statesmen!—it was the decision of the managers who prepared the articles of impeachment—the decision of the House which preferred them—the decision of the Senate who tried them—and the admission of the learned judge who was tried upon them, and of the able counsel who conducted his defence, that the *quo animo* averment, the allegation of wicked intentions, was entirely immaterial in an article of impeachment under the constitution of the United States.

Mr. B. made an apology, or rather stated his justification to the Senate, for having gone so minutely into the cases of the Judges Pickering and Chase. He had done so from a sense of duty to the President and to the country, and to prevent the law of the land from being borne down by the weight of names, and the array of authority. Many Senators had taken their stand upon the legal position, that these proceedings against the President are not tantamount to impeachment, because the resolution does not contain the formal allegation of corrupt or wicked intentions. Two, at least, of the Senators, [Messrs. WEBSTER and LEIGH,] thus staking themselves upon this legal position, were eminent lawyers, and possessed high and deserved reputation as jurists. Their opinions, if left uncontroverted, if not completely overthrown, could not but have great weight in the country. It was necessary to encounter the high authority of their opinions, with the still higher authority of adjudged cases; and this was most effectually and thoroughly done in the production and application of the two impeachment cases of Judge Pickering and Judge Chase, in which the solemn judgments of two full Senates, and the acquiescence of all concerned, were set in opposition to the solitary opinions of individual Senators: and thus the sole ground on which

the defence of the Senate rested, was swept from under their feet, and expunged from the face of the earth.

Auxiliary to this defence of the Senate, but subordinate to it, and insufficient in itself, was another point, Mr. B. said, which several speakers had pressed into the service of a hopeless cause, but which had been most fully brought out, and chiefly relied upon by the last Senator who had spoken, [Mr. WEBSTER,] and who was understood to be charged with closing the defence on the part of the Senate. It was this: That the resolution was a legislative act, and came within the legislative competency of the Senate; and, therefore, was not a judicial, or criminal, proceeding. Mr. B. would rapidly examine, and quickly explode, this forlorn auxiliary of a ruined cause. That it was not a legislative act, nor intended to produce legislation, was proved by every test to which it could be subjected, and by every fact with which it could be connected. 1. The nature of the resolution; which complained that the President had violated the constitution in dismissing Mr. Duane, and appointing Mr. Taney, and in exercising ungranted power over the Treasury; which, if true, could not be remedied by legislation; for Mr. Duane could not be put back into the Treasury Department, nor Mr. Taney put out of it, nor the exercise of ungranted power be punished by a law of Congress. 2. The resolution averred the President's acts to be dangerous to the liberties of the people; which is matter for punishment, and not for legislation. 3. The President's acts, whatever they were, were done, and must be tried by existing laws, and not by new ones; for *ex post facto* laws cannot be passed. 4. The resolution was single, not joint; and therefore not capable of taking the form of a law, as it could not go to the House of Representatives. 5. The whole legislative consideration of the question had been sent to a legislative committee, before this resolution was brought in; and, therefore, it was wholly unconnected with a legislative object. 6. It was never referred to a committee, as legislative resolutions always are. 7. No legislative act has ever been predicated upon it, though passed long since. 8. No legislative act can be predicated upon it, for the subject-matter of it is not of a nature to admit of legislation. It complains of a breach of the constitution; and laws cannot heal those breaches.

Mr. B. having fully encountered, and, as he trusted and believed, entirely overthrown the whole defence set up by the Senate, would now extend his view to some auxiliary considerations, and examine the propriety and decorum of the Senate's conduct in adopting a resolution of this character against the President.

The Senate is composed of individuals, said Mr. B., some of whom aspire to the occupation of the place which President Jackson now holds, others of whom have contended with him for that place, and have been left by the people—*longo sed proximus intervallo*—at a long interval behind; and others, again, who, having real or fancied grievances to complain of, appear before the public as his implacable enemies and incontinent revilers. From all such Senators, the laws of honor, a sense of decorum, respect for public opinion, and a due regard to the sanctity of public justice, would require a rigorous impartiality in the discharge of an acknowledged duty, and a punctilious refusal to engage in any proceeding which involved the assumption of gratuitous powers, or required the discharge of invidious offices. It was a case even in which the refusal of many Senators to sit in judgment, although a regular impeachment had been brought in, might have attracted the admiration, and commanded the applause, of all honorable men. This impartiality—this abstinence—this refusal to sit in judgment, had not been witnessed on this occasion; on the contrary, there had been witnessed an eagerness and promptitude in volunteering for attack; a violence and personality in carrying it on; a grossness and turbulence of invective; a readiness to draw inferences without warrant, and to impute charges without evidence, which was never before exhibited in any American assembly—which has no parallel in England, since the time that Jeffries rode the Western circuit, nor in France, except in the days of the existence of the revolutionary tribunal—which cannot be tolerated in any country where civilization has advanced far enough to require competitors for high office, in becoming adversaries, to remain gentlemen; and which, on this occasion, has presented the American Senate, and that in reference to the American President, as sitting for the picture which General Hamilton, in the Federalist, has drawn of a heated and factious assembly, borne away by envy and hatred, running down an envied political adversary upon groundless accusations! in which passion furnished charges; animosity supplied proof; the cunning found tools; and the decision was regulated, not by the guilt, or innocence, of the accused person, but by the strength and numbers of the accusing party.

Continuing his remarks upon the indelicacy and indecorum of the Senate's conduct towards the President, Mr. B. said that Senators were the constitutional judges of the President, selected by that instrument to sit upon him, and, therefore, could not be challenged or set aside for ill will or prejudice towards him. They were not like jurors, to be set aside *propter affectum, propter delectum;* and, therefore, should be the more delicate and scrupulous in abstaining from all pre-occupation and judgment against him. If called to sit upon the trial of a person to whom they were inimical, the question was in their own breasts to sit or retire. Withdrawal was certainly the commendable course; and the Senate had witnessed one instance, at least, of that conduct, and that within a few years past; but the example did not seem to threaten, at present, to become contagious.

The refusal, or omission, of the House of Representatives to impeach the President, the failure of any member of the House to move against him, was next relied upon by Mr. B. as an aggravation of the Senate's conduct in usurping the function of the House; although, by an infatuated perversity of logic, that omission of the House was expressly relied upon by one of the Senators, [Mr. CLAY,] as a reason for the Senate to assume their office. No member from the House of Representative, fresh from the ranks of the people—no member of that body, constituting the grand inquest of the nation, and exclusively charged with the origination of impeachments—no such member could be induced, or stimulated, to follow the lead of the bank press, and to prefer charges against President Jackson for violations of the law and constitution in dismissing Mr. Duane, because he would not give the order for removing the public deposites; in appointing Mr. Taney to give the order; and in assuming the exercise of ungranted power over the Treasury of the United States, which was alleged to be the Bank of the United States. No member of the House could be found to make such a motion; and it was left for the Senate, by an extra-judicial and *ex parte* impeachment, to usurp an office which the appropriate organ would not exercise; and thus to aggravate, by contrast, a proceeding wholly unconstitutional in itself, and sufficiently odious in all its attendant circumstances.

The variations which the resolution had undergone at the hands of its author, since it had been first introduced, was the next aggravation which Mr. B. pointed out. When first introduced it covered the very points which the bank press had indicated, and was couched in the very words which they had used in demanding the impeachment of the President; and, in addition to that, contained the precise criminal averment which is usually found in impeachments for public offences, and which was actually contained in the first article of the impeachment against

Judge Chase—"dangerous to the liberties of the people!" The first form contained three specifications of violated law and constitution, to wit, dismissing Mr. Duane, appointing Mr. Taney, and exercising ungranted power over the Treasury of the United States, with an averment that all this was dangerous to the liberties of the people. The next shape it assumed left out the specifications on the subject of dismissing Mr. Duane and appointing Mr. Taney, but retained the clause about exercising ungranted power over the Treasury, and the danger to the liberties of the people! The third metamorphosis of this most flexible and pliant resolution, left out all the specifications, and even the concluding averment of "dangerous to the liberties of the people!" and assumed a shape—"if shape it can be called, which shape has none," of such vagueness and generality, such studied ambiguity and duplicity of signification, such total independence of facts, date, and circumstances, that the identification of it with the bank denunciation became impossible; the most discordant confederates could unite in its support, for there was nothing specified to require their assent; and all responsibility to public opinion was apparently evaded, in the omission to specify the acts under the general charges for which the President was condemned, and to the justification of which the accusing Senators could be held down.

To expose the true nature of these resolutions, and to exhibit the variations which their flexible forms had undergone, Mr. B. contrasted them together in the Senate, as they are here exhibited, in three parallel and confronting columns.

First Form.	*Second Form.*	*Third Form.*
"*Resolved*, That, by dismissing the late Secretary of the Treasury, because he would not, contrary to his sense of his own duty, remove the money of the United States in deposite with the Bank of the United States and its branches, in conformity with the President's opinion, and by appointing his successor to effect such removal, which has been done, the President has assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people."	"*Resolved*, That, in taking upon himself the responsibility of removing the deposites of the public money from the Bank of the United States, the President of the United States has assumed the exercise of a power over the Treasury of the United States not granted to him by the constitution and laws, and dangerous to the liberties of the people."	"*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both."

Mr. B. analysed these resolutions, more changeable than the chameleon, which only changes color, while these change their form; he analysed these protean resolutions, which had changed their form three times in the face of the Senate; and found that the first contained three specifications of violated law and constitution, to wit: 1. The dismission of Mr. Duane. 2. The appointment of Mr. Taney. 3. The exercise of ungranted power over the Treasury of the United States. The second contained one specification, to wit, the exercise of ungranted power over the Treasury of the United States; and the third contained no specification whatever, and dropped the clause contained in both the others—dangerous to the liberties of the people

Mr. B. wished to invoke and concentrate the attention of the Senate, and of all good citizens, upon these changes in the forms of the resolutions. Why were they changed, and specification after specification dropped, until not one remained? Why were all these facts, charged upon the President, and sustained in elaborate speeches for three months, why were they all dropped on the last day of the debate, and the vote taken upon a vague and general resolution, without a fact, a date, or a circumstance, or a description of any one act, on which an issue could be taken? Why all this? Sir, said Mr. B., the why and the wherefore of all this was nothing more nor less than this: that no majority could be found in the Senate (and that after three months' drumming and drilling) to vote that the dismissal of Mr. Duane was a violation of the laws and constitution; no majority could be found to vote that the appointment of Mr. Taney was a violation of the laws and constitution; no majority could be found to vote that the President had exercised ungranted power over the Treasury of the United States; no majority could be found to vote that he had done any thing that was dangerous to the liberties of the people; no majority could be found to vote that the Bank of the United States was the Treasury of the United States; for it was over that Treasury, and by assuming the responsibility of recommending the removal of the public moneys from that Treasury, that the specification was predicated, of having exercised ungranted powers over the Treasury of the United States. No such majority could be found in this chamber; but a majority was found to hang a general charge over his head, which malignity and faction might fill up and interpret as it pleased; but which contained no averment of any one illegal act whatever. It was well understood that this general charge would be received by the public, (which has neither means nor time to examine such things to the bottom,) as the full conviction of that eminent magistrate of all that was laid to his charge in the first and second resolutions, and of all the fanfaronade about "seizing the Treasury," and uniting "the sword and the purse," which was bruited in the speeches made in their support. Every speech made was made upon the specifications in the first and second resolutions; and these being abandoned, the speeches should share the same fate. But it was well known that the case would be otherwise; that the speeches would stand, and the specifications in the first and second resolutions would be considered as adopted; and that deluded and deceived multitudes would go on repeating, maintaining, and promulgating, as truths, the statements which the opposition Senators had to give up, abandon, and surrender, as untruths, in the full face of the whole Senate.

Mr. B. took a nearer view of the resolution, as finally altered for the third time, and adopted by the Senate. He did so to show its studied ambiguity, its total want of certainty, and utter destitution of one visible or tangible point, either of law or fact, on which an issue could be taken. "Late executive proceedings." Here, said he, are three words, and three ambiguities. 1. Late. How late? When? at what time? this year? last year? or the year before. 2. Executive. Which part of the executive? The Presidential, or the departmental? the act of the President, or the act of Mr. Taney? 3. Proceedings. Which of them? what proceedings? The dismission of Mr. Duane? the appointment of Mr. Taney? the cabinet opinion? or the exercise of ungranted power over the Treasury? "In relation to the public revenue." What part of the revenue? That which is in bond, or in the hands of the collectors? or in the deposite banks, or in the Bank of the United States? The expression, said Mr. B., in the first and second forms of the resolution, is definite, and susceptible of an issue. It is this: "over the Treasury of the United States;" a phrase which imparts to the mind a precise idea, while the phrase, "in relation to the public revenue," which is substituted for it, is not only not equivalent in precision, but entirely different in meaning; the first implying mastership over the money in the Treasury; the second only indicating an action towards public money, which might be in the hands of collectors, never passed to the credit of the Treasurer, and, therefore, never in the Treasury. "Assumed upon himself authority and power." Assumed, but not exercised. Why not use the word exercised? Assume the exercise

of power, is the language of the first and second resolution. Now, "exercised" is dropped, and the resolution charges a naked assumption without action. The import of the resolution is lost in ambiguity, by the omission of the word exercised, which would not have been dropped without a motive, after having been twice retained; and that motive was found in the fact, that no majority in the Senate could be brought to vote upon yeas and nays, that the President had exercised unwarranted powers. Assume is the word; and that will signify either the claim of power, or the taking of power; the abstract legal potential assumption, without exercise; or the concrete actual assumption manifested in acts. "In derogation of both law and constitution." Derogation! What is intended? the common parlance, or the common law signification of the word? If the common parlance signification is intended, then the President is accused of defaming and scandalizing the constitution—a new species of *scandalum magnatum*—whose nature and punishment is yet to be defined. If the common law meaning is to be understood, then no offence of any kind, not even defamation, is imputed to the President; for the only law meaning of the term is to make less—to take away a part—to repeal in part, as a statute is said to derogate from the common law when it repeals a part of it. And the phrase implies no reproach, for the repeal is a legal act, done by competent authority, and is no way synonymous with violate, which always implies lawless force. "Laws and constitution." Each word an ambiguity again! What more indefinite than "the laws," in a nation that makes a volume a year? What more vague than "the constitution," when we have a constitution of a dozen articles, every article a dozen sections, every section some hundred clauses, and every clause a distinct and substantive branch in itself?

Such, said Mr. B., is the resolution adopted; a vague, indefinite, studied, elaborate piece of ambiguity, in which the President is condemned, not only without hearing, but without specification, in which the President cannot make defence, except by guessing at what was intended; in which his judges cannot be held down to their responsibility, before the bar of the public, for any one charge whatever; and under which they can, and will, set up as many different and contradictory specifications, as there were votes in favor of the resolution.

Having shown that every specified offence charged upon the President in the resolutions, had been abandoned on the record, or lost in the mystification of amphibological phrases, Mr. B. would take his leave of that part of the subject, and pay his respects to the extent, at all events, of one salute, to the speeches which had been sent out in amplification and explanation of the resolutions, and especially to that part of them which charged the President with seizing the Treasury—"uniting the sword and the purse—creating a state of things (in the deposite banks) more unconstitutional than an unconstitutional bank"—and violating the constitution, by recommending the public moneys to be removed from the Bank of the United States to the State banks. To relieve the Senate from the apprehended infliction of the extended speech which his undertaking implied, he would say at once that he meant to make short work and quick work of a large job; to take the whole of the speeches in a lump, and after reminding the Senate that every thing worth answering in these speeches, had been already answered by the speakers themselves, in the abandonment of their specifications, and in the adoption of the emasculated resolution, he would show that if they had not been so abandoned, their overthrow was as ready and easy as the demonstration of any plain problem in the circle of the exact sciences.

Mr. B. wished to know whether the constitution had been altered since 1811? and if not, he wished further to know whether it was constitutional and lawful for President Jackson and Mr. Secretary Taney to do, in 1833, precisely what President Madison and Mr. Secretary Gallatin had done in 1811? He affirmed that what had now been done in relation to the revenue, had previously been done in 1811; that Mr. Gallatin had made the same transfer of the public moneys from the Bank of the United States to the local banks, which Mr. Taney did, and upon the same contingency, to wit, as soon as he ascertained that a new charter would not be granted to the national bank; that he entered into the same arrangements with them that Mr. Taney did; signing written contracts to keep the public moneys safely; to pay the Treasury drafts in specie, if required by the holder; to give the necessary facilities for transferring the public moneys; and to make the periodical return of their affairs which was necessary to enable the Treasury to understand their condition; in a word, that he created the same league of banks—in some instances composed of the same identical banks—which Mr. Taney has created, and which is considered by some as being more unconstitutional than an unconstitutional bank would be; that he made the same seizure of the public moneys which President Jackson has made; effected the same portentous union of the purse and the sword; and that no person looked upon these things, at that time, as the robbery of the Treasury—the exercise of ungranted power over the Treasury—the concentration of all power in the hands of one man; not even the bitterest of the old federal party; to say nothing of others, now here leading the assault upon President Jackson and Mr. Taney, then in the House of Representatives, acting in harmony with President Madison and Mr. Gallatin, and who can say, of all their acts, *quæque ipse vidi;* all of which I saw; if not, *et quorum pars magna fui;* great part of which I was.

Mr. B. deemed this part of his case so material, and so necessary to be placed beyond the reach of cavil or contradiction, that he should drop the narrative, and have recourse to proof. He would quote the report—at least so much of it as was necessary to establish his statements of Mr. Gallatin, then Secretary of the Treasury, made to the House of Representatives, in obedience to a call from that body, in the month of January, 1812, nearly a year after the removal of the public deposites from the Bank of the United States, and the establishment of that league of banks now so formidable to liberty, so fatal to the constitution; then so innocent and so harmless.

Extracts of Mr. Gallatin's report, January 8, 1812.

"As soon as it had been ascertained that the charter of the Bank of the United States would not be renewed, a letter was addressed to the collectors of Boston, New York, Philadelphia, Baltimore, Norfolk, Charleston, and New Orleans, directing them to cease to deposite custom-house bonds for collection in the Bank of the United States, or its branches; to withdraw those bonds falling due after the 3d of March, 1811, and to deposite thereafter the bonds in one or more State banks, which were, according to the information already received, either pointed out, or left to the option of the collector."

[Here follows a list of the selected deposite banks, twenty-four in number, extending from Boston to New Orleans, from the Atlantic to the Mississippi, and including several since selected by Mr. Taney.]

The following are the conditions of the contracts made with the deposite banks thus selected:

1. "The bank to receive such sums as may be offered by individuals who have payments to make into the Treasury, and to pass the same to the credit of the Treasurer of the United States.

2. "The payments by the bank to be made on Treasury, War, or Navy warrants, directed to the bank by the Treasurer, or in drafts drawn by him. The payment is, of course, always to be made in specie, if required by the holder of the warrant or draft.

3. "On Monday of each week, a copy of the Treasurer's account with the bank, for the preceding week, is to be sent to the Secretary of the Treasury; and if the Treasurer shall find it more convenient to receive a statement of his account, in that way, than to keep a bank book, the bank will also furnish him with a similar copy.

4. "At the end of every month, a statement of the situation of the bank, made out agreeably to the annexed form, is to be sent to the Secretary of the Treasury.

5. "The dividends on the public debt will be made through the medium of the Bank of Columbia, &c.

6. "That persons having custom-house bonds to pay at the deposite bank, will be accommodated in preference to others, in discounting for them, if necessary, to promote the punctual collection of the revenue, the usual precautions for the safety of the bank, and its own decision on the sufficiency of the paper, being reserved for the exclusive judgment of the bank."

Having read these extracts, Mr. B. said the things done by Mr. Gallatin were identical, in the eye of the law and the constitution, with what had been done by Mr. Taney. They acted upon the same contingency, to wit, when it was ascertained that the United States Bank would not be re-chartered. They acted in the same way, entering into arrangements and contracts with the State banks, to act as the fiscal agents of the Treasury. They both reported to Congress; but how differently were their reports received? That of Mr. Gallatin without a word of censure, with full approbation; and his league of banks, subsequently increased to a hundred, remained in full vigor for six years, and that without any law to regulate them. The beautiful and classic phrase of "pet banks" was not then invented. Mr. Taney's report, on the contrary, is received in a temper of clamor and indignation! No language severe enough to characterize his conduct; no epithets odious enough to stigmatize his "pets;" no punishment great enough to atone for his offence. And who is it that raises this storm against Mr. Taney? The same gentlemen that sat in the 12th, 13th, and 14th Congresses; and who saw nothing to censure or to fear, then, in what fills them with fear and horror now.

Mr. B. said it was in vain to attempt any distinction between the two cases. There was no distinction but in the times, the men, and the impelling power. *Tempora mutantur, et nos mutamur in illis.* Times have changed, and men have altered; and the second Bank of the United States, displaying an audacity at which the first one would have crimsoned with shame, openly demands the impeachment of the President, and the rejection of Mr. Taney, for having done now what was done formerly. No constitutional difference can be taken between the two cases. The 16th section makes no difference; for, in the first place, Congress could not, if it would, contract away the keeping of the public moneys; and, in the second place, the power of the Secretary to direct the removal, "at any time," is absolute and unconditional.

But, Mr. B. said he had not yet done reading from Mr. Gallatin's report to Congress in 1812. He had another extract to read; one that would be refreshing to all the republicans of the old Jeffersonian school, and who recollect that, in his cabinet opinion to President Washington, in opposition to the charter of the first Bank of the United States, he said there was no necessity for a national bank as the fiscal agent of the Treasury; that the State banks would enter into arrangements to do all the fiscal business of the Treasury; would do it well, and on better terms than a national bank, created by the Government, and having privileges granted, and claims secured, upon it. Now hear what Mr. Gallatin says, after his experiment of twelve months, with the league of deposite banks:

"No difficulty has been experienced in the transmission of public moneys; and, with the exception of Norfolk and Savannah, the revenue has been generally as well collected as heretofore."

"No difficulty in the transmission of public moneys," exclaimed Mr. B.—"as well collected as heretofore." What a testimony in favor of the constitution! How conclusive that Jefferson was right; and that a national bank, of any kind, or in any place, is not necessary to the fiscal action of the Federal Government! Unhappily it did not occur to the statesmen of 1812 to restore the gold currency, to invite the importation of foreign coins, and to suppress the circulation of small notes. That wise and masterly conception was reserved for the administration of the military chieftain; and if it ripens into law, will forever save the country from the frightful evils of the paper system, and from all those losses which the Federal Government incurred, some fifteen years ago, when it lost a million and a half by the explosion of the local banks, and about eleven millions more in preserving the present Bank of the United States from the same fate.

Having shown the illegality of the Senate's conduct, Mr. B. would next expose the extreme and peculiar injustice of it. Every part of the protest was subjected to the rack and torture of misconstruction and misrepresentation. Studied, far-fetched, lawyer-like, unnatural, forced, strained interpretations, were accumulated upon its every clause, and every phrase. Tragic and theatrical calls were made* for the advisers and writers of such a paper, as if some sacrilege or treason had been committed; and the impending wrath of heaven itself, impatient at the impunity of such enormous guilt, had already seized the fatal thunderbolt, and scanned, with menacing eye, the trembling world that hid the guilty wretch. The right of the President to correct the misrepresentation of his own language, is heroically denied; and notwithstanding the disclaimer of the supplemental message, and the fair import of the protest itself, an obstinate imputation is still made upon the President of a claim to keep and dispose of the public money and property of the United States, by virtue of his own prerogative, and without regard to the authority of Congress. His right to send in the protest is denied;† as if the Senate possessed the right of *ex parte* and extra-judicial condemnation over the first magistrate of the republic; and that magistrate did not possess the poor privilege of telling them that he was not guilty, even after they had pronounced a sentence. The judges in hell, exclaimed Mr. B., did better than that! Rhadamanthus himself, in some stage of his infernal process, would, at least, listen to his victim. "First he punisheth; then he listeneth; and lastly he compelleth to confess." Such was the process in the gloomy regions of Pluto. The inventors of the mythology of the ancients could not even conceive of a hell, so regardless of the forms of justice, as not to allow the souls of the damned to speak. But, this Senate, trampling upon all laws known to heaven, earth, and hell, denies to the President of the United States the privilege of saying that he is not guilty, even after their condemnation pronounced upon him; and affects to treat, as an invasion of privilege, and as a design to rout them from their seats, as Cromwell routed the rump Parliament of England, the transmission of that temperate paper, called the protest, and the respectful request with which it concludes to have it entered on the Journals! The Secretary of the Treasury, Mr. Taney, God save the mark! comes in for a full share of the misconstruction and misrepresentation which seems to be the order of the day in the American Senate. The Senator from Massachusetts, [Mr. WEBSTER,] who has spoken last, has made him the object of a particular and concentrated accumulation of hideous and frightful accusation,

* By Mr. Webster.

† The editor of the Richmond Enquirer has, since the right of the President to send in a protest has been denied, obtained from Thomas J. Randolph, Esq., grandson of Mr. Jefferson, the authentic copy of a protest prepared by him when Secretary of State, for President Washington, to be sent to the Senate; which shows the opinion which Mr. Jefferson had of a right which is now denied by the Senate.

all founded upon the "baseless fabric of a vision!" He accuses Mr. Taney of having appointed an officer to superintend the deposite banks; of having allowed that officer a salary; and of having caused that salary to be paid out of moneys due to the United States; and he speaks of some official report to prove all this grave and serious matter. Sir, said Mr. B., this is a charge against Mr. Taney, not only without evidence, but against evidence; not only not proved, but disproved, and that by the very document referred to. No, sir, no such officer has been appointed; no such salary has been allowed; no such money has been paid. The whole charge is a child of the imagination, a figment of the brain! one of the litter of inventions which are daily spawned upon the floor of the Senate, and bruited to the world, to destroy the character of the man, and to prepare the public for the rejection of the officer, who has had the fidelity to stand by the President in his hour of greatest trial, and the courage to incur the vengeance of the Bank of the United States.

Mr. B. took a rapid view of the deplorable and disastrous effects resulting from the Senate's conduct in joining the Bank of the United States, and in becoming the ally and instrument of that great moneyed power, in its attempt to destroy and to ostracise the President of the people. The deposite of the resolution upon the table of the Senate, which condemned the President for a violation of the laws and the constitution of the country, for dismissing Mr. Duane because he would not remove the public deposites, and appointing Mr. Taney to make the removal, and for exercising ungranted power over the Treasury—a resolution couched in the precise terms which the bank press had indicated before the meeting of the Senate—the deposite of that resolution upon the table of the Senate, and the first sentence in the first speech in support of it, was the opening of the Pandora's box, from which issued forth every imaginable evil to afflict and alarm the people, and to wound and degrade the institutions of the country. Violation of the constitution, insult, outrage, and *ex parte* condemnation of the President; neglect of all the proper business of the Senate; total change and perversion of its character; a new and furious spirit of attack and crimination in this chamber; agitation and alarm of the country; assaults upon all the State banks; the overthrow of some, and a relentless war upon the New York banks, the safety fund, and the regency. Such were the fruits of that flagrant and unjustifiable proceeding, to carry out in the Senate, without the forms of law, that vindictive impeachment of the President which the bank had vainly demanded according to the forms of law, from any member of the legitimate tribunal, the House of Representatives.

The Senate, said Mr. B., was intended to be the conservative tribunal of the constitution—the peculiar guard of its inviolability—the impregnable citadel of its strength—and the holy temple of its sanctity. The age of the Senators—intended to exclude the intemperance and the turbulence of youth; the presumed moderation of their passions, and the gravity of their characters; the long duration of their terms of service, exceeding that of the President by one-half; their high functions, and extraordinary participation in the executive, judicial, and legislative characters of the Government, all combined to promise, for the constitution, in this chamber, an inviolate respect and sacred regard. It was not to have been expected that, in this chamber, in the first half century of the age of the constitution, an attempt should be made to ostracise an eminent citizen, the first magistrate of the republic, whose sole offence consists in having been three times preferred by the people to the highest office in their gift, and to his now standing the impassable barrier to the march of a new power, which aspires to the control of the republic; aiming to install its pensioners into all offices, and to hold the administration of this Government as an adjunct, subaltern, fiduciary dependency of its own paramount self! The Senate of the United States was not expected to have been the theatre of this exhibition. Yet it has been! And America will look for that reparation to the character of a patriot President, which England has often seen rendered to the memory of her illustrious sons, whose attainders, pronounced in times of factious misrule, have been reversed by the power of the people, at the overthrow of faction, and the re-establishment of law and order.

Judges, said Mr. B., who stimulate prosecutions, especially prosecutions to be tried at their own bar, are themselves guilty of impeachable conduct. It was for such conduct that one of the articles of impeachment, on which Judge Chase was tried, was preferred against him. The seventh of the articles recited "that, descending from the dignity of a judge, and stooping to the level of an informer," he had endeavored to lay the ground-work for the prosecution of a printer, to be tried before himself; "thereby degrading his high judicial functions." Judge Chase, said Mr. B., plead not guilty to this charge; and to his own honor, and that of the bench, was acquitted upon the facts. But what would become of this Senate, if, like Judge Chase, they were liable to be impeached for stimulating an impeachment which they themselves were to try? Could they plead not guilty? Could they say that the House of Representatives had not been stimulated from this floor to begin the impeachment, and reproached for not doing it? Could they go to trial, as Judge Chase did, upon an issue of fact? Certainly not! and the safety of this august body lies, not in its innocence, but in its exemption from liability to be held to the same accountability that Judge Chase was. But can it escape the judgment of the public, and of posterity? It cannot escape that judgment! The Senate itself will be judged, and is already beginning to feel the sentence of condemnation. A voice from the ranks of the people demands a change in its organization, a diminished duration of term, and an increased responsibility to the States; and in that voice he, Mr. B., most heartily concurred. Six years was too long for a Senator to trample with impunity upon the will and the interests of his State! Aware of its danger, the Senate—Mr. B. spoke of the body collectively, as the least invidious mode of stating a disagreeable truth—aware of its danger, the Senate seeks to avoid its impending fate, by raising an affected cry of alarm; proclaiming themselves to be standing in a breach, and charging the President with a design to overthrow it! as if any Senate was ever overthrown by a military chieftain, until its own conduct had made it odious and contemptible to the people! If the President entertained the belief, (a point on which he, Mr. B., had no information,) but if he entertained the opinion that the duration of Senatorial terms should be shortened, or that Senatorial commissions should be made revocable by State Legislatures, he certainly was neither singular, nor novel, in entertaining such sentiments, for they were doctrines of the revolutionary school, and belong to the fathers of the republic. By the articles of the confederation, each State had the right, through its Legislature, to recall its deputy, at any time, from the Federal Congress, and to appoint another in his stead; and this right to recall resulted from the idea of State representation; an idea peculiarly applicable to the Senate of the United States! Mr. B. considered himself to be standing on Virginia ground, as well as on revolutionary ground, when he professed himself to be in favor of such modifications of the Senatorial tenure as would shorten the duration of the appointment, and increase the responsibility of the Senator. He believed that the Legislature of Virginia had recommended such alterations in the Federal constitution.

[Mr. LEIGH rose and asked leave to assure Mr. B. that he was mistaken.]

Mr. BENTON was unwilling to admit a mistake, though ready to acknowledge that the accuracy and extent of information possessed by the Senator from Virginia, [Mr. LEIGH,] especially on every point connected with the history, politics, and legislation of his own State, was such as to leave the fair inference, that what was unknown to him, did not exist. He would certainly submit to the correction of the Senator from Virginia, [Mr. LEIGH,] the next day; after there should have been time to look into the point, and to examine the sources of his own belief; but, for the present he must be permitted to retain his belief that he was standing on Virginia ground in advocating such an alteration in the organization of the Senate as would shorten the terms of the Senators, and make their commissions revocable at the will of their Legislatures.*

Mr. B. continued his remarks upon the lamentable effects resulting from the Senate's attempt to ostracise the President. To the President himself it was a deep and real injury, and intended to injure him, notwithstanding the modest disclaimer of an imputation of motives. A President of the United States is presumed to know the laws and the constitution, and to violate them with wicked intents when he violates them at all. Why else his oath to preserve and maintain them? To his present feelings it is an outrage; in the minds of his contemporaries it is an injury; to posterity, if permitted to remain on the Journal, it works all the effect upon his memory of an old English attainder. The power of attainting, said Mr. B., is forbid to our Congress by the constitution; and forbid from a full knowledge of the lamentable uses which factious Parliaments in England had made of that engine of persecution to destroy the best of patriots. Our Congress is wisely forbid to exercise a power so susceptible of abuse; yet the Senate alone exercises it, and inflicts, by this lawless condemnation, all the consequences of a real attainder upon President Jackson; for what has he to suffer from a real attainder but the attaint of his memory? He has no children to inherit corrupted blood; none to lament the loss of forfeited estates. He has nothing but his name, his character, and the fame of his great actions, to go down to posterity; and shall that memory go down lawlessly attainted? Shall the Journals of this Senate bear, to the remotest age, the record of that outrage, inflicted by those who should have found in the state of their own feelings, and in the impulsions of an honorable heart, the most powerful motives for absenting themselves from a lawful trial, on which they might lawfully have sat.

The changed character, the metamorphosis, and the degradation of the Senate itself, was another of those deplorable consequences. It no longer wore the aspect of a Senate! A stranger coming in, would, at one time, take it for a club-room, where partisan politicians assembled to lay plans for the elevation of themselves and the prostration of their enemies. At another time, he would suppose it to be a hustings, for the delivery of electioneering harangues. At another, an areopagus, for the condemnation of all eminent men. Then a theatre, for the entertainment of a most diverted auditory. Then a temple, for celebrating *te deums* over village elections, even those of Negro-foot, Hell-town, and Long-and-Hungry; always a laboratory, for the manufacture of alarms and panics—always a forum for the delivery of tirades against the pet banks, the safety-fund, and the regency—always a tripod for vaticinating wo, and chanting jeremiads over the desolation of the land, and the ruin of America.

Is not this picture, said Mr. B., revolting as it may be, and humiliating as it must be—is it not too truly and too faithfully drawn? Ask that multitude which fills our circling galleries. Ask this assembled multitude if they come here to listen to the dry details of legislative labors, or to amuse themselves with scenes of attack and defence; of forensic legislation and parliamentary warfare; of theatrical display and scenic representation, in which the player that pleases them most, is sure to be rewarded with a clap in the galleries, if not with a treat in the cellar. Ask them if they do not come here as to a cock-fight, or a milling-match; to a race-field, or a bear-garden; to a circus, or a theatre; to a court-house, or a club-room; and where they are sure to be entertained to the full extent of our theatrical powers.

Mr. B. continued: The effect upon the public mind, all over the country, has been prodigious and deplorable. It is the first time that the American Senate has undertaken to alarm and agitate the country. The people were unprepared for the assault, and staggered under its force. The cry of revolution was startling. Hitherto bloodless, was an appalling intimation of the near approach of the fatal moment when the flow of blood could no longer be restrained. Peaceful and quiet citizens were alarmed; the land was filled with terror; and the boding apprehension took place that the verdant spring would open, not with the joyful tasks of the husbandman, but with the clangor of arms, the storm of battle, and all the woes of fraternal strife and domestic war. In this gloomy state of the public feeling, the New York and Virginia elections came on, and the results bore witness to the extent of the panic which had been gotten up—results which were received in this chamber with an excess of exultation, and a show of frantic exhibition, worthy to grace the feast of the Lapithæ and Centaurs, or the nocturnal orgies of a Saturnalian celebration. It was then that there was daily witnessed in this Senate that detailed succession of Senators rising in their places, every morning, the instant the Journal was read, grief on the tongue, joy in the eye, triumph in the heart, to announce some calamity just happened—a merchant failed, a factory stopped, a bank broke, and to foretel greater calamities to come. It was then that the distress orators immortalized themselves, diurnally, on the presentation of a distress memorial. It was then that the chaste and classic metaphor, worthy to charm the ears of a Roman or Athenian auditory, was heard, that the last lick on the head of the last nail in the coffin of Jacksonism, had been struck. A figure of speech in which congruity of images, beauty of diction, elevation of sentiment, and historical truth, vied for pre-eminence, and revived the recollection of those immortal productions—the coffin handbills.

Upon the property of the country, great mischief was for some time done. Stocks of all kinds were made to fall—the price of produce sunk—the rent of money rose—real and personal estate lost a sensible proportion of their value. Many merchants were ruined—several banks stopped payments—but the pet banks, and the safety-fund system, these selected objects of persevering attack—these marked and devoted victims of Senatorial and United States Bank denunciation—they rode out the storm, and live to expose to the world the source of the blow, and the instrument of its infliction. The safety-fund especially, saw in the Senate of the United States, the instrument of the Bank of the United States in waging that ignoble war upon their character and credit, which the bank, through its servile periodical, called a Review, had marked out as far back as March, 1831, and

* The following entry on the Journals of the Senate of the United States, has since been re-examined by Mr. B., and is given as the authority for the opinions expressed by him, with respect to the Virginia doctrine on this point.

MONDAY, APRIL 11, 1818.

"Mr. Giles communicated the instructions of the Legislature of the commonwealth of Virginia, to their Senators in Congress, to endeavor to obtain an amendment to the constitution, respecting the removal from office, by a vote of a majority of the whole number of the members of the respective State Legislatures, their Senators who have been, or may be, appointed to Congress."

again in March, 1832. Mr. B. deemed it due to the cause of truth and justice to present to the Senate, and through it to the public, some extracts from the bank periodical alluded to, that all America should see and know that the Senate of the United States, in arraigning the Albany regency—in attacking the credit of the safety-fund banks, ascribing the origin of their system to political motives, and holding up the Bank of the United States as the corrector of that system of banks—the preserver of the property of the people—the guardian of the political purity of the State of New York, and the frustrator of the safety-fund scheme, was only following a lead that had been given it, and was, in fact, acting under the auspices, obeying the impulsion, and promoting the designs, political and pecuniary, of the Bank of the United States. The following are the extracts:

From the March No, 1831.

"Let us, for example, suppose that a system of banking was adopted for a State, by which, under the color of guarding the public against their insolvency, those institutions were subjected to a surveillance and control which were calculated to make them feel their dependance on the State Governments; and when this plan was matured, to make them obsequious to its will. Would not every friend of the political purity of the State, and the independent spirit of its citizens, wish to see a scheme of this character frustrated? And, what means so conducive as the Bank of the United States?"

From the March No., 1832.

"Besides these contrivances to consolidate the banking system of that State into one great machine, a further concentration of power is obtained, and vested in a few individuals (regency) around the seat of Government, by means of that portion of the public revenue appropriated to the redemption of the canal loans. * * * * * * This institution is in the hands of a few leading men of the prevailing party in that State; and in the incorporating of the new banks, for several years past, efforts have been made to provide, in the distribution of stock, for such as fraternize with them in political sentiment in the places where the new banks are located; so as, in general, to give them (the regency) a control over them. The consequence has been, that an undue share of banking influence has been concentrated in the hands of the dominant party, and they now stand ready to control the banking system of the State, or in case the United States Bank be not re-chartered, to take upon themselves the transaction of the exchange business," &c.

We have, indeed, said Mr. B., passed through a strange, eventful scene, so checkered with unreal and illusive representations, that the shadowy figures of the magic lanthorn, or the phantasmagoria of bewildered senses, could not leave a more confused sensation of mock and mimic images upon the mind. We constantly saw and heard things so extravagant and incredible, that it required an effort of the reason to convince ourselves that we did see and hear them. At the opening of the session, in the midst of calm and tranquillity, when patriots and sages would have labored to maintain the quiet and happiness that prevailed, we were saluted with the cry of a revolution! and the immediate impending ruin of every thing sacred and valuable. The first sentence of the first speech, in favor of the impeachment resolutions, proclaimed the country to be in the midst of a revolution! with the portentous declaration, "hitherto bloodless!" as if the shedding of blood had with difficulty been restrained up to that time, and its fatal commencement was then to begin. Such was the opening of the session of the Senate of the United States; of that body which ought to be the most grave and sober upon the face of the earth. Such was the opening; and from that moment the whole action of the body seemed to be directed to produce the revolution, and the bloodshed, and the ruin, which had been proclaimed. For some time these deplorable labors seemed to be but too successful. Consternation pervaded the country; terror invaded the stoutest hearts; agitation shook cities and States. The work seemed to be accomplished, and the encouraging whisper was heard in this chamber, Revolutions never go backwards! But, happily words cannot make revolutions. They break no bones, however hard they are; they spill no blood, however sharp. Catastrophies, and especially bloody catastrophies, can alone make revolutions; and the nineteenth century is not the age in which people kill themselves, or get others to do it, to fulfil predictions. The catastrophies would not come. The elections went over—the jubilees passed by; the tocsin orators had sounded their last peal; and no blood was shed. A few banks broken; some merchants ruined; the Sabbath abolished; and that was the sum total of the incidents and trophies of that redoubtable revolution which had been proclaimed from the Senate floor, and which was to end in the destruction of every thing sacred and valuable.

Two incidents in this drama, Mr. B. said, deserved the distinction of a particular notice; namely, the manner in which the Senate received the news of the abolition of the Christian Sabbath, and of the President's intention to attack the Senate with an armed force. A Senator from one of the oldest States, rising in his place, and evidently much affected by the awful occurrence which he was about to communicate, related what had happened to the Sabbath, precisely as he had heard it at Baltimore, in stepping out of a steamboat, in presence of a multitude, "such as no man could count." An elder of the Presbyterian church was his informant; and the fact admitted of no doubt; "for in times of revolution there are no Sabbaths;" and this was a revolution, the actuality of which having been vouched on the Senate floor, could not be doubted in the body of the Senate; so that in this nineteenth century, and in this America, the Christian Sabbath seemed to be as clean gone as it was in France during the sad revolution in that country, and when the architects of ruin, as Edmund Burke called them, abolished the seventh day, and established their *decadi* the tenth. The annunciation of the Senator was heard with profound emotion in this chamber; and instantly flew across the empire of the Christian world upon the black wings of horror and amazement. Another Senator announced the approach of the military force which was to disperse this august body. The force was to consist of infantry and marines; the latter, doubtless, intended to cut off all retreat from the capital by water; while the land forces would do business on the *terra firma* of the Senate floor. Upon this intelligence, the defensive genius of the Senate was immediately put into requisition. To arm our first door-keeper with the rod and the mace, while the second should lead on the boys and messengers, with sticks and staves, was the plan of defence which it was the prerogative of genius to present to the fearful emergency. Individual Senators took noble resolutions. Some decided that they would be killed, as they sat, like real Romans, in their curule chairs; and it was observed that those who took this resolution began to let their beards grow, that its length and venerableness might provoke, upon some rash soldier, the sudden fate of the sacrilegious Gaul. Others, more impatient, determined to sally forth; to meet the daring host at the front gate; and there to fall, like Constantine Palzologus, the last of the Greek emperors, under a mountain of dead, the useless carnage of his own remorseless sword. Happily the Senate was not put to this direful test of its fortitude and heroism. The day was fixed for the arrival of the armed force: the day came, but the troops did not! and from that hour the revolution lost its march, fell backwards, and vanished! and the Christian Sabbath, recovering its place in the calendar, survives its imminent danger, continues to solace

the pious, to refresh the weary, and to attest to the whole world the respect which American Senators bear to it.

The greatest mistake, said Mr. B., which a politician can make, is to underrate the intelligence of the body of the people. It is also the most common and reiterated mistake into which they fall. It was particularly the mistake of the present day, and of the present Senate. The public intelligence had been manifestly and grossly underrated in the great experiment which had been made upon it. The credulity and the ignorance of the people is not what such an experiment presumes. Few among them who will not see, eventually see, and that with shame and resentment, the theatrical efforts made on this floor to alarm and agitate them. The time is at hand when this long list of "gorgon's heads and chimeras dire"—revolution, bloodshed, seizure of the Treasury, union of the purse and sword, invasion of privileges, overthrow of the Senate, war upon the bank, alarming doctrines of the protest—which have been conjured up, by the madness of ambition, to deceive and distract the public mind, will be viewed by the people at a distance with the same contempt and indifference with which they are now witnessed here. At a distance, our theatrical exhibitions have been formidable; to those present, they were nothing but a grand farce, amusing some, flattering the hopes of others; but deceiving nobody! not even the little misses who came here with their matron mothers, and bearded sires, to witness the performances of the American Senate.

But enough, said Mr. B., enough of this mortifying retrospect. I close the debate on the protest message, and the deposite question, with announcing to the Senate the judgment of the age, and of posterity, which will consign to the most inglorious page of American history, the whole subject which has occupied our deliberations for the last four months.

When Mr. BENTON had concluded—

Mr. POINDEXTER said he had desired to deliver his sentiments on the subject, but that his desire to proceed to the legislative business was such that he should forbear. He was willing to rest his vote on the arguments which had been already offered, and on none with more confidence than on the argument the Senate had to-day heard from the gentleman from Massachusetts, for which he accorded that gentleman his sincere thanks. He should therefore show his desire to expedite the legislative business of the Senate, by refraining from any observations.

The yeas and nays were then ordered on the resolutions.

Mr. FORSYTH asked for a division of the question, and expressed a desire to make some remarks.

Mr. BROWN moved that the Senate now adjourn.

Mr. CLAY asked for the yeas and nays, which were ordered.

The question was then taken, on the motion to adjourn, and decided in the negative—Yeas 12, nays 27.

Mr. FORSYTH then spoke at length, in reply to Mr. WEBSTER.

Mr. WEBSTER briefly replied.

The question was then taken on the resolutions separately, when they were decided in the affirmative, as follows, the vote being the same on each of the four resolutions:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Leigh, Moore, Naudain, Porter, Poindexter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—27.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, King of Alabama, King of Georgia, Linn, McKean, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.—16.

So the resolutions were agreed to, in the following form:

Resolved, That the protest communicated to the Senate on the 17th instant, by the President of the United States, asserts powers as belonging to the President, which are inconsistent with the just authority of the two Houses of Congress, and inconsistent with the constitution of the United States.

Resolved, That while the Senate is, and ever will be, ready to receive from the President all such messages and communications as the constitution and laws, and the usual course of business authorize him to transmit to it, yet it cannot recognise any right in him to make a formal protest against votes and proceedings of the Senate, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the Senate to enter such protest on its Journals.

Resolved, That the aforesaid protest is a breach of the privileges of the Senate, and that it be not entered on the Journal.

Resolved, That the President of the United States has no right to send a protest to the Senate against any of its proceedings.

Mr. POINDEXTER gave notice that he should, on Friday, call up the report of the Committee on the Rhode Island Election.

The Senate then adjourned.

THURSDAY, MAY 8.

PRESIDENT'S PROTEST.

After the Journal had been read—

Mr. KANE rose and said, he had been unexpectedly absent when the vote was taken yesterday on the resolutions submitted by the Senators from Mississippi and Kentucky, with the amendment of the Senator from South Carolina. He asked to be permitted to record his vote on these resolutions; and at the same time remarked, that, whenever a similar indulgence should be requested by any Senator, provided the question should remain unchanged, he, for one, would cheerfully accede to it.

Mr. CLAYTON observed, that he should have no objection to indulging the Senator from Illinois, were it not for the violation of an established rule. When the bill commonly called the Force Bill was passed, two or three gentlemen were absent, who, the next morning, asked leave to record their votes in opposition to it. He suggested these reasons for not according to the gentleman's request, though he did not believe it to be a matter of importance, as the vote could not vary the result.

Mr. MOORE said, he remembered that he was one of those Senators who, having been accidentally absent when the vote was taken on the Force Bill, were anxious to record their votes against it, and were refused the privilege of doing so. He was, however, not particular about the matter, though he thought the request ought not to be granted, as it would be a violation of an established rule. If the Senate adopted the motion of the Senator from Illinois, he should make a similar motion to record his vote on a question taken when he was unexpectedly absent.

The motion of Mr. KANE was then rejected without a division.

MEMORIAL FROM BOSTON.

Mr. BENTON presented a memorial from the city of Boston against re-chartering the Bank of the United States, and against the restoration of the deposites, and expressing the opinion that the affairs of the bank might be wound up without necessarily producing general embarrassment, or any evils the apprehension of which should prevent the National Legislature from discharging a great debt to the present age, and to posterity, by permitting that institution to

expire upon the limitation of its charter. He said that the memorial was very numerously signed, the letter which accompanied it stating the number at upwards of three thousand, and from his information and belief, comprised a mass of intelligence and respectability which entitled the opinions expressed to the highest regard. Mr. B. said that he fully concurred in all the sentiments expressed by the memorialists, but that he would only avail himself of the present occasion to present some considerations in favor of the concluding sentiment expressed by them.

That sentiment was the expression of a belief that the affairs of the bank might be wound up, upon the expiration of its charter, without necessarily producing any general embarrassment to the community. The belief, thus expressed, by a body of citizens so numerous, so intelligent, so respectable, inhabiting a great city, and possessing ample means to judge of the subject, and solemnly addressed to the National Legislature, was itself an argument, and a very strong one, in favor of the truth of their position. It was, however, susceptible of being sustained by extrinsic arguments; and of these, he would present one or two to the consideration of the Senate.

The winding up of the affairs of the bank, Mr. B. said, would affect the community at two points, namely: the collection of debts due the bank, and the retirement of its notes from circulation. He spoke first of the collection of these debts, and said, that in addition to the two years allowed by the charter for the bank to use its corporate faculties in collecting its debts, and closing its affairs, the institution might take as much more time as it pleased, by having recourse to the ordinary and well-known alternative of all corporations on the eve of dissolution, that of creating trustees, and putting its affairs into their hands. All corporations acted in this way, that choose to do so. The first Bank of the United States had done so, and had not finished the collection of its notes in a dozen years after its dissolution. The present bank might act in the same manner, and was certainly bound to do so after the extraordinary manner in which that institution had increased its loans after it began to have reason to believe that its charter might not be renewed. There could, therefore, be no necessity for oppressing the debtors to the bank by forcing them to pay up their loans at the expiration of the charter. The available means of the bank would enable it to pay up its deposites, and redeem its circulation, and the debts would chiefly be used for the reimbursement of capital to the stockholders; and as these debts, when secured, would be bringing an interest to the stockholders, they would have no other inducement than other creditors have, to proceed harshly and rigorously against its debtors.

On the next point, the withdrawal of the notes of the bank from circulation, he, Mr. B., believed that the community need not fear any necessary embarrassment from that measure. The amount withdrawn would probably be much less than was generally imagined, and the void, if any, might be filled—ought to be filled—and probably would be filled, with something very preferable to any description of bank notes whatsoever. The bank had about seventeen millions of notes in circulation; and it had about eleven millions specie in its vaults. The difference was about six millions; so that a diminution of six millions was all that the community had to apprehend, as the eleven millions of specie now in the bank would all be paid out, either in refunding deposites, taking up notes, or returning the capital to the stockholders. A diminution of six millions is all then that will have to be provided for; and we have the facts in hand, said Mr. B., which authorize us to affirm that this diminution will be far more than provided for by importations of foreign specie. These importations, in the last five months—he might say four months, for some of the custom-house returns, especially that of New Orleans, were only to the first of April. These importations for that brief period amounted to near eight millions of dollars. Upon this point, he (Mr. B.) had the satisfaction to speak with certainty and precision; for the Secretary of the Treasury, Mr. Taney, with a view to ascertain the specie resources of the country, had given orders for the weekly returns of specie imported and exported since the first of December last. These returns presented the gratifying result of about seven millions eight hundred thousand dollars imported, and less than a quarter of a million, to wit, $229,918 exported. Here, then, was the void filled at once, or rather provided for, before it occurred; and long before the expiration of the charter, the importations of specie, and the product of our own gold mines, now estimated at two millions per annum, will make up the deficiency, not once, but three or four times over. Mr. B. said that a brief measure of legislation from Congress, if Congress could only find time to legislate, would supply the country with an adequate currency of gold and silver; he alluded to the palpable object of raising the standard of gold, and making foreign coins current at their fair money value. These measures, the work of a few days' legislation—if we could only spare a few days to the business of the people—would fill the country with gold and with silver. They would increase the importations, great as the importations now were, and would retain in the country a great part of what was imported; they would also detain for circulation the mass of our native gold, the whole of which was now exported. Mr. B. therefore held that the memorialists from Boston were well justified in expressing the opinion, that the dissolution of the bank, and the winding up of its affairs, would not, necessarily, produce any general embarrassment to the people of the United States. After a few more remarks to show that the Bank of the United States had diminished the quantity of circulating medium, especially in the South and West, by collecting and carrying off more specie than she furnished notes, Mr. B. concluded by the usual motion to read, print, and refer the memorial.

Mr. EWING did not concur with the Senator from Missouri, in regard to the exportation and importation of specie. He had made the charge that the whole exportation of specie had been made by the bank; but the specie had not been exported without something returning in its place, and specie itself was an article of commerce.

As to regulating this commerce in specie, by law, Mr. E. thought that no laws could prevent it. They might cause the importation of silver to be greater than that of gold, or *vice versa;* but they could not prevent exportation; it had been attempted in other countries, and wherever it had been attempted, it had failed. The exportation of specie would have taken place, if the Bank of the United States had not existed. If there was no bank, the merchants would export specie to pay their debts. Now, the bank gave drafts on Europe to pay those debts, and had exerted an equalizing power; but the amount of gold and silver exported in a long series of years would be exactly the same, whether or not the bank existed. The bank, however, had collected and exported cheaper, and on better terms, than would be done by private merchants. Did the gentleman suppose, if the bank did not exist, that specie would have remained and circulated in a greater degree in the Western country. How was it before the Bank of the United States existed? Why, the specie was carried up the country from New Orleans on pack-horses. It found its way eastward, and would do so again. The only difference between the period to which he had referred and the present, was, that now it reached the East by a cheaper mode of transportation. It went there, and would continue to go there. But the Bank of the United States had not exported all the specie. The State banks had

had their share in this matter. He did not know how it was at present, but last summer the State banks had carried off the specie by wagon loads. The fact was, that we exported articles from New Orleans which brought specie to that place, and imported articles at the Atlantic cities which required to be paid for in specie. Specie would therefore always find its way from New Orleans to the Atlantic cities. Take away the facilities afforded by the bank, and the merchant would have to pay both for the time and cost of transporting that heavy article, specie. The censure passed by the honorable Senator from Missouri was not just; he (Mr. E.) felt satisfied that the honorable Senator had misunderstood the operations of the bank.

Mr. E. said that the Senator from Missouri had replied to statements which he (Mr. E.) had never made. He (Mr. E.) had stated distinctly that it was in the power of the people of this country to have either a gold or silver currency; but that they could not prevent the exportation of one or the other of these articles. He had said nothing to convey the idea that this country could not have a metallic currency. He had long known that the low price of gold was the cause which deprived us of it. The honorable Senator from Missouri seemed to think that he (Mr. E.) contradicted the fact, that a large amount of specie had been taken from the West. He had not done so; he had admitted the fact, but had said that if the bank had not taken the specie, it would have been withdrawn in the ordinary way of commerce.

The Senator from Missouri had also stated that the amount of specie taken from the Western country was in addition to the amount carried away through the medium of commercial transactions. Where was the evidence of this? Such a procedure was againt the nature of things; was a violation of commercial principle, and required proof. He asked if the bank had never sold bills payable in the Eastern cities; if the bank had not saved merchants the expense of exporting specie. How was it? In the case of a simple mercantile transaction, the merchant bought drafts at the bank, with which he paid his bills in New York or Philadelphia. Otherwise he would have to carry the money by wagon, or by packhorse, as the amount might require. The bank having sold its drafts to the amount of ten thousand dollars, sends the money through New Orleans, by steamboat, to Philadelphia. The country lost nothing by this, and he did not see how that abstraction by the bank was over and above the regular mercantile abstraction. For this specie the Western country must have received an equivalent. What was it? Why, the paper of the Bank of the United States, which paper sold in his part of the country at a premium for specie. But the honorable Senator had said that the bank had violated its charter by selling specie. He was not disposed to discuss that subject now. The question was, whether the country was injured by the transactions of the bank. The gentleman had asked whether he (Mr. E.) sustained the Bank of the United States in withdrawing specie from New Orleans. No, he had been complaining, all the winter, of the Executive act which had compelled the bank to do so. The gentleman had made a small mistake in his estimate of the settling of the affairs of the bank; he had forgotten eight millions of stock, which was held by parties in the West. That would be withdrawn; and it would be a long time ere confidence would be restored in the monetary system. It would be restored in time—the wound would heal itself. Mr. E. understood the gentleman to blame the bank for taking away specie, not in the course of trade, and then taking its notes in the course of trade. The whole subject of complaint was, that the bank became the carrier of money from one part of the country to another, instead of another and a more expensive agent being employed.

Mr. BENTON. He complained of the bank dealing in coin, first, because it was a breach of the charter; secondly, because it was a positive injury to the country, converting the bank into a great shaving shop for specie, and enabling it, by its capital and organization, to monopolize that article, to raise its price, to convert it into a commodity of merchandise, and to export it from the country. This was what the bank had done. Up to 1832 it had collected above forty millions of specie from the States where she had branches, and sold or exported a large portion of it. It had collected the greatest part of this sum from the South and West, say twenty-three millions up to May, 1832, and several millions since. In place of this specie carried off from the South and West, the bank had issued small notes and checks, chiefly five and ten dollar notes, and these had fallen into the current of trade, and flowed to the northeast; so that the South and West lost both their specie and their paper by the operations of this bank. It may have issued fifteen or twenty millions of paper in the South and West, of which very little now remained in those sections of the Union, perhaps not more than three or four millions, while the specie taken away certainly amounted to twenty-three millions two years ago, and probably amounted to thirty millions now. Certain it was, that near a million of specie was taken from New Orleans last winter, which certainly depressed the money market there, and contributed to that depression in the price of flour and bacon which the Senator from Ohio [Mr. EWING] mentioned a few days ago. Mr. B. did not complain of the specie which went from New Orleans and the West in the course of trade; what was incident to commerce must be borne with, and is not to be counteracted by law; but he complained of the Bank of the United States for adding its vast operations to those of commerce, and carrying off twelve or fifteen millions from New Orleans, which that city ought itself to use and distribute through the channels of its own trade. These twelve or fifteen millions, thus taken off by the bank, diminished the ability of the city of New Orleans to purchase Western produce, and was thus an injury to the whole West. It also diminished the supply of specie at that place, from which place the Western country received those metals. Mr. B. repeated, it was not of the operations of commerce that he complained, but of the operations of the bank, which had engaged in the specie trade in violation of its charter, and by its capital and organization, had deprived the South and West of, probably, thirty millions of specie, substituting a large issue of small notes and checks in place of that specie; these notes and checks had chiefly gone off to the Northeast; and thus the South and West, by the operations of the bank, had suffered an actual diminution of more than twenty millions of their circulating medium.

The memorial was referred and ordered to be printed.

PRESIDENT'S PROTEST.

Mr. CLAYTON, who voted with the majority on the rejection of the motion of Mr. KANE, to allow him to record his vote on the resolutions of yesterday, moved a reconsideration of the vote taken on that motion—Mr. MOORE also withdrawing his opposition to it; and after a slight discussion between Messrs. CLAYTON, MOORE, EWING, PRESTON, and CALHOUN, the Senate refused to reconsider the vote.

CUMBERLAND ROAD.

On motion of Mr. HENDRICKS, the Senate proceeded to the consideration of the bill for the continuation of the Cumberland road—Yeas 15, nays 10.

Mr. HENDRICKS moved to amend the bill by striking out the sum of $662,400 and inserting $652,130.

After a discussion by Messrs. HENDRICKS, FORSYTH, PRESTON, WHITE, and SOUTHARD,

Mr. SWIFT submitted as an amendment to the amendment, "that, as soon as the sums appropriated by this act shall be expended, the road shall be surrendered to the States through which it passes, and that the United States shall not be subjected thereafter to any further expense on its account."

This amendment was then carried without a division, and the question being taken on the amendment as amended, it was carried; whereupon the bill was ordered to be engrossed—yeas 21, nays 13, as follows:

YEAS.—Messrs. Benton, Ewing, Frelinghuysen, Grundy, Hendricks, Kane, Kent, Linn, McKean, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Southard, Swift, Tallmadge, Tipton, Tomlinson, Webster.—21.

NAYS.—Messrs. Black, Brown, Forsyth, Hill, King of Alabama, King of Georgia, Leigh, Moore, Naudain, Preston, Shepley, Tyler, White.—13.

On motion of Mr. POINDEXTER, the Senate took up the bill authorizing the relinquishment of the 16th sections of public lands granted for the use of schools, and the location of other lands in lieu thereof: the bill being on its third reading, it having been laid on the table on motion of Mr. POINDEXTER.

Mr. CLAYTON having suggested that this bill, being an important measure, would doubtless occasion some discussion at a late hour in the day, and that there was Executive business requiring the action of the Senate,

Mr. POINDEXTER moved to recommit the bill to the Committee on Public Lands; which motion was agreed to.

On motion of Mr. CLAYTON, the Senate proceeded to the consideration of Executive business; and when the doors were opened,

The Senate adjourned.

FRIDAY, MAY 9.

MEMORIAL FROM RHODE ISLAND.

Mr. KNIGHT said: Mr. President: I have been requested to present to the Senate the memorial of 2,238 mechanics and artisans of the State of Rhode Island, who feel the pressure of the times, perhaps, with as great if not greater severity than any other class of the community. The daily bread of many of them depends on their industry and employment. It is true that many of these memorialists have a habitation and a home—a shelter for themselves and families—but their chief means of support is derived from the sweat of their face. It is also true that many of them are now unemployed, except to a small extent, compared with former years, and when employed, their wages are greatly reduced, and, consequently, their means of living more uncertain.

Sir, these memorialists are among the most useful classes of society; their business, collectively, embraces almost all the useful arts of civilized life. Whatever is necessary or convenient, or adds to the comfort and happiness of man, is the work of their hands. Among these memorialists are inventors and projectors of many useful machines, now in use in the various manufactories of the country, and others are men who carry out the designs of the great geniuses of the age in which they live. Without such men the inventions of an Arkwright, of a Watts, and Fulton, would have been useless and almost unknown; but by their skill and ingenuity the inventions of those great men have been improved and established, and are now the wonder and delight of the age in which we live. It is deeply to be regretted that so much skill, ingenuity, and capital, should be paralyzed by the hand that should have fostered and protected them. Although suffer they have, and suffer they must, I hope and trust they will survive this wreck of matter, and that their ingenuity, skill, and industry, will not be lost to their country, nor to themselves, but that the time will come when they will revive, and the just hopes and expectations of the memorialists shall be realized, and they shall not only know, but feel, their country's respect and gratitude.

I will not detain the Senate with a recapitulation of the statements of the memorialists, but will notice one fact only. They state that 50,000 cotton-spindles were stopped at the time of subscribing the memorial: at this time a greater number are in that condition—100,000 have tried the experiment, and now are standing still. The memorialists tell their own story, and have made several statistical statements of great interest, which I move may be read, and the memorial printed, and referred to the Committee on Finance.

After some remarks by Mr. ROBBINS, the memorial was read, referred, and ordered to be printed.

Mr. WEBSTER, from the Committee on Finance, reported the bill from the House of Representatives making appropriations for the army for the year 1834, with two amendments; and moved that the Senate proceed to its consideration; which was agreed to.

The amendments were an appropriation of $2,000 to certain Michigan militia, to compensate for the expenses of the late war with Black Hawk.

Also, $700 to Captain McGeorge's company of Indiana militia, for services in the same war.

The bill being considered as in Committee of the Whole, these amendments were agreed to.

Mr. BENTON then offered an amendment, appropriating $968 79 for arrearages of pay and subsistence to Col. A. R. Woolley.

Mr. WEBSTER had no objection to the item; but he thought it a case of claim, and preferred that it should be made the subject of a private bill.

Mr. TIPTON was not opposed to the allowance, but he was unwilling to embarrass the military appropriation bill with a claim.

Mr. BENTON explained the nature of the case. It was not properly a claim, but arrearages of pay, to supply an outstanding deficiency; and it had been submitted by the Military Committee, in accordance with the recommendation of the Secretary of War, to incorporate it in the general appropriation bill.

The amendment was disagreed to, on a division: yeas 11, nays 16.

The rules being suspended, and the bill having been ordered to be engrossed, it was read a third time and passed.

The bill for the preservation and repair of the Cumberland road was then read a third time and passed.

On motion of Mr. HENDRICKS, the title was amended, by inserting the word "repairs," and striking out the words, "Indiana, Ohio, and Illinois," so as to leave the title "A bill for the making and repairs of the Cumberland road."

Mr. CLAYTON reported a bill, the object of which was, to reform the treatment and discipline of criminals sentenced by the United States courts, and confined in the jails and penitentiaries of the States.

Mr. WILKINS said there could be no objection to the bill. There was now a want of harmony between the treatment of prisoners sentenced by the United States courts and those who were sentenced by the States. The criminals sentenced by the United States courts were now allowed to go about the prison idle, and it was desirable that they should be kept to labor, and treated in all respects in the same manner as the other prisoners.

The bill was read a first and second time, and ordered to be engrossed for its third reading.

The Senate then took up the resolution to meet at 11 o'clock for the remainder of the session.

Mr. GRUNDY objected to the adoption of the resolution. The Post Office Committee, of which he was chairman, were engaged in a most laborious and extensive in-

vestigation, and the time now afforded them was scarcely sufficient for the purpose, and if they were compelled to meet in session at eleven, it would be impossible for them to do what was necessary or expected of them by the Senate.

Mr. TIPTON'S object was to facilitate business, and he thought most of the business now to be acted on was in the form of bills, but he had no objection that the resolu- should be laid on the table.

On motion of Mr. EWING, the resolution was laid on the table.

The resolution setting apart Fridays and Saturdays, during the remainder of the session, for the consideration of private bills exclusively, was taken up for consideration, and after some conversation between Mr. WEBSTER and Mr. HENDRICKS, it was adopted.

TERRITORY OF MICHIGAN.

The Senate then proceeded to consider the bill authorizing the people of Michigan Territory to form a separate State Government.

Mr. EWING moved to lay the bill on the table, as the Senate was thin, and the subject was important.

Mr. TIPTON urged its consideration without delay, and asked the yeas and nays on the motion; which were ordered, and are as follows, to wit:

YEAS.—Messrs. Brown, Calhoun, Clayton, Ewing, Frelinghuysen, Knight, Naudain, Porter, Prentiss, Robbins, Silsbee, Smith, Southard, Sprague.—14.

NAYS.—Messrs. Bell, Benton, Black, Grundy, Hendricks, Hill, Kane, Kent, King of Georgia, Linn, McKean, Shepley, Swift, Tallmadge, Tipton, Tomlinson, Webster, White, Wilkins, Wright.—20.

So the motion was decided in the negative; and the bill, and also an amendment submitted as a substitute for the whole bill, were then considered.

Mr. TIPTON said he would not disguise the fact, that he felt more than an ordinary solicitude for the passage of the bills admitting the people of Michigan and Arkansas Territory to form constitutions, and for their admission into the Union of the States. His anxiety was increased by having had charge of their applications from an early day in the session. It would be recollected by the Senate that he introduced bills for their admission some months ago. These bills were referred to a select committee, of which he had the honor to be chairman. The committee was divided in opinion, and the subject was suspended by circumstances beyond his control, for months, and finally a majority of the committee instructed him to report an amendment to strike out the bill from the enacting clause, an insert an amendment authorizing the taking of the census. The census thus taken, is to be laid before Congress at its next session.

This amendment, if adopted, would be dilatory in its effects, and would postpone the decision to one year. To this he hoped the Senate would not give its sanction. He had prepared an amendment authorizing the taking of the census by the United States marshals for each Territory, and if there are 47,700 inhabitants, federal numbers, in both or either Territory, the Governor is to lay off districts and order an election of delegates to form a constitution. What could be said in favor of one of these Territories might as truly be said of the other, and his amendment, if adopted, placed the admission of both on equal grounds, depending on the contingency of each Territory having 47,700 inhabitants, the same population that entitles a like number to a representative in Congress from the other States. He was at a loss to see how the Senate could reject a proposition, in itself so just. The ordinance of July, 1787, for the government of the Territory northwest of the Ohio river, may be called the foundation of good government in that country. This ordinance provides the means of education, regulates the descent of property, and holds out inducements to young men to emigrate to the West. Article 5 provides that the Northwest Territory shall be divided into not less than three, nor more than five States, as Congress might deem proper. The western State to be bounded by the Mississippi, the Ohio, and Wabash, and a due north line from post St. Vincennes to the Canada line. The middle State bounded by the north line, the Wabash, the Ohio, and a line drawn due north from the mouth of the Great Miami. The eastern State by the last mentioned north line, the Ohio, Pennsylvania, and the Canada line, and each State to be not less than 100 nor more than 150 miles square. The ordinance also provides that Congress shall change the boundaries of these States, if found expedient, and to form one or two States north of an east and west line drawn through the southern extremity of lake Michigan; and whenever any of the said States shall have 60,000 inhabitants, it shall be admitted into the Union on an equal footing with the original States in all respects whatever. The same ordinance also goes on to say, that so far as it may be consistent with the general interest of this confederacy, States may be admitted at an earlier period and with less number than 60,000. In 1805 the Territory of Michigan was organized, north of an east and west line drawn through the southern point of lake Michigan. The three first-mentioned States, Ohio, Indiana, and Illinois, have been admitted, and in forming the State of Indiana, ten miles were taken off the south of the Michigan Territory and added to Indiana. The bill now proposed to admit Michigan and Arkansas both at the same time. In 1832, the question of applying for admission was submitted to the people of Michigan; they decided by a very large majority in favor of establishing a State Government.

I find, on examining the population of other Territories that have been admitted, that the Territory south of the Ohio, now State of Tennessee, had a population of

	Population.	Year.	Admitted.
Tennessee, - -	35,791	1790	1796
Ohio, - -	45,365	1800	1803
Louisiana, - -	20,845	1810	1812
Indiana, about -	50,000	1616	adm't that y'r.
Mississippi, - -	40,352	1810	1818

Kentucky, Alabama, Maine, and Missouri, when admitted, had less than Michigan and Arkansas. Five Territories were admitted on less population than these Territories have, and four had a greater population.

Arkansas had 41,000 one year ago, and Miller county not included.

It is not a matter of surprise that the people of the Territories should be anxious to form State Governments. This is always the case. The Federal officers in the Territories depend upon the President and Congress for office and for emolument, and not on the real sovereigns, the people; and, in his opinion, the people acted wisely in submitting to the burden of State Government, for the dearest right of freemen, that of choosing their rulers. The people of that Territory made application to the last Congress, but it was not acted on. Their Legislative Council sent us a memorial, and Mr. T. hoped the Senate would not longer neglect to do these people justice. The tide of population, like the tide of our Mississippi, he said, was continually rolling westward—nothing could prevent it. We might retard the growth of the West, by refusing them the protection of our laws, but it would progress westward to and beyond the Rocky mountains. A large proportion of the emigrants of this day were graduates from your colleges in the Eastern States, and nothing was so animating to a young adventurer, as to know that as soon as he locates in a Western Territory, it will be admitted into the Union, and that he will be eligible to the highest office in the State.

Mr. T. said we might as well undertake to stay the hand of time as to prevent the growth and power of the free-

men that will inhabit the valley west of the Allegany mountains, and between the great Lakes and the Gulf of Mexico. Already a settlement on the west bank of the Mississippi, north of the State of Missouri, has laid on our tables a petition praying Congress to extend the protection of our laws over that country. We owe it to our constituents, to our country, and selves, that our legislation should keep pace with our population and the extension of our settlements; and he hoped, before Congress adjourns, we will authorize the admission of Michigan and Arkansas, and form the territorial government of Wisconsin. In this territory the Indian title has been extinguished to twelve millions of acres of land that will soon be in market.

Mr. CLAYTON said he had no objection to the bill, but the question of settling the northern boundary line of Ohio was before the Judiciary Committee, and he thought this bill ought not to be passed till that was settled.

Mr. BLACK said he saw no provision in the bill exempting the public lands from taxation for five years. There were also some other amendments not in the bill, which he deemed it very proper should be put in it.

Mr. TIPTON said he had no objections to any amendments which might be thought proper.

On motion of Mr. CLAYTON, the bill was then laid on the table for the present.

The Senate then proceeded to consider the bill granting a township of land to certain

EXILES FROM POLAND.

Mr. POINDEXTER moved to amend the bill by requiring one settler for every five hundred acres, instead of three hundred, as provided for in the bill; which was agreed to.

Mr. LINN then moved an amendment to insert "Missouri," so as to authorize the location in that State, if the President shall think proper.

Mr. POINDEXTER said, that these exiles preferred a location in a non-slaveholding State.

Mr. LINN remarked, that his wish was not to restrict these persons; he rather wished to give them a greater latitude for their choice.

The amendment was not agreed to.

Mr. KANE was opposed to the bill. In its present form it would authorize a location on the Galena lead mines. He did not approve of the preference given to these people over our own citizens, and he, for one, was unwilling to make the discrimination. He therefore moved an amendment, confining the location "to lands subject to sale at private entry."

The amendment was not agreed to.

Mr. HENDRICKS was opposed to the bill. He was willing to sell these persons the land at a minimum price, on a long credit, but not to give it to them. A case of foreigners, similarly circumstanced, existed in Indiana. A large number of emigrants from the cantons of Switzerland settled there, in the most abject poverty, and having devoted themselves to the cultivation of the vine, by industry and economy they had accumulated a respectable property. He merely suggested the plan of sale, on extended credit, to the chairman of the Committee on Public Lands.

Mr. PRESTON and Mr. SHEPLEY made a few remarks, the former in favor, and the latter against, the bill; when it was ordered to be engrossed for a third reading.

The bill to provide for the legal adjudication and settlement of the claims to land therein mentioned, was then taken up; upon the consideration of which, a considerable debate ensued.

Mr. SHEPLEY moved to amend the bill, by allowing testimony to be taken in courts of justice; upon which the yeas and nays were ordered.

YEAS.—Messrs. Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, Moore, Preston, Shepley, Tipton, Tyler, White, Wilkins, Wright.—16.

NAYS.—Messrs. Benton, Black, Clayton, Ewing, Frelinghuysen, Kent, Naudain, Poindexter, Porter, Prentiss, Robbins, Smith, Southard, Sprague, Swift, Tallmadge, Tomlinson, Waggaman, Webster.—19.

The question was then put upon ordering the bill to be engrossed, and decided by yeas and nays, as follows:

YEAS.—Messrs. Benton, Black, Calhoun, Clayton, Ewing, Frelinghuysen, Grundy, Hendricks, Kane, Kent, King of Alabama, King of Georgia, Knight, Linn, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster, Wilkins.—29.

NAYS.—Messrs. Brown, Forsyth, Hill, Moore, Shepley, Tallmadge, Tipton, Tyler, White, Wright.—10.

Mr. CALHOUN moved that when the Senate adjourn, it adjourn to meet on Monday.

On this question the yeas and nays were ordered, and the question being taken, it was decided in the affirmative: yeas 26, nays 14.

The Senate then adjourned.

MONDAY, MAY 12.

NEW YORK, PENNSYLVANIA, AND MICHIGAN MEMORIALS.

Mr. WEBSTER presented a memorial from citizens of Rochester, in the State of New York.

This memorial, said Mr. W., is signed by 1,371 persons, and, I am authorized to say, contains the names of persons who have been heretofore friends and supporters of the present Executive. The city of Rochester is one of those new creations which have sprung up, in western New York, as by a sort of enchantment. Some twenty years ago, it was a wilderness; it is now a city, of twelve thousand inhabitants. With vast water power at command, and a great wheat country around it, it is naturally a place for extensive manufacture of flour. The manufacturers of this important article find themselves greatly embarrassed by the state of public credit. A great portion of the signers of the memorial are mechanics, and they suffer from loss of employment. The memorial declares that the value of products is diminished; the usual means of obtaining credits cut off; business suspended; the demand for labor diminished; and the undertakings and enterprises which promised benefit to the community suddenly arrested.

I have some knowledge of some of the persons whose names are to this paper; and I have received assurances of the respectable character of others. Their representative in the other House is so capable of doing them justice, in all respects, that I need not dilate on the various topics of the memorial. I have no doubt of the truth and accuracy of their statements, nor of the correctness of their judgment in assigning their suffering to the removal of the deposites. In this respect, I believe a great majority of the country concurs entirely with these memorialists; and it seems strange to me that any intelligent and well-informed person can entertain a different opinion.

Mr. W. next presented a memorial from the citizens of Mifflin county, Pennsylvania. This memorial, he said, was on the same subject, and expressed similar sentiments as the preceding. It prayed earnestly for relief. The county of Mifflin, said Mr. W., is a central county of Pennsylvania; its products are those of agriculture, and of the manufacture of iron. Every body knows the character of the Juniata iron, and this is one of the counties in which it is made. I have received this memorial from a committee appointed to transmit it, composed of persons whom I believe to be very respectable. I am assured, sir, that the produce of this county, including

iron, has sold for half a million of dollars a year. It is supposed that this produce has fallen twenty per cent., so that the loss to this county, in one year, by this depression of prices, is no less a sum than one hundred thousand dollars. It is believed too, sir, that if it were thought that memorials, remonstrances, and petitions, would influence the determination of Congress, two-thirds of the citizens of Mifflin county would be found uniting in making application to Government, although it is a county which has been strongly in favor of the present administration. The pressure of the times has fallen on them with great force, perhaps with peculiar and extraordinary force, from the nature of one of their leading pursuits. These memorialists think that the removal of the deposites, with the panic and loss of confidence thereby occasioned, is the obvious and true cause of the difficulties under which the country labors; and they earnestly hope Congress will not delay proper measures of relief. They think a national bank necessary to a sound and well-regulated currency, and they see no wisdom in trying uncertain and dangerous experiments. These memorialists, sir, are free and independent citizens; they are among the great body for whose good government is established. They are tax-payers, and support Government cheerfully, in all its just and necessary measures. But then, they think that Government is made for the people; that, in its administration, regard should be had to nothing but the public good; and that they have a right to expect such a course of proceeding, by Government, as shall not reduce the value of their property or their labor, or derange the credit and business of the community, or essentially interrupt their industry and prosperity. It seems to me, that this is a reasonable expectation, and no more than a reasonable expectation: and I assure these worthy citizens of Mifflin county that, for one, I shall persevere, with unabated zeal, till the currency of the country is restored, till property resumes its just value, and till American industry shall be again made sure of its honest earnings.

Mr. McKEAN asked if Mr. WEBSTER would read the names of the committee.

Mr. WEBSTER then read their names as follows, viz. William Mitchell, Jacob Haller, sen., C. Hoffman, George W. Patton, James Culbertson, Jas. T. Hall, John I. McCoy. I presume, said Mr. W., that the honorable member from Pennsylvania knows these gentlemen, or some of them.

Mr. McKEAN said, he knew some of the gentlemen, and presumed them all to be respectable.

Mr. WEBSTER said he had yet one other memorial to present, and that came, not from citizens of any State, but from citizens of a Territory. It comes from citizens of Detroit, opposed to the recent measures of the administration in regard to the deposites. These citizens held a meeting, at which a memorial was adopted, which has been signed by nearly four hundred names, and which I now present to the Senate. The memorial is ably and spiritedly drawn, and sets forth the manner in which the great check which credit and confidence have suffered, operates upon the interests of the people of Detroit. The very life-blood of Western enterprise, they say, is credit; and this credit has received a most severe shock. The existing state of things checks emigration into this growing Territory. Emigrants, the memorialists say, are not only less able to buy lands, but less able, also, to incur the expense of removal from other places. It is quite evident, Mr. President, that the present state of things must greatly diminish the amounts received at the land offices, and keep back capital from the new States and Territories. These topics, it will be perceived, the memorial treats fully. But the memorialists have not shut their eyes to the other view of this great subject. They have looked to the question of legality, and they cannot find the constitutional or legal right to remove the deposites, in the manner in which they were removed. They think they daily see an assumption of power; and they cannot approve it. In consequence, they express an earnest hope that the "experiment" may be abandoned, and the public money restored to its proper custody.

The memorials were then referred.

On motion of Mr. WILKINS, the Senate proceeded to ballot for a member of the Committee on Foreign Relations, to supply the vacancy occasioned by the resignation of the honorable Mr. RIVES; and, on counting the ballots, it was found that Mr. CLAY was chosen.

DONATION OF LANDS TO POLISH PATRIOTS.

The bill granting a donation of lands to the Polish Patriots who have been sent to this country by the Emperor of Austria, was announced on its third reading; when

Mr. WAGGAMAN called for the yeas and nays on the question, and they having been ordered, the bill was passed by the following vote:

YEAS.—Messrs. Benton, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, King of Georgia, Knight, McKean, Moore, Morris, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Tallmadge, Tipton, Tomlinson, Webster, Wilkins.—25.

NAYS.—Messrs. Black, Brown, Grundy, Hendricks, Hill, Kane, King of Alabama, Robinson, Shepley, Swift, Tyler, Waggaman, White, Wright.—14.

So the bill was passed, and sent to the House of Representatives for concurrence.

STATE GOVERNMENTS FOR MICHIGAN AND ARKANSAS.

The bill to authorize the people of the Territories of Michigan and Arkansas to form for each a constitution and State Government, came up as the special order of the day; when,

On motion of Mr. EWING to lay the bill on the table,

Mr. TIPTON called for the yeas and nays on the question, and it was decided as follows:

YEAS.—Messrs. Bell, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, King of Georgia, Knight, Moore, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Sprague, Swift, Tomlinson, Waggaman, Webster.—22.

NAYS.—Messrs. Benton, Black, Brown, Grundy, Hendricks, Hill, Kane, King of Alabama, McKean, Mangum, Morris, Robinson, Shepley, Tallmadge, Tipton, Tyler, White, Wilkins, Wright.—19.

So the bill was ordered to lie on the table.

RHODE ISLAND ELECTION.

On motion of Mr. POINDEXTER, the Senate then proceeded to consider the report of the select committee on the Rhode Island election; when

Mr. WRIGHT, in behalf of Mr. POTTER, one of the individuals interested in the result, requested that the subject should be postponed until Monday next, and made the special order for that day.

The request was acceded to by Mr. POINDEXTER, and the consideration of the report was then postponed and made the special order for Monday next.

AMENDMENTS TO THE CONSTITUTION.

On motion of Mr. BIBB, the Senate proceeded to consider the resolutions offered by him some time since, proposing certain amendments to the constitution; and the further consideration of the resolutions was then postponed till Thursday next, and made the special order for that day.

PENSION BOOKS.

On motion of Mr. CLAYTON, the Senate proceeded to consider the report of the Committee on the Judiciary, on the subject of the message of the President concerning the pension books.

Mr. CLAYTON, after some remarks, moved to amend the resolution of the committee, by adding the following words: "except when specially authorized to do so by act of Congress."

So that the resolution may read—

"*Resolved*, That the Department of War is not warranted in appointing pension agents in any State or Territory where the Bank of the United States or one of its branches has been established, except when specially authorized to do so by act of Congress."

The amendment having been agreed to—

Mr. WRIGHT stated that he had intended to make a few remarks, but not expecting the subject to be taken up to-day, he had left his notes at home, and was not now prepared to go into the debate. He would, therefore, if no objection were made, or no other Senator was disposed to speak on the subject, move to postpone the consideration of the subject until to-morrow.

Mr. CLAYTON assenting, the subject was postponed until to-morrow.

AMERICAN STATE PAPERS.

The resolution authorizing the purchase of thirteen copies of the American State Papers, was taken up for consideration.

The resolution was supported by Messrs. FRELINGHUYSEN and EWING, on the ground that the work was indispensable to members of Congress in the performance of their legislative duties; that the work was already printed; and the object was only to supply those new Senators who had not obtained them.

Mr. KING, of Georgia, opposed the resolution on constitutional grounds—that it was taking money out of the Treasury for the purchase of books for the private libraries of members, without an appropriation by law; and that any other work or works might, with the same propriety, be purchased, and to any amount and extent. He admitted that works might be purchased which were necessary for the use of the members in the performance of their public duties, but that they should be confined to the office, and not be given as an absolute property to the officer.

Mr. K. moved to lay the resolution on the table for the balance of the session; which was disagreed to.

Mr. K. then moved an amendment, that the books should be left in the hands of the Secretary of the Senate, by the Senators, at the termination of their service, for the use of their successors; which was negatived.

The question recurring on the adoption of the resolution, Mr. K. asked the yeas and nays; which were ordered, and are as follows, to wit:

YEAS.—Messrs. Bell, Bibb, Clay, Ewing, Frelinghuysen, Hendricks, Kent, Knight, McKean, Moore, Naudain, Poindexter, Prentiss, Robbins, Robinson, Silsbee, Tallmadge, Tipton, Tomlinson, Wilkins.—20.

NAYS.—Messrs. Benton, Black, Calhoun, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, Mangum, Morris, Shepley, White.—13.

So the resolution was agreed to, and it was then ordered to be engrossed and read a third time.

On motion of Mr. POINDEXTER, the Senate proceeded to the consideration of Executive business; when, after spending some time therein,

The Senate adjourned.

TUESDAY, MAY 13.

ADAMS COUNTY (PA.) MEMORIAL.

Mr. McKEAN presented a newspaper containing the proceedings of a meeting of inhabitants of Adams county, held on the 5th April last, disapproving of the course of the Executive relative to the deposites, and recommending their restoration to the Bank of the United States, and a re-charter of that institution.

The CHAIR expressed some doubt as to the propriety of receiving proceedings with no other authority than a mere newspaper publication.

Mr. CLAY said there was no doubt that the original account was in the hands of the member of the other House representing that district. It had been the usage of the Senate to receive proceedings published in newspapers.

Mr. McKEAN presented the original, as read in the other House. He had been especially requested to present these proceedings to the Senate.

The proceedings were read.

Mr. CLAY said he wished to say a few words upon these proceedings. He was exceedingly glad to hear a voice emanating from the interior of Pennsylvania, expressive of the sentiments of that people, with regard to public affairs. These proceedings came from a county, rich in its resources, and numerously peopled by the cultivators of the soil. Mr. C. said he had been given to understand that the meeting was composed of citizens of all parties, and among them a large body of the anti-masonic party. He was glad that that party had subscribed to the resolutions. It was hardly to be supposed that they should countenance a palpable violation of the laws and of the constitution. He was pleased that the anti-masons had joined the rest of their fellow-citizens in recommending what, in his judgment, was the only effectual remedy to relieve the people, to wit, the restoration of the deposites, and the re-charter of the Bank of the United States. We have been laboring here, said Mr. C., for months, to effect this object, but he was sorry that a co-ordinate branch of the Legislature were disposed to differ with us. Mr. C. said single facts illustrate truth better than a speech or argument. He had received a letter from Nashville, enclosing a check drawn by the Patriotic Bank of Washington for $19 87. The failure of that bank had not reached Nashville at the time it was received, but the owner of the draft could not obtain an offer of more than $18 for the amount. The writer, however, of the letter, had advanced the holder (a poor man) $20, and remitted the draft to Baltimore, where he apprehended no difficulty would occur in converting it into cash. As the draft had been remitted by the Post Office Department, he thought the Government ought to make it good. He had been requested to call on the brokers, the only class of men who were making money out of the embarrassments of their fellow-citizens, and dispose of it, although but half the amount should be obtained. He would state another fact. A milk-man had by his industry obtained $1,200, which he deposited in the Bank of Maryland. On the failure of that institution, he sold his certificate of deposite for $700, and placed his money in the Maryland Savings Institution, which shortly after failed; and thus the poor milk-man "jumped out of the frying-pan into the fire." Will not facts like these, said Mr. C., forbid the idea of an adjournment until something should be done? How can gentlemen meet their constituents, when they bear with them no tidings of relief? Sir, said Mr. C., late as it is in the session, I trust something will be done to revive confidence, and restore the sacred character of the laws, and that we may return to the bosoms of a distressed community with the consciousness of having performed our duty. He trusted that a part of this would unite with a portion of the other House to restore the country to its wonted vigor and prosperity.

The proceedings were referred to the Committee on Finance, and ordered to be printed.

NEW JERSEY MEMORIALS.

Mr. FRELINGHUYSEN said: Mr. President, I have been requested to present to the Senate a memorial signed by 1,445 citizens of the county of Middlesex, and city of New Brunswick, in New Jersey, who are friendly to the

present course of the administration—opposed to the re-charter of the bank, and who concur with the late instructions of the Legislature to their Senators and members of the House of Representatives. This memorial is altogether respectful in language, and possesses the uncommon merit of brevity. I hope it will be read, printed, and referred to the Committee on Finance.

I am also charged, sir, with a memorial from 300 citizens of the county of Morris, in New Jersey, opposed to the late rash experiment of the Executive, in the removal of the public moneys from the Bank of the United States; and who believe that duty to the country requires of the President to retrace a step so ill considered, and fruitful of evil. I beg leave further to present the memorial of 241 citizens of Elizabethtown, New Jersey—201 citizens of Livingston, New Jersey—and 100 citizens of Union township, in the same State—all holding the same sentiments of regret and complaint, with respect to the hostile attitude of this administration towards the bank. Mr. President, my fellow-citizens of the Middlesex memorial will find that those, in our common State, whom they are pleased to denominate, in their memorial, "a few bank partisans," are increasing, and, indeed, have already become, a formidable body of freemen.

We have introduced their names to the Senate, not only by hundreds, but thousands, many of whom were, until lately, the friends of the President and the supporters of his policy, and who have been constrained, by causes which they could no longer resist, to oppose a measure whose influence on the prosperity of the country they have seen to be so disastrous. Sir, I feel bound to say, in my place, that, so far from these consisting of "a few" only, they do, in my clear conviction, at this moment, compose a decided majority of the good people of the State of New Jersey; and such, I have no doubt, will be the demonstration of the next fall elections. The process is going on before the people; they are now satisfied that the remedy is with them, and that we can do nothing but raise our solemn protest, as we shall; and they are coming up to the rescue of the constitution with a noble firmness and an ardent patriotism. The issue cannot be otherwise, as I trust, than triumphant, for sound principles and the authority of our laws.

Mr. President, one circumstance, in the discussions of the present session, has struck me with great surprise. We, who have resisted as we could, the late measures of the Executive, have been charged, and by some of our own body, with mere party purposes, and a design of creating and spreading abroad a factitious alarm. At the commencement of our debate, the existence of any distress was denied—when that forced conviction, it was then ascribed to panic, panic; all the work of speeches on this floor, got up for no end but to carry forward party devices! Sir, if I had no other object than one so unworthy, I would say to this administration, Hold on your career—drive on the ruinous expedients which you have adopted, and the sooner will such policy accomplish your total discomfiture. No, sir; it is because we regard the measure as oppressive to the country, and destructive of its commercial prosperity, that we have and do, with pure intentions, seek relief for our constituents. Party designs! why, sir, I believe that, even now, if the President could be persuaded to review his proceedings, and reinstate the public moneys, and restore confidence to trade and enterprise, that he might enjoy a measure of tranquil and general popularity not surpassed since the times of Washington. How was it when the last spring opened upon the administration? The tariff had been adjusted by the noble stand of the honorable Senator from Kentucky, [Mr. CLAY,] for which the American people should never cease to be grateful. The unhappy collisions with our sister State of South Carolina had all been happily accommodated; we shook hands together in peace at the close of the session, and felt grateful to a kind Providence, that had healed our divisions, and restored amity to all our relations. The President, early in the season, had visited the Middle and Eastern States, and was welcomed by all parties with respect, and, I may add, with gratitude. His fellow-citizens rejoiced in an occasion that permitted the expression of their esteem and good will for their Chief Magistrate. Those who expected to re-assemble in our public councils, anticipated, with no common satisfaction, the pleasant duty of harmonious and tranquil legislation. There seemed to be no other prospect, than that we should meet together, and, without distraction or discord, deliberate on the great interests of the country. At such a hopeful crisis it was, that the President was pleased to strike a blow which astounded the whole nation—brought its business to a stand, and suddenly and violently arrested a tide of prosperity, such as we never before enjoyed. And so soon as the public mind recovered from the shock of this measure, it began to denounce it as an inroad upon the law and the constitution. True, sir, the unrestrained presses of party assailed every man who questioned the transaction with the odious calumnies of bank attorneys, bought up friends, and purchased advocates. But the people did not believe it. They knew better, and have, in clear, deep, and indignant terms, repelled these slanders, and besought the party in power to pause.

I rejoice, Mr. President, at the aspect of political affairs with the people. They have too much good sense to decry, or consent to break down, the Senate. They range on our side, sir, and encourage us, unflinchingly, to withstand this tempest of passion and abuse. They console us by the assurance that, however factious presses may deem us, they continue their confidence in the integrity of our conduct, and urge us to an unyielding resistance of power. And, sir, let the administration believe that, however unavailing may be our efforts, we will, as strength shall be granted, set our faces as a flint, and firmly and fearlessly acquit our consciences of the duty which we owe to the constitution and the country.

I move, sir, that these respective memorials be printed and referred to the Committee on Finance.

YORK COUNTY (PA.) RESOLUTIONS.

Mr. FRELINGHUYSEN also presented resolutions adopted by a number of very respectable citizens of Hallam and part of Windsor, in York county, Pennsylvania, opposed to the removal of the deposites and friendly to the United States Bank. Mr. F. said that this meeting professed to embrace all parties, and he was authorized to state that such was its character, and that one of the conspicuous members of the meeting had sustained the Executive, in this late measure, until his own observation of its consequences convinced him of its ruinous tendencies, and prevailed with him frankly to change his own course and endeavor to bring the Executive branch of the Government to wiser counsels. Mr. F. moved that a like disposition be made of these resolutions.

LICKING COUNTY (OHIO) MEMORIAL.

Mr. EWING presented the memorial of sundry citizens of Licking county, in the State of Ohio, praying for the restoration of the public deposites, and re-charter of the Bank of the United States.

Mr. E. said that he could not give the exact number of the memorialists, but it was large, and he believed the memorial expressed the sense of a majority of the people of the county. He said it was stated, by the gentleman who handed him the memorial, that the meeting from which it originated was got up by highly respectable citizens, formerly friends of the present administration. It was done for the purpose of consulting on the crisis in the affairs of our country, in the capacity of a people, not of a party, or of parties; and the meeting was attended,

and the memorial signed, by men of all parties, all having an equal share in the general prosperity of the country.

The county of Licking is situated near the centre of the State of Ohio. It has been for many years a highly agricultural county; and, since the construction of the Erie and Ohio canal, it is most favorably situated for export commerce; and all agricultural products have since that time commanded a good price, and the county has risen in wealth and importance. But the memorialists say that the shock on commercial credit, occasioned by the removal of the deposites, has affected them most seriously, in all branches of their business. Wheat, which is their great staple, and which, floured and exported in large quantities to the Eastern market, has fallen from 62½ cents to 44¾ cents per bushel, and other products in proportion. Their exchanges have been deranged, and their merchants exposed to loss and ruin, from the fall of the prices of their staples in the Eastern cities. In short, they are affected by the experiment, and they feel its effects in the same manner with those of other counties in the State of Ohio, whose memorials I have heretofore presented; and, with the rest of their fellow-citizens, they pray, as a remedy for those evils, for the restoration of the deposites and a re-charter of the Bank of the United States.

These memorials were severally referred to the Committee on Finance.

PENSION AGENCY.

The Senate then resumed the consideration of the report of the Judiciary Committee, upon the message of the President, in relation to the pension agency, and the Bank of the United States.

Mr. WRIGHT having the floor, reviewed, at length, the various acts of Congress, from the year 1789 down to 1828, granting pensions, and establishing pension agencies, and contended, that as the Secretary of War had the power of designating the places where disbursements should be made, he had also the power of appointing the disbursing agents.

Mr. CLAYTON then expressed a wish to give his views of the subject at length, but, as the hour was late, and the Senate thin, he moved to postpone the subject, and make it the special order for to-morrow; which was agreed to.

The Senate then, on motion of Mr. BENTON, proceeded to the consideration of Executive business, and, when the doors were opened,

The Senate adjourned.

WEDNESDAY, MAY 14.

NEWCASTLE COUNTY (DEL.) MEMORIAL.

The CHAIR presented the proceedings of a democratic meeting of delegates from the different hundreds of Newcastle county, Delaware, sustaining the act of the administration in the removal of the deposites, &c.

Mr. NAUDAIN then rose and said, that the citizens of Newcastle county, speaking for themselves, by their memorial, signed by a majority of all the legal voters of that county, appeared a few weeks since before the Senate, declaring their opinion that the distress which pervaded the country, and which seemed to be still increasing, was occasioned by the removal of the public deposites from the Bank of the United States; that, to effect this removal, the President had violated the laws, and disregarded the constitution of the country; and praying Congress to cause the deposites to be restored, and the bank to be re-chartered, as, in their opinion, the only effectual means of relief.

Now, sir, said Mr. N., we have the proceedings of a meeting of delegates appointed by primary assemblies of the people, in the several hundreds of that county, presented to the Senate, through its Presiding Officer, setting forth, as they say, "the views and opinions of the democracy of Newcastle county," and approving of all the acts of the Executive. Before I proceed to notice the resolutions themselves, I will say a word or two about the manner in which this same meeting of delegates was got up.

First, sir, a paper was circulated for signature, purporting to be a call for all those approving the conduct of the President to meet in general county meeting, and express their views and sentiments. But when this paper was passed round, so many of the former supporters of the President refused to sign it, that it became obvious such a meeting must be an entire failure, and expose their impotent attempt to scorn and derision. The plan of operations was then changed. Circulars were sent round to the faithful, in the respective hundreds, to call a meeting in each hundred, and send five delegates from each to a county convention, to express their opinions about the present state of the affairs of the country.

The Jackson party, sir, have hitherto polled something upwards of 1,600 votes in that county. But, with all this effort to parade and organize their force, these primary meetings were miserable failures. In the two southern hundreds of the county, containing about 600 voters, and where the strength of parties was nearly equal, but twenty-five persons attended these calls, as I have been informed by most respectable authority. And even in the city of Wilmington, with all the advantage of a night meeting and drumming up for their forces, they could bring but about forty or fifty to rally round their standard. And these delegates, thus appointed by a handful of the people of the county, nearly, if not quite one-half of them, too, old, thorough, uncompromising, proscriptive federalists, have undertaken to express "the views and opinions of the democracy of Newcastle county."

Sir, if they had professed to express what their proceedings do express, the sentiments of the Jacksonism of the county, I should not have thought it my duty to trespass upon the time and patience of the Senate, in endeavoring to expose the pretences by which they are attempting to practise upon their fellow-citizens.

Mr. President, I have been a citizen of Newcastle county more than fifteen years. I was brought up in the school of democracy. I have been honored with the confidence and support of that portion of my fellow-citizens, in days that are past, when the old party lines were strongly drawn. I was thrice nominated by the democratic State convention for a seat in the other House of Congress, and received the support of that party in opposition to that distinguished federalist, the present Secretary of State, whose brother I see is now among the chosen organs of the "the democracy of Newcastle county."

Sir, it is well known that political contests in the State which I have the honor, in part, to represent on this floor, were always fought on the old distinctions of democracy and federalism, until the year 1827. Then the spirit of Jacksonism swept over our little State, and overturned our old party divisions; and our citizens, as they have done every where else, ranged themselves under new banners. And now, sir, after they have pulled down the good old democratic flag, torn it in pieces, and scattered its fragments to every wind—after associating themselves with the most uncompromising federalists within the State—with one-half of this very meeting made up of the bitterest of the opponents of democracy—men who had spent their political lives in reviling it, and the great founder of the party, Mr. Jefferson—with men among them, too, who not long since declared that "if they thought they had one drop of democratic blood in their veins, they would have it out at the risk of life"—such men, Mr. President, so elected, and so constituted, are talking about "the views and opinions of the democracy of Newcastle county!"

What do such men know of democracy? They have

always represented democracy as the opinions of disorganizers and jacobins; as a political heresy, most dangerous to the stability of the Government and the liberties of the people. Some of these were the black cockade men of '99, the advocates of alien and sedition laws, and all the other abuses of power which thrust the old federal party from office. These have always been high prerogative men; upholders of the Executive in all assumptions of power; stern opposers of all reform of abuses in the Government; and yet, sir, these men pretend to talk about the "views and opinions of democracy."

Sir, the democrats of '98 contended against the encroachments of executive power; against all acts tending to the concentration of power in the Executive; against laws passed, as they believed, in derogation of the constitution, and infringing the liberty of speech and the press. What principles are these newly-made, recently-dyed, Jackson democrats supporting? The only principle which appears to govern them is Jacksonism—pure, unadulterated Jacksonism; that is, sir, that Jackson can do no wrong. I, myself, heard some of these same consistent gentlemen electioneering for Jackson in 1828, on the ground that the President should be elected but for one term; because, said they, he might wield the patronage of the Government corruptly to secure his own re-election; and their favorite war-cry in one part of our State then was, "Four years and liberty!" We all remember this was good Jackson doctrine then. But when the "old hero" franked a letter to a Pennsylvania Senator, intimating very broadly that a re-nomination from the Legislature of that State would be acceptable, why, these same gentlemen could see nothing inconsistent in this, either with his or their former opinions, and so they again supported him. Again: when he was thought to be for the tariff, they were good tariff men; but when he was found not to be favorable to the then tariff, their cry was, "Down with the tariff! hurrah for Jackson." Before Jackson assailed the Bank of the United States, they were its supporters. Its action then was beneficent; it was a necessary check to improvident issues by the State banks; it had given us a sound and uniform currency throughout the country; and afforded, as the fiscal agent of the Treasury, the most important facilities in the money transactions of the nation. But when this institution was denounced by the President, then their mental vision was rendered so extremely acute, that they could see most clearly what they had never dreamed of before. It then became "a monster," dangerous to the liberties of the country; it had then utterly failed in all the purposes of its creation, and must be put down, cost what it may; yes, even if the laws were violated, and the constitution trampled under foot to effect it; even if the Executive (that most safe recipient of power in their estimation) should usurp uncontrolled power over the public purse, in defiance of Congress. Yes, in their own words, they "approve of the whole course of the present administration." The whole, sir, the whole. They have followed the President in every thing. Light enough always beamed upon them to enable them to follow on through all the Executive doublings; and being actuated by the single principle of Jacksonism, they have never faltered, and doubtless are now as ready to approve all future as all past acts of the Executive. And these men profess they are democrats! So did I not learn democracy, Mr. President.

In that school in which it is my pride and boast to have been brought up, I learned a jealous watchfulness of Executive power; I imbibed a profound reverence for the constitution and laws. I was taught that a division of the powers of Government was necessary for the preservation of our liberties; and that the stability of our blessed form of Government depended mainly, under Providence, on each department being confined to its constitutional orbit, the one not impinging on the other. I did not there learn that the President should execute the constitution and laws "as he understands them." I did not there learn that the President had a dispensing power over the laws and treaties, and might execute them or not at his pleasure. I did not there learn that the President could give a qualified approval of a bill presented to him for his signature, and thus amend a bill which had passed both Houses of Congress, and mould it to suit his own views. I did not there learn that the veto power should be used in a manner more arbitrary, oppressive, and dangerous, than it has been used in England since their revolution, and so as to absorb all legislative power. I did not there learn, sir, that all offices, except the judicial, were held by the tenure of an arbitrary executive will; or that all the officers of the Federal Government were to pay for their appointments, by electioneering services in support of the President and the successor of his choice. In short, sir, (and this seems to be the very essence and spirit of Jacksonism,) I do not recognise it as legitimate democratic doctrine, "that it is glory enough to serve under any chief."

I again repeat, sir, that if this meeting had professed merely to represent the views and opinions of the Jackson party of Newcastle, I should not have trespassed upon the time of the Senate. But when such men have professed to represent the views and opinions of the good old democracy of Newcastle, I felt that the duty I owed to that party with whom it was always my pride and pleasure to act, compelled me to break that silence I have hitherto imposed upon myself since I have had the honor to be a member of this body.

Mr. CLAYTON said he had no remarks to make in reference to the "democracy" or the "federalism" of Newcastle county; whether the gentlemen whose names appeared on the face of these proceedings belonged to the one or the other class of politicians. But there was a sentiment contained in one of these resolutions which was so extraordinary that it deserved a word, he thought, from him, in justice to some of those who, it would seem from what had been read by the Secretary, attended this public meeting. That resolution declares the 16th section of the United States Bank charter unconstitutional, for the strange and novel reason that the vaults of the bank cannot be made a constitutional treasury or place of deposite. I do not propose, sir, said Mr. C., gravely to discuss this puerility. I advert to it only as furnishing proof to my mind, that certain able gentlemen of the bar, (whose acquaintance and personal friendship I have the honor to enjoy,) although represented by these proceedings as being delegates at this meeting, either did not attend this meeting, or, if present, must have opposed the adoption of these resolutions. I do sincerely believe that, if present, they would have opposed such a construction of that constitution, with which few men in this country are better acquainted than I know them to be.

I will only add, sir, without complaining that a portion of my fellow-citizens so respectable as those who attended this public meeting have preferred you as their organ of communication to the Senate, that, had they thought proper to intrust me with the presentation of their views to this body, I should have duly appreciated the honor, and cheerfully performed the task so assigned me, as a duty to them.

On motion of Mr. NAUDAIN, the proceedings were then referred to the Committee on Finance, and ordered to be printed.

NELSON COUNTY (KY.) MEMORIAL.

Mr. BIBB presented a memorial from the inhabitants of Nelson county, Kentucky, opposed to the removal of the public deposites, and complaining of the great reduction which had taken place in agricultural products, real estate, and the price of labor. The memorialists also prayed Congress not to adjourn until a remedy had

been provided for these evils. Mr. B. said the memorial was short, couched in perfectly respectful language, and was signed principally by the substantial land and property holders of the county. It seemed to him to be a movement of the country and laboring people. Having resided in Nelson county, he could say that among the signers of this memorial, he found the names of many individuals of the most stable property, and the most sedate character. The number of signatures amounted to 550—and among them he did not find, as far as he had been able to ascertain, that of a single merchant. The present paper might be truly said to be the memorial of the agriculturists and mechanical laborers of Nelson county. He would move that it be read, referred to the Committee on Finance, and printed.

Mr. B. stated that the paper he had offered was a copy of the original memorial, the latter having been sent to the Representatives of the State of Kentucky in the other House.

The memorial was then referred.

COLUMBIANA COUNTY (OHIO) MEMORIAL.

Mr. MORRIS presented the proceedings of a meeting in Columbiana county, Ohio, sustaining the cause of the Executive, &c. He stated that one of the resolutions was, in his opinion, somewhat objectionable, but not so much so as to render it proper for him to withhold the presentation of the series.

Mr. POINDEXTER, as the gentleman from Ohio had described one of the resolutions as objectionable, with a view to put a stop to this practice of passing and sending here improper and indecorous resolutions, objected to the reception of the paper.

Mr. FRELINGHUYSEN asked the Senator from Ohio if the language of the resolution was respectful?

Mr. MORRIS explained that, in reference to the resolutions introduced by Mr. CLAY, the term "vindictive" was used; but he did not consider the resolution as disrespectful to the Senate.

Mr. CLAY desired that the resolution might be read.

Mr. BROWN said that he was opposed to the condemnation of any resolution without it had been heard.

Mr. POINDEXTER said he had not condemned the resolution unheard. It was on the suggestion of the gentleman from Ohio himself, that the resolution was objectionable, that he had grounded his opposition.

Mr. EWING said he hoped the memorial would be read—and the more violent and denunciatory it might be the better. The people of the State of Ohio, said Mr. E., are a sober, calm, and reasoning people; and if this paper contains violent abuse or denunciations, it will be conclusive evidence to my mind, that but a small portion of the people of any county in that State have joined in it. I do not know whether it is signed by the officers of a meeting, or whether it is signed by all the citizens whose opinions it purports to represent. If it be signed by the officers, I have no doubt they certify that the meeting was large and respectable. Of its numbers, we can say nothing with certainty; of its respectability, we can judge when we hear the language of the paper. If it be signed by all the memorialists, its numbers and respectability can both be pretty fairly tested. I hope the memorial may be read.

The memorial having been read—

Mr. EWING said: The thing, Mr. President, is not so bad. I hope my colleague will give us the rest which he has by him, and which, it seems, he is ashamed of.

The resolution having been examined—

Mr. CLAY expressed a hope that it would be read—and, if the Senate would but refer it to him, he would pledge himself to give the resolution one of the mildest and best natured replies in the world. As the other side was the losing party, it would be very hard to deprive it of one of its last privileges—that of expressing itself with something like passion.

Mr. POINDEXTER then withdrew his objection, and the proceedings of the meeting were read.

Mr. POINDEXTER then objected to the printing of the resolutions, as they were already printed, having been cut from a newspaper.

Mr. MORRIS asked for the yeas and nays on this motion, and they were ordered.

Mr. FRELINGHUYSEN then briefly stated his opinion, that the resolution reflecting on the other Senator from Ohio, was even more indecorous and improper than that which had been pointed out by the Senator as objectionable, and moved to lay the whole subject on the table.

The motion was withdrawn, while Mr. MORRIS made a brief explanation, and Mr. FRELINGHUYSEN then renewed the motion to lay the subject on the table.

Mr. MORRIS asked for the yeas and nays on this motion, and they were ordered.

The question was then taken, and it was decided to lay the whole subject on the table, by the following vote:

YEAS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Frelinghuysen, Hendricks, Knight, Mangum, Moore, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Sprague, Swift, Smith, Tomlinson.—21.

NAYS.—Messrs. Benton, Black, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Linn, McKean, Morris, Preston, Robinson, Shepley, Tipton, Waggaman, White, Wilkins, Wright.—19.

Mr. EWING said, though the morning hour was past, he would nevertheless ask the indulgence of the Senate while he presented a memorial which would wipe off the blot, if any were cast upon his State by the memorial just offered by his colleague, and which the Senate had refused to print. This memorial is signed by 1,029 of the voters of Athens county. Another copy which I have received, but which is not on my table, contains the signatures of seventy-two citizens of the same county, and three townships remained yet to be heard from. If all the papers circulated had been returned, I do not hesitate to say, that the number of signers would exceed 1,200. At the last Presidential election, that county gave 1,344 votes, of which 627 were for the present Chief Magistrate, and 717 against him. This, too, is one of the counties whose representative in the State Legislature last winter instructed me in my duty here. I propose to say but little at this time on the subject. My personal feelings have properly no place here, but I cannot forbear to say that I have known very many of these memorialists from my boyhood, and that they are entitled to, and possess, my highest respect and regard. I ask that the memorial be read, as it contrasts most favorably with that which has just preceded it, and that it be printed with the names.

Mr. MORRIS said he thought there must be some mistake, he had almost said misapprehension, on the part of the signers of the memorial, as to the prices of produce. He then read a letter from a Major Cochran, of Zanesville, in which it was stated that the price of wheat, which had, by political management, been so long kept at 44 cents, rose to 50 cents; but that, owing to the farmers standing out, the millers now consented to give 62½ cents, which he considered a fair price. This Major Cochran was represented to him as a respectable man, but, although he thought he had seen him once, he was not personally intimate with him.

Mr. EWING said, he could not permit the remark of his colleague, imputing, even in the alternative, misrepresentation to the memorialists. They were men, honest and intelligent, and they could not be mistaken as to the facts which they stated. The authority on which my colleague contradicts them, is a letter from a Major Cochran

whom he thinks he has seen, and that too, written in a loose, accusatory style, which does not entitle it to great credit for accuracy. I think Major Cochran is mistaken; my information, received from Zanesville yesterday, fixes the price of wheat at 50 cents. The gentleman who brought the memorial from Licking county, stated the price there at 44¾. I do not think it does command 62½ cents per bushel now in Louisville, but I will not contest it, as the truth of the matter must be well known there, and they who are on the spot can set us right.

The memorial was then referred to the Committee on Finance.

PENSION BOOKS.

The Senate then proceeded to the special order, being the report of the Committee on the Judiciary on the message of the President of the United States, concerning the pension books in the United States Bank.

Mr. CLAYTON then addressed the Senate in reply to Mr. WRIGHT, but before he had concluded, he gave way to a motion to adjourn.

On motion of Mr. EWING, the Senate then adjourned.

THURSDAY, MAY 15.

WILMINGTON (DEL.) PROCEEDINGS.

Mr. NAUDAIN rose and said he had been requested to lay before the Senate the proceedings of a large and respectable meeting of the citizens of Wilmington, in the State of Delaware, in relation to the protest of the President of the United States, sent to the Senate on the 17th of April last. These citizens considered the protest in the light of an appeal to the people of the United States, and had met for the purpose of responding to it, which response he had now the honor to present; and, at the same time, he felt it his duty very briefly to call the attention of the Senate to the sentiments it expressed.

The first resolution is in the following words:

"*Resolved*, That we utterly repudiate and deny the doctrine set forth in the Presidential protest, that the resolution adopted by the Senate on the 28th of March last, is 'wholly unauthorized by the constitution, and in derogation of its entire spirit;' that it never was known or heard of, in any free country, that the executive or monarchical power in the State, was above the censure or supervision of the legislative power; that we hold it to be essential to the existence of free government, that the legislative body, the representatives of the people, should watch over the conduct of the executive agents, from the Chief Magistrate to the lowest functionary, and for the purpose of correction, censure, or rebuke, and without a view to impeachment, notice any act of these functionaries which, in their opinion, amounts or approaches to an infringement of the constitution or laws; that such, we believe, is the spirit and intention of the constitution of the United States, which has vested an immense patronage in the Executive, a power which was intended for the benefit of the people, but which, when perverted to the purposes of corruption, becomes the most dangerous power that can belong to any Government, and which, therefore, should at all times be watched, controlled, and regulated by the representatives of the people."

The people of this country will have read history to little purpose, if they do not know that the liberties of every free people have been destroyed by Executive encroachments and usurpations of power. And is it not time that they should now arouse themselves from their slumbers, and see what are the pretensions of Executive authority, as set forth in this protest; whether they are consistent with a due regard to liberty and the constitution; whether there be not, at this time, a manifest tendency in the executive arm of the Government to seize upon all power, and set up the Executive will as the only law of the land?

In speaking of the resolution of the Senate of the 28th of March last, which declares certain late acts of the Executive, in regard to the public revenue, to be in derogation of the constitution and laws, the President says that he is "perfectly convinced that the discussion and passage of the above-mentioned resolution were not only not authorized by the constitution, but, in many respects, repugnant to its provisions." It seems, then, we merit the rebuke of the President, not merely for the passage of the resolution, but even for its discussion! We cannot constitutionally call in question or censure any Executive act, because there is no express provision in the constitution for that purpose! I always thought that freedom of debate, on all subjects, was secured both to the Senate and the House of Representatives, that they were never to be called to answer before any tribunal for what was said here. But, sir, it seems that in this I am mistaken. The President assumes now the broad, the dangerous ground, that he has the right, in his official character, under the constitution, to arraign the Senate before the bar of public opinion, because they have dared to discuss the question whether, in his official acts, he "has assumed upon himself authority and power not conferred by the constitution and laws." What becomes of the duty of Senators to the constitution and laws, under such an assumption of power? Must they sit still and hold their peace, while the Executive usurps all power, and gives his uncontrolled will the authority of law? Must they not raise the warning voice to their fellow-citizens, when they see the President break down all the guards with which the law has surrounded the treasury of the nation, and seize upon the public purse? The President says, No: you have no right to speak, because you may be called on to judge me for these violations of the constitution and laws, and because "each of the three great departments is independent of the others in its sphere of action; and when it deviates from that sphere, is not responsible to the others, further than it is expressly made so in the constitution." Admit, sir, this doctrine of the protest to be correct, and where, I would ask, is the Senate made responsible to the President for its acts? How does he derive a power under the constitution to accuse the Senate of violations of that instrument, and arraign them before the people, while he denies a constitutional right in this body to disapprove of, or call in question, his acts, or even to discuss them? I call upon any gentleman here to show that the Senate is "expressly made thus responsible to the rebuke of the President for their acts." If this cannot be shown, it must, then, according to this very executive doctrine, be admitted that the President himself, while rebuking the Senate for the discussion and passage of this obnoxious resolution, is himself guilty of the very offence he upbraids the Senate with committing.

Sir, it is the duty of the people to think of these things; to examine their tendencies; to express their sentiments upon them while they are yet free: for no one can tell how soon, in these days, their right to discuss and express their opinions on the assumptions of Executive power, will be called in question. The right of the Senate and House of Representatives is already denied; and it is but one step more to deny that right to the people themselves.

But, sir, I pass to the second resolution.

"*Resolved*, That, as a free people, we never can admit, but must utterly deny and protest against the monstrous power claimed by the Executive over all the officers of the country, judicial officers excepted; we deny that they are his agents, the creatures of his will and pleasure, and not the agents of the law, and servants of the people; that this monstrous pretension, if submitted to by the people, constitutes him at once the Lord Protector or Dictator of the Commonwealth, giving him absolute control

over the Legislative and Judicial departments, as well as the Executive, because their laws and judgments must be carried into effect by officers appointed by him, and bound, according to his doctrine, to submit implicitly, in all things, to his will and pleasure."

Let us see, Mr. President, whether the people of Wilmington have correctly understood the claims of the President over "his" officers, as set forth in this remarkable paper. I read a few passages from the 7th and 8th pages of the "official" pamphlet. "By the constitution 'the executive power is vested in a President of the United States.' Among the duties imposed upon him, and which he is sworn to perform, is that of 'taking care that the laws be faithfully executed.' Being thus made responsible for the entire action of the Executive department, it was but reasonable that the power of appointing, overseeing, and controlling those who execute the laws—a power in its nature executive—should remain in his hands." Again: "The whole executive power being vested in the President, who is responsible for its exercise, it is a necessary consequence that he should have a right to employ agents of his own choice to aid him in the performance of his duties, and to discharge them when he is no longer willing to be responsible for their acts."

We see here all power assumed, over all officers of the Government—the right of appointment, removal, and control, without check or limit. The right of removal is advanced in the most unqualified and broadest manner, without any responsibility, except the general responsibility and check of public opinion. In order to understand these executive expositions of his power, let us look to the broad and plain commentary of Executive practice, and the matter will be made so plain, that "he who runs may read." By the constitution of the United States, it is provided, that "the President shall have power to fill up all vacancies that may happen during the recess of the Senate." But the President, in this paper, claims the right, under the constitution, to create vacancies, to make them "happen" whenever he pleases, and fill them with whom he pleases. And he has already exercised this power in such a manner as to deprive the Senate of all that salutary check over executive officers which was so wisely provided in the constitution, to guard against the appointment of incompetent persons, or worthless or fawning favorites of power. In the days of all former Presidents, this power of removal has never been exercised, except to secure the faithful discharge of certain incumbent duties. It was never dreamed of, in the better days of the republic, that the Executive power could be abused to reward electioneering services; and that worthy and faithful officers, appointed with all the forms of the constitution, while in the diligent and conscientious discharge of duties devolving upon them by law, should be ignominiously thrust from office, to make way for the base parasites that bask in the sunshine of Executive favor, because their heartless services have been effectual in cajoling the people to repose confidence in him and elevate him to power.

Has not this been done in hundreds of instances since the present incumbent has been in the Presidential chair? Do we not all remember what happened in 1829. Were there not hundreds of faithful officers removed, avowedly for political reasons?—that is, sir, to enable the Executive to pay, with the money of the people—not with his own—for services rendered during the electioneering campaign. Has it ever been denied that the removals were intended "as rewards and punishments?" Some of these removals, too, were made in utter disregard, if not contempt, of the constitutional rights of this body. I have now in my eye a gentleman who was nominated to, and confirmed by the Senate, for an office, during the session of 1828-9. He had filled the office for several years before, and discharged all its duties with faithfulness and distinguished ability. His political opponents have never dared to insinuate aught against him; and yet, sir, many of the Senators had not time to reach their homes, after the termination of the session at which he was confirmed by them, before he was removed. Think you, sir, this removal was made because the President, according to the doctrine of the protest, was "no longer willing to be responsible for his acts?" Where could he have reposed confidence with greater safety?—where could his "responsibility" be less endangered? If the President can thus remove officers by the exercise of his own arbitrary, uncontrolled will, without any charge of malfeasance or neglect of duty, and that, too, immediately after their confirmation to office by the Senate, what becomes of the check upon the power of appointment by the President, provided in the constitution? It is gone, entirely gone. As soon as the Senate shall adjourn, the President, according to this doctrine, may fancy that he is not willing "to be any longer responsible" for the acts of any officer who had just been confirmed by the Senate, and remove him to make room for a friend or favorite. He thus makes a vacancy "happen" in "the recess of the Senate:" he then fills it with a worthless favorite, whom he well knows the Senate would never advise and consent should receive the appointment. This commission, thus issued, is good, under the constitution, until the end of the next session of the Senate. Just before the termination of their session, and among his last nominations, suppose the President should nominate to the Senate, for the office, a man worthy the entire confidence of this body. They would gladly confirm him, supposing the obnoxious individual, who had been introduced into office by Executive will, would thus no longer disgrace the office and the country. But no: in this reasonable expectation they may be disappointed; for, according to both the theory and practice of the Executive, this individual, thus nominated to and confirmed by the Senate, may be removed the day after they adjourn, and the same obnoxious and unworthy individual be restored to his office; and, by a repetition of this mock process of nomination to the Senate, continued in it the whole term of office of the President. Let me not be told, sir, that this is the idle fear of a heated imagination, the mere chimera of an inflamed partisan, sounding the alarm for party purposes. We have already seen such things advocated in the official press of the Government, and its kindred organs. I have paid some attention to this paper, since its establishment as the official organ of "the Government." It has seemed to me, sir, to be truly a "by authority" press. However startling and alarming the doctrines it may advance, and however repugnant to the constitution and laws the course of conduct it may advise, we almost always see the Executive arm of the Government advancing these doctrines and pursuing that course. I therefore think we may fairly assume that it is the faithful exponent of the Executive mind. That paper, not many days since, in speaking of the complaints which had been made on this floor, of the President's withholding the nominations of important officers, appointed in the recess, until this late period of the session, puts forth this remarkable doctrine:

"It means that if Mr. McLane, or either of the other gentlemen, were nominated and rejected, he would be *ipso facto* out of office, his commission to the end of the session notwithstanding! If this be their view, it is a new mode of removal from office, invented for the benefit of the bank, and admirably adapted to its disorganizing schemes. If a vacancy could thus be created, it would happen during the session of the Senate; and the President not having power to fill it, the office must remain vacant until the Senate should get a man nominated to their liking."

Now, what is the doctrine of this paragraph? Does it not fully bear me out in my argument, that the check of the Senate upon the power of appointments is gone, wholly gone? It seems, then, by this "official" doctrine, that the power is claimed for the President to make a vacancy "happen" during the recess of the Senate; fill it, at his pleasure, until the end of the next session; during that session to nominate to the Senate, and, if his nomination should be rejected, again to fill it at his plesure!

With such powers claimed by the President, and such doctrines advanced by his official paper, it is high time for the people to look to it, before the chains preparing for them are firmly riveted, and express their opinions in a tone that will be heard in the inmost chambers of the palace, and cannot be misunderstood by the most abject sycophant of power. Should they now slumber, they may hereafter in vain regret that they have allowed a man so to abuse their confidence, and usurp power, as indeed to become, in the words of these highly respectable citizens, "the Lord Protector or Dictator of the Commonwealth," by assuming absolute control over the Legislative and Judicial departments, as well as the Executive, because their laws and judgments must be carried into effect by officers appointed by him, and bound, according to his doctrine, to submit implicitly, in all things, to his will and pleasure.

The third resolution reads thus:

"*Resolved*, That we also utterly deny and protest against the doctrine, that the custody of the public money belongs to the President, by the constitution, and that Congress cannot take that custody from him without a subversion of the constitution; that, on the contrary, we believe the constitution has intrusted the money of the people to the sole and exclusive custody of the representatives of the people in the National Legislature; and that the power claimed by the President, by uniting the purse and the sword in one hand, would render our Government a despotism under the forms of a republic."

We well know, sir, that the President says, in the 9th page of the protest, that "Congress cannot take out of the hands of the Executive department the custody of the public property or money, without an assumption of executive power, and a subversion of the first principles of the constitution."

Take these two Executive doctrines together, the right to the custody of the public treasure, and the right to appoint, remove, and control, in their action, all the officers of the Treasury, and what becomes of the guards over the public purse? What security remains that unhallowed hands may not be placed in the public coffers? What check would you have over a President disposed to use the public money for corrupt and base purposes; for purposes unknown to the laws? These doctrines, if they prevail, remove every guard, every check, provided by the constitution and laws against the unlawful disbursement of the public revenues, and place the purse at the uncontrolled will of the Executive. The President, we will suppose, calls his Secretary of the Treasury before him, and says, "Mr. Secretary, issue a warrant on the Treasury for one hundred thousand, or a million of dollars, to A. B." The Secretary might answer, "Mr. President, there is no act of Congress making such an appropriation, and I cannot obey your request; because the constitution says 'No money shall be drawn from the Treasury but in consequence of appropriations made by law.'" The President might answer, according to the doctrines of the protest, "Sir, you are my Secretary; you are bound to obey my will; I am responsible for your acts; and if you will not allow yourself to be controlled, in the discharge of your duties, by me, I am no longer willing to be responsible for you, and must remove you, and supply your place with one who will discharge the duties of his office 'as I understand them.'" And thus, sir, every officer who should withstand his will, would be thrust aside, and their places filled by such supple tools as are always ready to do the biddings of power, without any restraint from honor, honesty, or conscience.

Do not tell me, sir, that the responsibility of impeachment would be an efficient check against such an abuse of power. A corrupt President would laugh to scorn all attempts to make him responsible in that way. Elected by a majority of the people, sustained by affiliated and corrupt presses throughout the country, pensioned from the Treasury of the nation, with all the patronage of the Government, and the millions of the public money, brought to bear upon both Houses of Congress, who does not see, Mr. President, that, taking man as he is, it would be vain, and worse than vain, to attempt to impeach a bold, bad man, thus armed with the uncontrolled power over the sword and purse, and determined, at all hazards, to maintain himself in power. The vengeance of arbitrary power might, and probably would, fall upon the few bold and pure patriots who might attempt thus to arrest the strides of despotism over their beloved but devoted country. They might offer up their lives willingly upon the altar of the constitution and laws; but the overthrow of the liberties of the people, the establishment of uncontrolled despotism, would be but hastened by an unsuccessful attempt to check the march of executive power by impeachment. Sir, this responsibility of impeachment would be no check to the bold, daring, reckless spirit who might attempt to overturn the institutions of the country; and who, according to these Executive doctrines against which I am contending, would have the power to appeal to, and enlist on his side, the worst and most dangerous passions of our nature—the love of power and honor, and the love of money.

In the denial of, and protest against, these doctrines of the Executive, I most heartily concur with my fellow-citizens. They have just cause of alarm when they see such doctrines, so dangerous to our free institutions, throwing all power into the hands of the Executive, removing all guards from the Treasury, opening the door for the corruptly ambitious to destroy our constitution and enslave the freemen of this nation. I say, sir, they have just cause for alarm when they see such doctrines advanced, such powers assumed, by their servants. The people of the United States, I trust, will see the tendency of these dangerous assumptions of the Executive. They may see in them the links of the chains ready forged to bind them to the car of a despot; not, indeed, connected together as yet, and placed upon their limbs, but ready prepared for the use of the first man of fearless, unhallowed ambition who shall ascend the Presidential chair, and aspire to change it to a throne.

The next and last of these resolutions, which I shall trouble the Senate by calling their attention to, is as follows:

"And whereas the President of the United States, Andrew Jackson, in his communication read to the cabinet on the 18th of September last, did declare that he 'assumed the responsibility' of the removal of the public deposites from the Bank of the United States, where they had been placed by law: and whereas the said Andrew Jackson is struggling to evade and escape the responsibility which he had voluntarily assumed: Therefore,

"*Resolved*, That, as a portion of the people of the United States, and as our answer, in part, to the said appeal, we do hereby ratify, confirm, and adopt, the resolution adopted by the Senate of the United States, on the 28th of March last, which is in the words following, that is to say:

"'*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself authority not conferred by the constitution and laws, but in derogation of both.'"

We here see that these citizens, in this primary assembly, adopt the resolution of the Senate which has called forth against this body the heavy denunciations of the President imbodied in the protest, and make it a part of their own proceedings. I freely confess my gratification, sir, to find that my honorable colleague and myself are sustained in our course here by so highly intelligent and respectable a portion of our fellow-citizens as were assembled at this meeting. The approbation of the good people of our own State is our highest and best reward. It has always been my ardent desire fairly to represent their views and opinions here; and for the expression of their approval allow me to express my gratitude.

Sir, these citizens of Wilmington present themselves here by the name of whigs. They see, in the assumptions of power by the Executive, in the high pretensions to superior authority over all the other departments of the Government, asserted by that officer, causes of alarm and dismay, unless the people of the country again rally round the standard of the constitution and laws. They see in the present crisis a cause worthy of their best energies, and they are determined now to vindicate the cause of rational freedom from the usurpations of arbitrary power or unhallowed ambition, as their fathers did before them. They believe they see all that is valuable of the fair and glorious fruits of that arduous struggle jeoparded; that, except they now nerve themselves for the contest, their fathers will have sacrified their comfort, wealth, and blood in vain; that if we now submit to the uncontrolled domination of one man, surrender to him all power over the purse and the sword, it will be worse than in vain that they braved all the perils of an eight years' war, hazarding their lives in a hundred battles. Believing then, sir, that all the rich blessings, so dearly purchased for us by our fathers, and, as they fondly thought, so firmly secured to us and our latest posterity, by our blessed constitution, is now in peril, they have thought proper to revive the venerated name of whig, by which the advocates of well-regulated liberty and the opponents of arbitrary power have been so long distinguished. Under this title they will be distinguished; under this standard they will rally and triumph.

Mr. NAUDAIN concluded by moving that the proceedings be read, printed, and laid on the table.

Mr. FORSYTH wanted to know what this paper was to be printed for. Gentlemen had made no reference of it. Why were they to go to the expense of printing?

Mr. NAUDAIN deemed it his duty to renew his motion for printing, out of respect for the very respectable persons who had sent the memorial to the Senate. Those persons had sent the paper here as an answer to the protest of the President—to the appeal which had been made to them; and he (Mr. N.) thought it but just and proper that this answer should be printed. If the honorabe Senator from Georgia did not think this reply to his objection satisfactory, he (the honorable Senator) could vote against the motion to print.

Mr. FORSYTH did not think the reply of the Senator from Delaware satisfactory; he would not vote for the printing of the document, merely out of respect to the individuals from whom it came. Senators did not come here to spend the public money in this way. The money for printing came out of the contingent fund, and they were not justified in voting it away to gratify their own vanity when praised in a memorial. He should vote against the printing.

Mr. CHAMBERS said, he had had the honor to present the first expression of feeling upon this subject from the people, the sovereigns of the country, and the honorable Senator from Georgia had proposed to lay the paper upon the table. He (Mr. C.) alluded to the proceedings of the late large meeting in Baltimore, upon the subject of the protest. The Senator from Georgia had attempted to put an extinguisher on those proceedings then, and he was pursuing a similar course with regard to the present document. He (Mr. C.) was astonished at such conduct. The President had sent forth a deliberate and elaborately-written appeal to the community, calling upon them to decide between himself and the Senate; he had issued 40,000 copies of his appeal at first, and the Lord knew how many since; the protest was in the possession of every man, woman, and child in the country. Well, the Senate had responded, in their own way; they had not issued 40,000 copies of their decision, but had expressed their opinion calmly and quietly. The question had been put before the people, and the answer was now coming back. The appeal had been made by the President himself, and they were now getting the decision. But what said gentlemen? Put it on the table to slumber; not granting even a sufficient number of copies to enable Senators to read and understand it. The Senate had been put upon their trial—had been told that the people would condemn them—they ought, therefore, at least to be permitted to read their sentence of condemnation when it arrived.

As to the expense of printing, he would ask the Senator from Georgia, why the memorials which were daily received upon the subject of the deposites, were ordered to be printed. That question had been set at rest; at least they were told so, and yet they continued to print these papers. He did not think, therefore, that thus late in the day, these expressions of public feeling, which had been expressly called for, and which were looked to so anxiously, should be suffered to repose undisturbed in the pigeon-holes of the Secretary's desk. He (Mr. C.) could well imagine that these expressions of popular sentiment were not read with any great delight by some gentlemen, but he repeated that they ought to be read, and their contents made known as widely as possible. The people had taken this matter into their hands; they conceived that the great principles of this Government were at stake; that their interests were at stake; and it became Senators to look with an anxious eye to the course which the people might prescribe for them to pursue. He hoped the paper would be printed, and all those of a like character.

Mr. FORSYTH said, it would be recollected that the memorial to which the Senator from Maryland had alluded, (the Baltimore memorial,) had been referred to some committee, and therefore some action might be expected upon it. The paper might be required to be referred to hereafter; but who would want to refer to the present document? If the printing of these proceedings was ordered, it would be merely throwing money into the hands of the printer. The copies would be entirely useless to the Senate. With regard to the Baltimore memorial, he begged also to say, that it came here before the protest was disposed of. The present paper certainly ought to be treated with respect, and referred to by all those whom it delighted, and who saw themselves reflected in it.

It was for that majority, Mr. F. said, who were delighted with the paper, to determine whether or not it should be printed; but he would vote against it.

Mr. CHAMBERS said, a paper was presented yesterday [by Mr. MORRIS] on this subject, which was not opposed by the honorable member from Georgia; and Mr. C. thought the citizens of Delaware were entitled to as much respect as the constituents of the gentleman from Ohio. Mr. C. could not forget that the former were nearer him in their geographical situation, and that they were nearer the seat of Government, the main source of information on this subject, than the people of Ohio. Mr. C. would ask with what propriety, after the proceedings of yesterday, the gentleman from Georgia could object to printing this paper?

Mr. CLAYTON hoped the gentleman would withdraw

his opposition. Mr. C. thought he [Mr. FORSYTH] did not appear to understand the contents of the paper. It was not merely a protest against the President's protest; it was not only an expression of the opinions of citizens of the country in regard to the doctrines of the President, but also of their views in relation to the removal of the deposites; and it could not be fully known what the paper contained, till it should be printed; and then Mr. C. thought the honorable Senator would be able to give a more correct view of it. The printing was not designed merely as a mark of respect to those who sent the paper, but for the information of the Senate.

The Senate had adopted certain resolutions in relation to the power of the President; the President had protested against those resolutions, and had appealed to the people. The people were now expressing their views in relation to the controversy. If they condemned the Senate, then, according to doctrines which had been maintained by gentlemen, the Senate ought to repeal those resolutions; and if the people of Delaware should resolve that the Senate had encroached on Executive prerogative, Mr. C. would tell the Senator from Georgia, that it would have such an effect on him, (Mr. C.,) that he would vote for the repeal of the resolutions. Mr. C. professed to represent the opinions of the people, and not those of the State Legislature, unless they coincided with those of the people. But how could they know the opinions of the people, if the gentleman from Georgia should prevent their being printed? Mr. C. claimed it as a right to have the paper in print, that he might carefully examine it, and see what was the opinion of this portion of our fellow-citizens.

Mr. KANE thought it just and proper that the paper should be printed; but he thought the President's protest should be printed with it, so that when the newspaper containing the protest was gone, the files of the Senate might preserve the protest and its comments together, that individuals might see hereafter whether the charges against the protest were true or false. He was unwilling to vote for the printing, unless the antidote could accompany the poison. He therefore moved, as an amendment, that the protest be printed with the memorial.

Mr. CLAY thought the opposition to printing the document was singular, especially on the ground on which it was placed. The gentlemen of the administration had been taken with a fit of economy, and the day was to be consumed in a discussion on a document which was not before the Senate. Mr. C. would ask gentlemen to consider their course. If it was true that 40,000 copies of the protest had been printed, it would not require the aid of the Senate to give it circulation. Mr. C. thought Congress, in the matter of printing, had been more economical than the Executive.

Mr. C. however, had risen to ask whether it was in order to vote for printing a document which was not before them.

The CHAIR said it was certainly in order.

Mr. CLAYTON expressed a wish that if the protest was again to be called up, it should be called up on a separate motion.

Mr. CHAMBERS appealed from the decision of the Chair; but, at the suggestion of Mr. CLAY, and on receiving information of what had occurred during his absence, withdrew the motion.

Mr. FORSYTH would vote against the amendment of Mr. KANE, and the original motion to print, on the same ground, of the utter want of utility.

Mr. CLAY again adverted to the printing of 40,000 copies of the protest at the Globe office, and would ask if it was done at the expense of the people of the United States. Mr. C. said that with respect to the number of the protest which was printed at the Globe office, he knew nothing but what had been stated in the Senate. If the honorable gentleman from Georgia would state the number of copies which had been printed, and by whom they had been paid for, any erroneous opinion which existed on that point, would be done away with.

Mr. FORSYTH said he did not know.

Mr. CLAY observed, that then the assertion was not to be taken as a proof of what had been asserted. It was known, he believed, that it was sent to the Globe office. He did not care if more than forty thousand copies were printed and circulated among the people.

The honorable Senator [Mr. FORSYTH] had asked of what utility it was that the memorial should be printed? He (Mr. C.) contended that it would be of great utility; and, whatever the honorable Senator's opinion of the people of Wilmington might be, yet he indulged the hope that when that gentleman and others came to examine the public opinion, they would think otherwise. The principal value of the memorial was to demonstrate public opinion. He hoped the memorial would be printed, as well as all other respectable memorials.

Mr. KANE did not say that any part of the protest had been misquoted; but, the impression on his mind was, that it was misrepresented. What he meant was, that the memorialists had erred in the opinion which they had formed of it. He thought it extremely improper to print the memorial from the State of Delaware, when the Senate refused to print the protest to which it had referred. The one ought not to be perpetuated on the Journals without the other. Let them both take the same course.

Mr. PRESTON had voted with the administration to receive the protest. If a memorial which censured the body was to be received, could gentlemen say that papers which approved of the action of the body should not be received? He felt the weight of what the honorable Senator from Georgia had said as to the protest. The action of the Senate on the protest was now a matter of history. It was done with. Those papers then referred to a thing past, as much as if they referred to the Declaration of Independence or the actions of General Washington. He looked upon it as a practical question whether the memorial should not be printed, in order that Senators might have an opportunity to read it in order to understand it. One gentleman had observed that he heard it so imperfectly when it was read to the Senate, that he did not understand it. The question was, should the Senate receive it for the use of the Senate, and make use of it? He thought it should be printed for reference.

Intending, as he did, to vote for the printing of that paper, he was averse to printing the protest. He was averse to do, by indirection, what the Senate had refused to do directly. This referred to the protest—a matter that was done with.

He would vote for the printing of this paper—it was respectful, and presented in a proper manner. When, however, he saw a memorial come in, in the form of an extract from a newspaper, he would not vote for the reception of a paper so presented in future; it was offering an indignity to the Senate. Papers for presentation to any legislative body, ought to be in manuscript, and signed by the parties who offered them.

Mr. POINDEXTER had voted against the printing of the resolutions yesterday, not merely because they were presented in the form of a printed paper, but because they had not the signatures of the persons by whom they were professed to be adopted. Mr. P. here read from Jefferson's Manual, sec. 19, which says: "Petitions must be subscribed by the petitioners, unless they are attending, or unable to sign, and averred by a member." The present memorial, he should vote to receive and print. What was the situation of the Senate at this moment? The President of the United States had thought proper to find fault with, and appeal against the action of the

Senate, in a protest, to the highest tribunal to which an appeal could be made—the people. This tribunal was now passing its opinion upon it, and sending its opinions there; and, as an act of justice to posterity, the Senate ought to print all documents presented by the people, whether they were for or against the action of the Senate, that posterity might see how the people of the United States received this appeal of the President. It was the bounden duty of the Senate to perpetuate the decision of the people. He would vote for printing every thing of that nature.

The President had ordered the printing of his own paper. He (Mr. P.) would like to see how the contingent fund had been disposed of during the last few years. If a report were made of the manner in which the secret service money had been expended, he doubted not that the expense of printing the 40,000 copies of the President's protest would be found to be contained in it. It might not be so, but this was his (Mr. P.'s) opinion. Forty thousand copies, however, of the President's protest had been sent to the people; the people were deciding upon it, and answering it, and he was for recording their decision.

Mr. FORSYTH said he knew nothing about these 40,000 copies, but in answer to the Senator from Kentucky, he would venture to say, that not one cent of the expense of the printing of these copies had come out of the public treasury. He would never have referred to this subject, if Senators on the opposite side had not made accusations, and then drawn inferences from the silence of himself and others. Gentlemen had said, "We have made assertions and you have not denied them: we therefore take it for granted that our assertions were correct." With respect to the contingent fund under the care of the President, if the Senator from Mississippi desired to see how that fund was expended, he knew how information could be procured. Any curiosity upon that head might be satisfied by a resolution of the Senate or the other House.

It would be well, therefore, instead of indulging in imagination upon this matter, to have recourse to facts. There was no similarity, Mr. F. said, between the paper at present under debate and the memorial from Ohio which had been referred to by the Senator from South Carolina. That memorial had been referred, for action, to the Committee on Finance. The notion entertained, that the printing of this document was of importance to the Senate, was unfounded. The paper would be here, although not printed. It would be placed on the files of the office, and that was a disposition of it quite as respectful to the persons from whom it came as if it had been given into the hands of the printer. If it were ordered to be printed, he would venture to say that the copies would never be referred to, but that they would be laid away with other rubbish. If he thought he was treating the people of Wilmington with disrespect in refusing to print, he would vote for the printing of the resolutions; but he did not think there was any thing disrespectful in the destination he wished to give them.

The question was then taken on Mr. KANE's amendment; which was lost.

The motion to print the proceedings was carried.

Mr. POINDEXTER asked the Senate to consider a resolution presented by him some days since in relation to the printing the old Journals of Congress. Mr. P. said he did not desire a decision upon the subject at present, but wished the matter to be referred to a committee.

A discussion took place on Mr. P.'s motion, which was carried. Mr. P. then moved that the subject be referred to the Committee on the Judiciary, which was agreed to.

PENSION BOOKS.

The Senate then proceeded to the special order, being the report of the Committee on the Judiciary on the message of the President of the United States on the subject of the pension books and the United States Bank.

Mr. CLAYTON then resumed and concluded his remarks; in the course of which, he moved to amend the resolutions reported by the committee, by substituting for them the following:

Resolved, That the act of Congress for the relief of certain officers and soldiers of the Revolution, passed on the 15th of May, 1828, and the act supplementary to that act, passed on the 7th of June, 1832, are properly acts providing for the payment of military pensions.

Resolved, That no power is conferred by any law upon the Department or Secretary of War, to remove the agency for the payment of pensioners under the said act of the 7th June, 1832, and the funds, books, and papers connected with that agency, from the Bank of the United States, and to appoint other agents to supersede that bank in the payment of such pensioners.

Mr. KANE then addressed the Senate, in reply to Mr. CLAYTON, and in vindication of the opinion of the Attorney General, and continued for some time, when he yielded the floor without having come to a conclusion; and

The Senate adjourned.

FRIDAY, MAY 16.

CLAIM OF ELIZABETH ROBINSON.

On motion of Mr. NAUDAIN,

The previous orders were postponed, and the bill for the relief of Elizabeth Robinson, only surviving daughter of Lieutenant Wilde, deceased, of the revolutionary army, was taken up. The bill was read a second time, considered as in Committee of the Whole, and amended by striking out the amount of compensation.

Mr. NAUDAIN moved further to amend it so as to allow interest on the money from the time when it became due.

Mr. N. exhibited the grounds of the claim of Lieutenant Wilde, and urged the equity of allowing interest on the money which was due to him from the Government.

Mr. WHITE admitted the claim to the principal sum, but argued against the propriety and expediency of allowing interest, on the ground that the claim had not been proved till the present time.

Mr. NAUDAIN replied by referring to the various cases in which compensation and interest had been allowed, and he appealed to the Senator to instance a single case in which interest had been refused. He also urged the magnanimity of the motive by which Lieutenant Wilde forbore to present his claim during his life, which was, that the Government was poor, and he was at that time unwilling to increase its burdens.

Mr. SMITH spoke in opposition to allowing interest, on account of the numerous similar cases which would be involved, and on the ground that the Government would fulfil its promise by paying the principal as soon as the claim should be presented.

Mr. CHAMBERS spoke in favor of the amendment, referred to several specific cases of a similar kind, in which interest had been allowed, and urged that it was the established sense of the Senate that interest in such cases should be allowed. Mr. C. contended that interest ought to be paid, and cited two cases, one of which occurred in 1832 and the other in 1833, in which, upon similar claims, interest had been allowed. He compared this case with those provided for by the resolutions of 1776, 1778, and 1780. The first providing only for those who had lost a limb in the service; the second providing for all who had served in the Revolution; and the third providing that the pension should be paid to the widows and legal representatives of those who had served. The

principle was the same: to induce men to flock to the Government standard. Mr. C. cited several cases. None but Lieutenant Wilde could have applied for the money, and it was doubtful whether he would have got it; for the Government was at that time very necessitous. When the fact is admitted that the pension is correctly due, the Senate should not adhere merely to the letter of one resolution. It had always been the desire of Congress to make those people comfortable; not to pay that, merely, which was strictly due in law, but to make liberal payment; contended that such was the necessity of the Government at the time, that, not asking for the pension was an accommodation, and deserved interest as much as if there had been an agreement to that effect. There was money enough to pay all the revolutionary soldiers; and if not, the people of the United States would submit to be taxed to any extent, rather than suffer the daughter or widow of a revolutionary soldier to say that the fear of expense prevented the Government from doing her justice.

Mr. SHEPLEY made a few remarks upon the petition. He said he was anxious that the consequence of the action of the Senate upon this occasion should be well understood. If the amendments which had been made were followed out, more than a million of dollars might be drained, upon similar grounds, from the public treasury. Let the Senate adopt the principle contended for, and they went down to the tomb and said they would remunerate all those whose ancestors had been wounded and died in the Revolution. The debt would become as large as that created by the war. The heirs of the soldiers of the Revolution would become holders of stock, and would hold it as long as possible, for the purpose of accumulating interest. He thought the Senate should pause upon this subject, more especially as it had been admitted that, in this case, there existed no legal claim to compensation. Mr. S. argued further, that the principle contended for might force the Government into a national debt, which they had determined to avoid, and that claims which have heretofore been disallowed for want of evidence, would be liable to be made good by evidence produced even by the remotest heirs of the claimants.

Mr. WHITE denied that the cases which had been quoted were similar to this, and that there was any precedent on which this case could be decided. He further argued, that the claim or title to pay could not exist till it should be proved and presented; and from a resolution formerly adopted on this subject, he drew the conclusion, that a claim of this kind could be established by the original claimant alone, during his life time, and could not be established afterwards by his legal representatives. He, as well as others on the same side, would allow no particular merit in the alleged motive for not presenting the claim, as the design might be to adopt an easy method of making a profitable investment of money at interest. He thought it would be quite liberal in the Government to allow the principal without the interest.

Mr. CALHOUN saw no occasion for the payment of interest. If the principle were to be adopted, it would be difficult to ascertain to what results it might lead. He moved that the bill be laid upon the table.

At the request of Mr. SPRAGUE, who said, that if the bill were now laid upon the table the discussion would last another day,

Mr. CALHOUN withdrew his motion.

Mr. NAUDAIN again addressed the Senate on the subject of the amendment.

The question was then taken upon the amendment by yeas and nays, and resulted as follows: yeas 8, nays 32.

The amendment was consequently lost.

Mr. CLAYTON then moved to amend the bill by striking out the original claim to compensation, and inserting "that $2,000 be paid to the heirs of Lieutenant Wilde, in payment of all claims."

Mr. C. said, the claim made in this amendment amounted to about the half of that contained in the amendment of his honorable colleague. He rested the present amendment on the facts of the case, as they were clearly proved by the testimony of the captain, the fellow-soldiers, and the family of the individual in question. Looking at the return made by the Secretary of War, it appeared that there were but four individuals upon the pension roll from the State of Delaware, while from other States, which had not rendered half the service during the war that the State of Delaware had, there were from 12 to 1,400 pensioners. Upwards of 5,000 men had been enlisted in the State of Delaware during the revolutionary war—those men were engaged in 33 pitched battles. At the battle of Germantown, where the subject of this bill received his wound, one-half of them were killed; and at the battle of Camden, 800 Delaware men went into the field, and only 196 came out. The result was, that those who had fought hardest had been paid least. The heir of one of the most gallant of these men now came forward; and the Senate denied to her that compensation which, as had been clearly shown by his colleague, they had repeatedly granted to others. He (Mr. C.) did not intend to argue the ground of this matter over again. He only wished now to make a plain statement of facts, in justification of the amendment which he had brought forward. The individual in question had been badly wounded at the battle of Germantown, and was brought to the house of his daughter; who, by means of a little annuity which she possessed, contrived to maintain her father during eight long years of suffering, and until he died of locked-jaw, produced by the wound which he had received. Now, he (Mr. C.) asked Senators what, in the case of the daughter not having been able to support her wounded father, they would have done? They must have placed him in an hospital, under the care of physicians and nurses; and would not that have cost them as much, or more, than the sum now asked? If it would, then he (Mr. C.) said he made this claim on the ground of justice. He made no appeal to the feelings of Senators, but went upon the facts of the case. If, however, the Senate chose to take gallantry, patriotism, and disinterestedness into consideration, in no cases were those qualities more conspicuous than in the present one. Lieutenant Wilde refused to receive any compensation from his country during his life, because he said she was poor; to use his own words, he considered himself well paid in seeing the British conquered.

Mr. PRESTON said, the amendment brought in a new principle in relation to the pension fund, which fund had been more abused than any other. Congress had recently passed a law by which five thousand pensioners were created, at an expense of two millions and a half; and the honorable Senator from Delaware now proposed to create another class, the expense attendant upon which was altogether incalculable. The principle contained in the amendment was, that Congress should make gratuities to all those individuals whose ancestors had been wounded in the revolutionary war. The wealth of the Indies could be scarcely sufficient for this purpose; it might so happen, too, that some individuals would desire to open the sluices of the public treasury; and if so, this principle would afford them an opportunity of doing it. The amendment of the Senator from Delaware claimed interest of much more dangerous tendency than that which was originally proposed. If this amendment prevailed, there was scarcely a gentlemen on the floor of the Senate who would not be entitled to make a similar demand. The ancestors of most of them had rendered services of this kind to their country. Almost every gentleman present might rise and say, "We have claims—pay us!" Mr. P. concluded by moving to lay the amendment on the table.

Mr. CLAYTON denied that his amendment introduced any new system of pensions. The principle upon which

his proposition was founded was, that the Senate should pay a debt. He wished to know whether the Government would not have been obliged to support this individual in an hospital, if he had not been supported by his daughter? He (Mr. C.) did not bring this claim forward as a pension, but as a debt. He agreed with the Senator from South Carolina, that the pension system had been carried too far; but the abuse consisted in the fact that those had been paid who never rendered any service to their country, while the really meritorious soldier of the Revolution had been in many cases neglected.

Mr. PRESTON said, the Government did owe a debt which it could never pay, the debt which it owed to the efforts and sufferings of those who achieved our independence. Mr. P. alluded to General Marion in particular, and to others, who had made great sacrifices in the war of the Revolution. There were many to whom the country owed ten times as much as the amount of the claim now made. Mr. P. thought that 100,000 might be brought whose claims would be equally good. There were now 24,000 names on the pension list, and Mr. P. believed there could not be such a number without frauds on the Government. He viewed it in the light of ingratitude to the greater number, if a few only of such claims should be allowed, and he deemed it impracticable to pay the whole debt with money.

Mr. CLAYTON remarked, that there was not a well-fought field in South Carolina, in which the Delaware line was not engaged in the front of the contest. He mentioned the particular cases. He said, of the Delaware regiment, which consisted originally of 500 men, which was recruited from time to time, and fought in 33 pitched battles, only 197 men returned alive to Delaware. Lieutenant Wilde had been wounded at Germantown, and was supported eight years by his daughter, during which time he required the continual attendance of a nurse and physician. She now asked a compensation for supporting her father, who had been disabled in the public service, and if the Senator from South Carolina should present a similar claim, it would give Mr. C. great pleasure to vote for it.

Mr. WEBSTER made some remarks in relation to the supposed frauds to which Mr. PRESTON had alluded. Mr. W. believed such frauds were extremely rare, and that ten rightful claimants were excluded, for want of proof, for every instance of a fraudulent insertion of a name on he pension roll.

Mr. PRESTON thought he could not be mistaken. Allowing the average age of revolutionary soldiers to have been twenty years, it must now be about seventy-five years. He thought it impossible that so many pensioners could now be living. Mr. P. stated further, that longevity was proportioned inversely to the degrees of latitude, being greater at the South and less at the North; that the last violent struggle of the Revolution was in the Southern States, when the whole Southern militia was in the field, and yet New York had eighteen times as many pensioners as South Carolina, though its population was only four times as great. South Carolina had three hundred and twelve, and New York one thousand nine hundred. New York had seven times the number of Pennsylvania. Mr. P. thought it impossible that such a state of things could be correct. God forbid that he should have any preference for the pensioners in one State above those of another. They had all fought bravely, and, if any one came forward and established his claim to a pension on South Carolina, she would discharge it, to whatever State the individual might belong. But he put it to the gentleman, would he—dared he to establish a principle of that kind, which would open a door to such a torrent of applications? It would make the Government a mere pension agency. To get rid of trouble, the Legislature would pass a general law, that as much should be granted to every application where services or sufferings could be established. The present was not a solitary question. Hundreds of thousands could be brought to claim pensions. If the funds of Government were to be distributed in this way, millions would claim it—there would be a general scene of plunder. He could not, as a Senator of the United States, agree to such a precedent.

Mr. WEBSTER thought that an examination of the subject would show that such fraud as had been mentioned did not exist. It appeared that most of the pensions now on the list were for militia service, which was generally for six months only. Where there was so short a period of service, it would naturally bring so many into the service, that gentlemen need not be surprised that there still existed such a number as twenty-four thousand four hundred. The pensions were not granted for services during the whole war, but for services which were rendered for any length of time during the war. The number of pensioners in New York and that in South Carolina was about the proportion, according to the circumstances. The troops came in greater numbers from the North than from the South, and would, doubtless, when the war was ended, generally return to their own part of the country. The city of New York, as it existed at that time, was but small in comparison with what it is now; it began to increase after that time, and its increase of population was derived principally from New England; so that many of the pensioners in New York had been soldiers of New England.

Mr. CLAYTON was of opinion that, in this case, the Senate ought to do the same justice to the applicant as the individual Senators would feel themselves bound to do in their character as private gentlemen, and he looked for a decision of the Senate on that ground. He did not think that the bounty of Government had been fairly distributed; although it had been distributed as fairly as circumstances would allow. Several individuals had, he had no doubt, received bounties for little or no service performed, while others who were highly meritorious had been neglected. Congress had erred in passing general rules to reward the troops instead of rewarding particular cases.

Mr. PRESTON asked for the yeas and nays. He acknowledged that there were more Northern troops in the war than others. The forces of South Carolina consisted of militia. They did as much duty, and had as many soldiers; but the habitudes of the South prevented the people from remaining so long in the army.

Mr. CLAYTON modified the amendment, by moving the insertion of the words two thousand dollars for the pension to which the deceased was entitled, and to defray the expenses which were incurred in his boarding.

Mr. MOORE objected to the amendment. The pension might have been paid in the regular course—there was no evidence before the committee to the contrary. He thought the committee, in examining the case, had come to the conclusion that the petitioner was not entitled to the pension, but that they granted it on account of the man's sufferings.

Mr. CLAYTON thought that this man had never received any pension.

The question on the amendment was then taken, and negatived by the following vote:

YEAS.—Messrs. Chambers, Clay, Clayton, Frelinghuysen, Hendricks, Kent, McKean, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Tipton, Wilkins.—15.

NAYS.—Messrs. Bell, Benton, Bibb, Brown, Calhoun, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Knight, Mangum, Moore, Morris, Preston, Robinson, Shepley, Smith, Swift, Tallmadge, Tomlinson, Tyler, White, Wright.—25.

Mr. CALHOUN thought this case was like many

others, and that it would open a wide door for such applications hereafter.

Mr. MOORE stated as the distinction from other cases which had influenced the minds of the committee, that the heir of a gallant officer had supported him when disabled, after having rendered important services, and on this ground the claim had been allowed by the committee.

Mr. CALHOUN thought that allowing the claim, even on this distinction, would go to establish the principle, that the claims of invalid pensioners should be carried back to the time of receiving the wound; and this, he said, would be contrary to the whole usage of the Government, and would establish a dangerous precedent.

Mr. POINDEXTER, for the reason assigned by the Senator, [Mr. CALHOUN,] would prefer that a round sum should be named, as had been done by the Senator from Delaware, [Mr. CLAYTON,] and he would be glad if one of the majority who voted on that proposition would move to reconsider it.

Mr. CLAY, if there was any instance of an officer being supported eight years by his daughter, and then dying of lock-jaw, would like to be informed of it by the Senator from South Carolina.

Mr. CALHOUN, if it were not for establishing a precedent, would vote for the bill.

Mr. CLAY would vote for five hundred such, if they were lock-jaw cases.

Mr. CALHOUN regarded the precedent as resting, not on the lock-jaw, but on the circumstance of carrying back an invalid pension to the time of receiving the wound.

Mr. MANGUM also thought the precedent would be dangerous; and for the purpose of giving more time to consider it, he moved to lay the subject on the table, but withdrew the motion at the request of

Mr. MOORE, who moved to amend the bill, by inserting the round sum of 800 dollars instead of the 2,000 dollars, proposed by Mr. CLAYTON; but withdrew the motion at the suggestion of Mr. CALHOUN, who regarded such a precedent as still more dangerous, because it was more indefinite.

Mr. POINDEXTER moved to reconsider the vote on the amendment offered by Mr. CLAYTON, to insert 2,000 dollars; but the motion to reconsider was not carried.

The bill was then ordered to be engrossed, and read a third time, by the following vote:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Frelinghuysen, Hendricks, Kent, Knight, Linn, Moore, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Sprague, Swift, Tipton, Tomlinson, White, Wilkins.—23.

NAYS.—Messrs. Benton, Bibb, Brown, Calhoun, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Mangum, Morris, Preston, Robinson, Shepley, Tallmadge, Tyler, Wright.—18.

On motion of Mr. WILKINS, it was ordered, that when the Senate adjourn, it adjourn to meet on Monday.

BALTIMORE AND WASHINGTON RAILROAD.

Mr. CHAMBERS moved that the Senate proceed to the consideration of the bill to aid in the construction of a lateral railroad between Washington and Baltimore; which was taken up accordingly.

On the question whether the bill should pass—

Mr. FORSYTH said he should like to hear it read.

The bill was then read.

Mr. CHAMBERS moved that the bill be amended by inserting, at the end of the second section, a proviso that the Postmaster General might, at any time when he thought proper, terminate the contract with the Railroad Company, for transporting the mail, and transport it by some other mode.

Mr. HENDRICKS thought there was another proviso wanted. In all other grants there was a proviso to the effect that the company should not charge any thing extra for carrying the United States mail, soldiers, or munitions of war. It was proposed to give the company three hundred and twenty thousand dollars, the interest arising from which would be sufficient to pay for the carriage of the mail betwixt Washington and Baltimore forever. He would move to amend the bill by inserting a proviso that the company should not charge the Post Office Department, or its mail contractor, tolls for the passage on the road of any cars or other vehicles in which they may transport the mail.

Mr. CHAMBERS complained that the company had lost a great part of the season wherein they might have been at work on this lateral branch of the road if the bill had passed; and, if the bill should pass now, they would have to stop the works in other places, in order to get this branch finished. He explained the difference between a railroad and a common high road, as to vehicles passing upon them. The high road was open to every body; whilst the railroad was a complete monopoly—no cars but those of the company being allowed to run upon it. No one could expect that the Government or any one else could make use of the road, except the company.

After some remarks from Mr. HENDRICKS, he withdrew his amendment, until the amendment moved by Mr. CHAMBERS had been disposed of.

On motion of Mr. BENTON,

The Senate adjourned.

MONDAY, MAY 19.

BALTIMORE AND WASHINGTON RAILROAD.

After disposing of the usual morning business—

The act relative to the construction of a lateral branch of the Baltimore and Ohio Railroad in the District of Columbia, with the amendment offered by Mr. CHAMBERS, authorizing the Government to terminate its contract for carrying the mail whenever necessary, was then taken up for consideration.

Mr. GRUNDY stated it as his opinion, that if this bill passed, the Government would be obliged to carry the mail for twenty years by this, and no other route.

Mr. CHAMBERS begged permission to save the honorable Senator from Tennessee some trouble. Mr. C. stated that he would withdraw his original amendment, and introduce another, by which the Baltimore and Ohio Railroad Company should be compelled to carry the mail for twenty years, free of all expense to the Government. Mr. C. then offered an amendment to that effect.

Mr. GRUNDY said this was certainly gaining considerably, and if this matter could be placed on the footing of a fair contract, then Congress might deliberate upon it. He wished, however, to call the attention of the Senate to a principle in the bill, which he thought likely to produce serious difficulties. At the last session a principle had been laid down from which he did not wish to depart, viz. that this Government would collect only as much money in taxes as was absolutely necessary for its support. This principle seemed to be agreed to by all, at the time of the compromise bill. Now, if they opened avenues to expenditure, they created a necessity for money; taxation became indispensable, and could not be objected to by any one. What was the situation of Congress with regard to this bill, before the amendment had been offered? It was proposed that they should give money to companies in the different States to make roads.

Mr. G. said, that this company was incorporated by the Legislature of Maryland, and the company owned the whole stock, except what belonged to the State. Coming into this district with a part of the road, could not change the principle, and Congress might as well give money to a company in Virginia, as to a com-

pany in the District. The only mode in which Congress could act, was to become a partner. In this case the money was not to be given to the District, but to a company in Maryland, to which the State was a party; and if this were done, what was to hinder Congress from giving the public money to a company in New York? Mr. G. thought there was no difference. Besides, if Congress appropriated money for this road, what forbade them to give money to any corporation, for a road pointing to the seat of Government? Mr. G. therefore thought that in principle they were opening a dangerous outlet for the public money; it was better to return to the old idea of a partnership, than to adopt a principle by which they might give money to a company in any part of the United States. Mr. G. would not go into the question of constitutional power, on this subject; but he thought it strange if Congress might give away the money of the United States for any purpose they pleased. There were peculiar cases in which it had been given away, such as that of the fire in Alexandria, and the more recent case of the exiled Poles. Mr. G. hoped these benevolent acts would not be blamed; but he could not vote for them, because he could not see that they had authority to give away the public money. Mr. G. therefore could not vote for this bill in any shape; but if the Government were to receive an equivalent for their money, he was ready to see the object promoted. He wished the appropriation might be reduced, so as to be an equivalent for the transportation of the mails.

Mr. HENDRICKS hoped the amendment would be adopted; but in that case he should move further to amend the bill by striking out "twenty years," and inserting "forever hereafter." Mr. H. thought the company could well afford to carry the mail *in perpetuam* for the interest of the money.

Mr. CHAMBERS would not object to the amendment proposed, if it should be acceptable; but he wished the amendment first proposed might be adopted, and then the other two might be taken up separately.

The first amendment was then agreed to.

Mr. HENDRICKS, at the suggestion of Mr. FORSYTH, moved to amend the bill, by a requisition that the mail should be carried free of expense as long as the company should exist. Mr. H. supported this amendment by reading an extract from a letter of the chief engineer, containing an estimate of the expenses of conveyance on the road, from which Mr. H. drew the conclusion that the mail could be carried at an annual expense of $20,000, or less, while the interest on the appropriation would be $21,000. Mr. H. concluded by contending that some security ought to be given against monopoly.

Mr. CHAMBERS argued, that in twenty years the Government would receive as an equivalent for the money proposed, the value of one million and fifty odd thousand dollars. Appropriations have been made to the Western improvements day by day, without recompense; but now Congress must not make an appropriation without showing that we are to receive seven and sixpence for a dollar. No company would be willing to enter into an agreement without knowing the extent of the engagement. It was very well to carry the mail for a limited time, but no company would agree to carry it forever. He was equally surprised at the remarks which had fallen from the honorable Senator from Tennessee. The constitution said that Congress had a right to exercise legislation in all cases in the District of Columbia. He instanced the grant made to the Chesapeake and Ohio canal, which had its termination in Georgetown, and asked what was the difference between the improvement of Pennsylvania avenue and any other improvements in the District. But the gentleman considered this as a Maryland incorporation, and subject to the Legislature of Maryland. He contended that so much of the road as should be in the District of Columbia would be under the legislation of Congress, and not under the State of Maryland, further than that incorporation had connexion with other improvements connected with it. He would decline the proposition offered by the honorable Senator from Indiana, [Mr. HENDRICKS,] and contended that the Government received a fair equivalent, besides the improvement of the country and the facility of transporting the mail. This equivalent was to be received in the shape of services to be rendered, which the United States could not obtain for the same money by any other mode. Money had been given to canals and other improvements, and the Senate was dealing more hardly with this company than any other. He hoped the Senate would, in its liberality, contribute to convert this into a useful improvement, for the use of individuals and the Government, and give the sum proposed.

Mr. GRUNDY said, Congress did possess jurisdiction over the ten miles square, and had expended money on Pennsylvania avenue. Had it not a right to do so? For what purpose was that money expended? That every citizen in the United States and every individual in the country might have the benefit of it. But what was the case with the railroad? The money was given to a set of individuals, exclusive of all others, and for their exclusive benefit. It was not for the benefit of the United States, or of the citizens of the United States, but for individuals in the State of Maryland or elsewhere. They were to be entitled to the money, and the use of it afterwards. The money given to the Canal Company made the Government stockholders in the undertaking, and it expected a dividend when profit should arise. It was not giving the money for the exclusive use of any corporation, because the people of the United States would have the benefit of it.

Mr. CHAMBERS said he did not allude to the Chesapeake and Ohio canal.

Mr. GRUNDY said that made a difference. But there was a prospect of a return. In the act of 1833, the Railroad Company was to pay, for the use of the State of Maryland, one-fifth of the amount to be received for the transportation of passengers, which was to be paid into the treasury of Maryland. What for? Because Maryland contributed five hundred thousand dollars to the stock. Then Maryland put into the stock five hundred thousand dollars, and for this it was to receive one-fifth of all that should be received for the carriage of passengers; while Government, for three hundred and fifty thousand dollars, was to receive nothing but the transportation of the mail, which would come to an inconsiderable sum. He did not wish to go into an examination of the profit and loss attendant upon this matter, but there was a principle at the bottom of it which he wished the Senate to decide upon. Would they give the public money away to companies? If they gave $350,000 to this company, and $350,000 to another, what would become of all their boasted economy? What would become of all their plans of restricted expenditure which they had held out to the people of the United States. They would be gone, and Congress would hear talk of nothing but waste, prodigality, and profligate expenditure. He objected to the principle of giving money to companies out of the public treasury, because, if this were done in one case, it must be done in another.

Mr. HENDRICKS said a few words in reply to the Senator from Maryland, [Mr. CHAMBERS,] which were indistinctly heard. We understood him as stating that no appropriations had been made for internal improvements in the West, without an adequate and more than an adequate equivalent having been received by Government.

Mr. PRESTON said it became the Senate to look attentively into the subject of appropriations; it was peculiarly proper that they should do so after the opinions they

had expressed during this session. They had arrived at that period when they were called upon to make the usual and regular disbursements of the public money. Up to the present time, the Senate and the nation had been engaged in discussing the act of the Executive, and its influence upon the money concerns of the country; they had passed, in strict review, that act and its consequences, and the current of their business had now brought them to the consideration of matters of a similar character. He (Mr. P.) had been among those who had censured the Presidential act, and he thought it therefore incumbent upon himself and all those who had with him deplored the existing monetary distress to do all in their power to mitigate that distress by their present course of action with regard to the treasury of the United States. He had voted for a measure to relieve the country at the commencement of the session; another opportunity of doing so now presented itself, and he trusted that those who had so often admonished them of the necessity of extending relief to the people, would not fail to avail themselves of it. Every thing concurred to bring his mind to the conclusion, that a course of the most vigilant and scrupulous economy was necessary; for although he could not now take time to go into the state of the treasury, he thought he might venture to say that it was about to become exhausted. The pressure on the money market had been such that our imports from Europe had been, and would continue to be, diminished; many orders had been countermanded. All this indicated to him, that in the course of next year they would be called upon either to borrow money or increase the rate of taxation, and either of these alternatives would be regarded by him as a great calamity. It was time to commence a system of economy—not a party system—but one which would preserve the nation from the evils to which he had alluded. If, after all that the Senate could do in the way of retrenchment, increased taxation or a new national debt should become necessary, in God's name, let the responsibility of such a state of things remain with those by whom responsibility was so readily taken. Let it be known that the Executive, and not the Legislature, was the cause of any distress which might ensue.

Mr. P. then went on to show the great advantage which the State of Maryland had secured to herself by this road, and the very little that would result to the General Government. Five-sixths of this railroad passed through that State, and, careful of her own interests, she had made an appropriation of $500,000 towards its construction, reserving to herself one-fifth of the profits. Maryland, Mr. P. continued, would be able to discharge her whole civil list by her income on this road, and thus Congress was about to make an appropriation to exempt the citizens of Maryland from taxation. Was it right to tax the citizens of the United States for this purpose? Was South Carolina to appropriate her proportion to a work of which Maryland was to receive the profits, not to expend on internal improvements, but to put into her treasury, to discharge her civil list, and exempt her citizens from taxation? If the State of Maryland had driven such a bargain with the stockholders, she could not censure this Government for making a similar bargain. But the stockholders were not willing to stipulate with Congress. It seemed that the State of Maryland had come in for a share of the spoils; she had a wise and vigilant regard to her interest in the whole project. She was a stockholder to the amount of $500,000, and in addition to this, she claimed one-fifth of the whole income. On what principle had this speculation been founded? The Legislature had fixed the minimum price of a passage high enough and low enough to supersede travelling on the common roads; the price on railroads was usually much lower, and this was the ordinary rate of a stage passage on a common road, and no doubt the price on the common road to Baltimore would have been brought down to that standard. The whole scheme was exceedingly curious as far as the State of Maryland was concerned. As a consideration for this grant of money, Mr. P. said that the transmission of the mail for twenty years had been proposed. Mr. P. said that, if the compensation were $10,000 annually, it would be three times as much as the sum for which an offer had been made to carry it, with a limitation of six hours. All above this, then, would be clear gain to the company. But, supposing the price were fixed at $10,000, instead of $3,000, for which an offer had been made, or instead of $2,000, for which the mail might doubtless hereafter be carried, the interest, at six per cent., on the $350,000 proposed to be granted, would be $21,000 annually, so that for twenty years there would be a clear gain over $10,000, of $11,000 annually; and more than this, the principal itself was to be absorbed in that time, which, added to the interest, would make $26,000 a year, for services which would be rendered hereafter for $2,000. But it was proposed that the mail should be hastened. The time was now limited to six hours by the contract, but in fact, in good going it would be carried by either line of stages in five hours, or four and a half. Mr. P. thought that the remuneration for the proposed grant of money would be entirely too little, even if the obligation to carry the mail should be rendered beneficial. Mr. P. was in favor of a fair and liberal compensation, but he considered $10,000 amply sufficient, as the mail could now be carried for two or three thousand dollars. But Maryland had driven a bargain infinitely beyond this; a bargain which, Mr. P. believed, would be disadvantageous to the company. Mr. P. asked if Congress had a right to make this appropriation. He had no doubt that they had a right to give money in this District, but he denied that they had the right to give it to an incorporated company for the construction of a road to Baltimore. The expenditure of the money was to be confined within the District, but it was to save the expenditure of so much money without the District. The company was incorporated to bring that road here. Mr. P. thought the case of the canal was not parallel. The canal was designed to benefit the city of Washington, and that was within the jurisdiction of Congress. But it was evidently improper to tax the citizens of the United States for the benefit of a few citizens of a single State. He hoped the bill would not pass in its present form.

Mr. CLAYTON proposed to amend the amendment, by fixing the time at 30 years, instead of making it perpetual. He would be satisfied with the bill with this alteration; and he thought it important to the Government, if they looked only at the transportation of the mail by day-light for thirty years. But the consideration suggested by the Senator from Maryland [Mr. CHAMBERS] had great weight with him, (Mr. C.,) that it would increase the facilities of intercourse between the different sections of the country, by making a continuous railroad and steamboat line from Washington to Boston. It had been said, that Maryland was to receive one-fifth of the profits from this road; but they ought to look also at the losses which the State had incurred, by establishing another road, of which this was a lateral projection. If Congress would share the losses on the principal road, there would be more reason in the objections which had been offered. Mr. C. was in favor of extending the benefit to the Government, by the transportation of the mail, to thirty years; but he objected to rendering it perpetual, especially as the number of post offices on the route would be increased, so that the company would be unable to deliver the mail at all the offices, and get through in the time stipulated. Mr. C., though he would not enter into a narrow calculation, considered the transmission of the mail for thirty years about equivalent to an appropriation to the company of $350,000.

Mr. HENDRICKS asked if this amendment was in order.

The CHAIR expressed some doubt, but did not decide that it was out of order.

Mr. BIBB thought some of the views of the Senator from Maryland were incorrect. He said the company calculated on making the passage in a much less time than three hours; and there was no stipulation on this point inserted in the bill. As to the stipulation to deliver the mail in three hours, it was merely put in as a make-weight, holding out an idea of exertion on their part worthy of remuneration, when they intended to go the distance in a shorter time.

Mr. CLAYTON asked if this took in the stoppages at the various post offices.

Mr. CHAMBERS said, that it had been stated to him that they could take the mail in two hours; but the company was not willing to bind itself to carry it in less than three.

Mr. BIBB said the company, he believed, could carry it in a shorter time. Although he was opposed to making appropriations for purposes of internal improvement, he did not object to make appropriations for improvement in the District of Columbia, provided the object was a proper one. In this case, the people of this District were not able to have any profitable share in the road, and he was not willing to deprive the people of Washington of the benefits which their own local legislature, if they had one, would give to them, and no local legislature could hesitate to throw such a proposition out. The company could not come within the District without an act. If it should be granted, it would be an exclusive privilege to that corporation. No one else could carry on that road; and the Senate was asked to give three hundred and fifty thousand dollars, when out of that money the profits were to arise to the stockholders of the company. The State of Maryland was to receive a dividend on five hundred thousand dollars, and a tax besides on the passengers. And what did the United States get? The carriage of the mail for thirty years, for which they were to give $350,000. Mr. B. showed that the interest of the money would be sufficient to defray the expense of carrying the mail, and that the United States was called upon to make a clear donation of eleven thousand dollars, which was given to the stockholders in the corporation, and to them only. It was a private property. It seemed to him to be a new principle altogether, and one which the United States ought not to adopt. With respect to the transportation of the mail, he was of opinion that when the term agreed upon was expired, the Government would be at the mercy of this Railroad Company. He had recently heard that the contractor at Charleston had offered to surrender his contract to the Railroad Company, who asked $50,000 for transporting the mail, and who alone could perform that service. If this sum of $350,000, Mr. B. said, was a grant to the people of the District of Columbia, he should feel better disposed to vote for it; they were a people poor, and struggling to extricate themselves from their difficulties; they had dipped too deeply into the transactions of the Ohio Canal Company. If, he repeated, the present were a grant to relieve these men, over whom Congress exercised an exclusive legislation, and whom they were bound to take care of, he should feel better disposed towards it. But to give such a sum as $350,000 to a Railroad Company, with a perpetual charter to them and their heirs forever, was what he could not agree to.

Mr. KING, of Georgia, said he should vote for the first amendment, but against the bill, in whatever form it might present itself. There was something in it so extremely wild, the separation between it and the proper legislative action of Congress, was so alarmingly great, that he felt astounded at the bare statement of the proposition. Here was a proposition to build and complete a road costing $350,000, and to present it to a company, who, the Senate was told, would be graciously pleased, when it was finished, to accept it, and distribute the spoils among themselves. Well, was the proposition essentially changed by the amendment which had been offered? It was not. The nature of the grant was the same as ever; its extent only was limited. This was one among the numerous instances presented during this session, in which some petitioners seemed to forget the nature and purposes for which our Government was created, or remembering, disregarded them. The people of the United States, for purposes mentioned in the constitution, were one nation, and in order to carry out the objects for which they were a nation, they had a national treasury, which was filled (or said to be filled) by the common contributions of all the States. Now not one dollar ought to be expended from this treasury excepting in some trust for the future benefit of the people. He (Mr. K.) asked who would pretend to say that a grant of $350,000 to a company of adventuring merchants from Baltimore (admitting they had the honor of the State of Maryland as a partner in the concern) was a grant in trust for the benefit of the people of the United States? The $350,000 were unblushingly asked in the first instance without any compensation, and now the transportation of the mail for 30 years was offered as an equivalent. It had been said, and he believed truly, that the mail could be carried for $3,000. Let the railroad go on without this grant from Government, and the company would be glad eventually to carry it for $3,000. But they were told that this railroad offered important advantages to the country, a great increase of speed in the conveyance of the mail. This was like many other arguments which had been brought forward; a trifling benefit was made a plea for the most lavish and disproportioned expenditure. It was like the late plan of distributing information by giving books to Senators for their own use. Admitting the advantage of speed, he said the sum demanded for it was too great; to give it would be as wise a procedure as going to Bologna to eat fresh sausages. He [Mr. KING] had not attended to the details by which the account had been made out; but what matter was it to Congress, as legislators for the benefit of the people of the United States, what estimate the Railroad Company had chosen to fix on the transportation of the mail, when they knew they could get it done for $3,000? And this $3,000 a year for twenty years, was to be the only compensation for $350,000, which, at the end of that time, would become the property of the company. Mr. K. would be compelled to vote against the bill, from the general principle that it would be doing injustice to the people of the United States, for the benefit of a few people in the State of Maryland. Mr. K. alluded to what he thought the very strong principle in political economy, that the Government should spend as much and receive as little as possible. He read an extract from the report of the Secretary of the Treasury, in which the estimates were made on the supposition that the imports of the present year would be as great as those of the last. Mr. K. had no doubt that there would be a considerable falling off in the revenue, in this and the two succeeding years. He thought the winding up of the concerns of the United States Bank would create a feverish state in the money concerns of the country, which would result in a diminution of the revenue. If, then, there should be a material increase in the expenses of the Government, the Government during the next and the succeeding year would be bankrupt; and Mr. K. said the South would not quietly submit to the imposition of new duties and taxes, unless they were necessary for the support of Government. Every argument, therefore, should induce them to pause before they made this appropriation. Mr. K. alluded to the late application of the term whig, and said one of the primary articles of the faith of a whig was economy in

government, and if the gentleman from Maryland wished to be received into the true church of whiggism, he should take his fingers out of the pockets of the people. Mr. K. knew of no Senator so ready to grant appropriations of money, as the honorable Senator from Maryland. He had heard a citizen of Maryland say he was proud of his Senator, and Mr. K. had no doubt that he would have repeated the declaration, if he had known with how much zeal the Senator voted in behalf of the merchants and adventurers in Maryland. His patriotism was like those circles of light which shine immediately around us, but as they recede, gradually darken to a shade. Mr. K. thought he ought to act with more reference to the benefit of the people of the United States.

Mr. CHAMBERS said he professed to be a whig of 1834, and such as he had professed to be during all his life; but he thought the gentleman from Georgia did not say whether he himself was a whig. [Mr. KING replied in the affirmative.] Mr. C. was glad to hear it; but the last person to whom he would apply for the true doctrines of whiggism, was the gentleman from Georgia. Mr. C. had hoped, some time since, that the Senator from Georgia was about to change his views, but he appeared to be reprobate, and Mr. C. would give him over to his own State, to indoctrinate him in the principles of the whigs, and Mr. C. thought the result would show him that he was now entirely astray. The gentleman from Georgia had done him (Mr. C.) much injustice, in saying that he was always ready to open the doors of the Treasury. Mr. C. thought the United States were able to effect whatever purpose their character and dignity required, and he was of the opinion, that they would not refuse to take all necessary measures to do whatever was right and proper to be done by the Government; he had a higher opinion of their patriotism, than to think otherwise. He regretted the implied denunciation of the individuals of this company, as merchants and adventurers; and Mr. C. would tell the gentleman from Georgia, that hundreds of the stockholders in this company were not merchants, and never had been; they were as respectable as any other class of the people; and if the gentleman had used adventurers as a term of reproach—[Mr. KING said, Not at all.]—or, Mr. C. said, if the gentleman meant to apply to the company the other term of unblushing demand, Mr. C. believed they asked for no specific sum; and Mr. C. would appeal to the Senate whether their committee, who had fixed on that sum, were worthy of having the phrase applied to them. Mr. C. was not surprised that the gentleman from Georgia opposed the bill; it was in the usual line of his conduct, and he would not take the trouble to distinguish between this case and others. But how any legal argument could be erected on the clause in the constitution giving Congress jurisdiction over ten miles square, Mr. C. could not tell. Congress had been in the practice of making appropriations to institutions of various kinds; they had even made grants for religious purposes; and yet the Senator had risen and said, that this bill was unparalleled. Instances of grants might be found in every statute-book, on principles precisely the same. It was easy to put any proposition into such terms as might render it offensive; and when the Senator had said this grant of $350,000 was to be made for the purpose of obtaining the favor of a corporation, it appeared singular; but he might have said the same if the bill had been for any other purpose; undoubtedly, he might put any fair proposition into offensive language. The State of Maryland was at one-third of the expense of making the road. They wished it to be profitable, and wished it to be guarantied to be profitable. The tax was not on the people. Mr. C. here drew a comparison between the present mode of travelling, jolting at the risk of one's bones for sometimes nine hours, with the easy, safe, and pleasant mode of accomplishing the journey in two hours without inconvenience. He contended that the facilities which would be afforded in the carriage of the mail would amply remunerate it for the money, and that if Congress were to erect the road themselves it would be a matter of more credit.

Mr. KENT rose for the purpose of correcting an impression under which those who addressed the Senate in opposition to this bill appeared to labor. From the remarks that had fallen from them, it might be inferred that they supposed that the State of Maryland had applied here for Congressional aid, towards the formation of this road. Not so, Mr. President. Could Maryland have operated within this territory, they would have made the road, and you would have known nothing of it, except in its beneficial effects. Unable then to approach nearer to you than the line of this District, the company had to apply to Congress to be authorized to form the road within your territory. Having obtained this permission, the officers of the company apply to you to aid them in these hard and difficult times; they ask you to contribute something towards the completion of this great line of internal communication from North Carolina to the Western lakes —on the whole of which we have all the facilities that can be afforded to the community, either by steamboats, canal-boats, or railroads, except the one from this place to Baltimore. And can it be possible you will withhold your aid? It is no boon the company asks: they offer you an equivalent in carrying the mail, and the friends of the appropriation ask you to grant it, only upon equitable principles. The engineer, Mr. Knight, estimates that it would cost the Government, to carry the mail on the railroad, in cars propelled by locomotive engines, $52,000 per annum, and this after the road shall have been formed, at an expense of from one and a half to two millions.

The interest on $354,000, proposed to be granted by the bill, at four and a half per cent., the interest for which the State, in ordinary times, can procure any amount of money, would be about sixteen thousand dollars. If this data is correct, the proposition to carry the mail thirty years free from any charge by the company, would be equal to ninety years' interest on the sum that has been proposed the United States should contribute towards the completion of this great work.

Reference has been made to the act of incorporation by the State of Maryland. It was granted upon terms considered correct and proper by the Legislature of that State, and all circumstances considered, the advantages secured to the State are not greater than would be awarded to her by any one who would take the trouble to make themselves acquainted with them. The State of Maryland, Mr. President, has contributed largely towards several works of internal improvement, all of which, like the one under discussion, are much more of a national than local character, and from none of which has she derived, as yet, any profit. Among them are the Chesapeake and Ohio canal, and the Chesapeake and Delaware canal, both of which are greatly national in their character, and truly important in the great chain of inland communication, and no doubt will, in the end, prove profitable. Having, heretofore, derived no benefit from the public works in which she has engaged, and having exhausted considerably her resources, when it was proposed she should adventure farther in this way, was it not proper that she should look around her and see how she was to secure (what hitherto she had not done) some remuneration from the further sums she was about to adventure in works of this sort. Hence, she said to the company, Secure to me at once, one-fifth of the money received for passengers, and I shall unite with you. The terms were acceptable to the company—they are keen-sighted on such occasions, and I have no doubt have made a good bargain. The State of Maryland had previously given them half a million.

Mr. SMITH said, if the company would agree to carry the mail as long as the railroad existed, he would vote for the grant, otherwise the corporation would be in a situation, at the end of twenty or thirty years, to make their own terms with the Government. After having the mail conveyed in the short space of two hours and a half, Government would never be contented to return to the old system, but would give any thing that the company might demand. Mr. S. spoke in favor of the undertaking, and repeated that he would vote for the grant, if the company would agree to carry the mail as long as the railroad lasted.

The question was then taken on the amendment to the amendment; which was lost. It was then taken on the amendment, and resulted as follows:

YEAS.—Messrs. Bell, Benton, Bibb, Black, Brown, Calhoun, Ewing, Forsyth, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Knight, Linn, Mangum, Morris, Naudain, Porter, Prentiss, Preston, Robbins, Robinson, Shepley, Silsbee, Smith, Sprague, Swift, Tallmadge, Tomlinson, Tyler, Waggaman, Webster, White, Wilkins.—37.

NAYS.—Messrs. Chambers, Clay, Clayton, Kent, McKean, Tipton.—6.

The bill was now passed by the following vote:

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, McKean, Naudain, Porter, Prentiss, Robbins, Robinson, Silsbee, Smith, Sprague, Swift, Tomlinson, Waggaman, Webster, Wilkins.—23.

NAYS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, Mangum, Morris, Preston, Shepley, Tallmadge, Tipton, Tyler, White.—20.

The Senate then adjourned.

TUESDAY, MAY 20.

PITTSBURG (PA.) PROCEEDINGS.

Mr. WILKINS rose and said, he had had in his possession for some days past, but had, until now, been prevented, by accidental circumstances, from presenting them, sundry resolutions and proceedings of the citizens of Pittsburg opposed to secret societies, which bear on certain important measures of the Government—had reference to the removal of the public deposites, and the paper of the Chief Magistrate called a protest, and spoke of them in terms of condemnation. As he did not accord with his neighbors and friends in the sentiments they expressed, and inasmuch as he had been honored with the presentation of these papers, he would content himself with laying them before the Senate without comment. It was his duty, however, to state that the resolutions were well drawn, and expressed the views of those who framed them in distinct terms—that the meeting was composed of highly respectable and worthy gentlemen, and were entitled to a respectful hearing.

He moved that the proceedings be, as usual, read, printed, and referred to the Committee on Finance.

This motion was agreed to.

COLUMBIA (PA.) PROCEEDINGS.

Mr. WEBSTER said he was more fortunate than the gentleman near him, the member from Pennsylvania, as he was about to present to the Senate a paper, in the sentiments of which he heartily concurred. It was a paper which recorded the proceedings of a whig meeting in the town of Columbia, Lancaster county, Pennsylvania. Columbia was a handsome town, as most of the Senate knew, on the Susquehanna, containing two or three thousand inhabitants, and by its position, much connected with the inland trade in lumber and articles of agricultural products, as in the great line of communication between Pittsburg and Philadelphia, by those noble canals and railroads by which the enterprise of Pennsylvania has connected those two important points. The memorialists partake in the evils of the times. They have not escaped that impartial and undistinguishing scourge, the experiment. They feel its heavy hand upon them, in the stagnation of trade, the want of employment, the disappearance of credit, and the flight of commercial confidence. Sentiments like theirs, strongly and ably expressed, have just been heard in the memorial of the anti-masons of Alleghany county. Like the anti-masons of Alleghany county, these Lancaster whigs are satisfied with their experience of the experiment; and, like them, they protest against the protest.

The Alleghany memorialists declare their opinion, that the removal of the deposites was made without just cause, and that, therefore, it violates the word of honor of this Government. And among the resolutions adopted by the whig meeting at Columbia, I find the following:

"*Resolved*, That the Bank of the United States has acted the part of a useful and faithful public servant; that the war now being waged against it is foolish, wicked, unjust, and calculated to injure the best interests of the country; and that the charter of that institution ought to be renewed, with such restrictions and modifications as the public good may require and the judgment of Congress ordain."

I believe this resolution is entirely true. The present state of things, in my judgment, exhibits the laws transgressed, the chartered rights of a corporate institution violated, the word of honor of the Government broken. I think the withholding the deposites from the bank is a daily wrong, a continued infringement of its legal rights, inasmuch as it stipulated for the custody of these deposites, paid its money under that stipulation, and had done no act whatever contrary to its contract. I believe the suffering of the community is brought upon it by an act not only unwise, but unjust; not only an act of folly, as it affects ourselves, but an act of positive wrong to others.

Mr. President, this is perhaps as fit an occasion as may occur, to say something upon the motion which I made to the Senate the latter part of March, for leave to bring in a bill to continue, for six years, the charter of the Bank of the United States, with certain modifications. At that time, sir, the country had been trying this notable experiment, or rather its own patience and forbearance had been on trial under its operation, almost six months. All men of the least pretension to sense and candor, had become satisfied that very great distress existed in the country. The time for doubt and denial had gone by. The sneers which had previously been manifested in the Senate, whenever the pressure on the country was alluded to, had ceased. However men might dispute about the cause of the distress, the fact of its existence was too plain to be gainsayed. The merchants, the farmers, the manufacturers, and the mechanics, had loaded our tables with their remonstrances and memorials, and filled our halls with their committees. No measure of relief, meantime, was suggested by gentlemen connected with the administration. Their only remedy was, as it now is, endurance: if we spoke of distress, they bade us hold our tongues and bear it. The sum and substance of their political philosophy was, "We must stand by the President: we must hold on upon the experiment."

In this state of things, sir, I felt it my duty to prepare, for the consideration of Congress and the country, some measure of immediate and efficient relief. It might be rejected, but then an offer would have been made. The devotees to the experiment might cling to it, extol its wisdom, and predict its success, but the country would have an option. The condition of the country was such as was not to be trifled with, and, therefore, I sought for a measure that, if adopted, could not fail to be effectual.

Against rash experiment, I proposed well-tried experience; in opposition to rash and speculative theory, I offered what forty years had proved to be safe, practical, and beneficial. Allow me to advert to the main provisions of the bill which I recommended, as I desire its character should be kept, to the eye of the public, in a clear and distinct light.

What the bill proposed, was—

A short continuance of the present charter, with an addition of its exclusive right; so that, while this bank still continued, Congress, at its leisure, might provide another, if it chose, and bring it into existence to take the place of this, at the end of six years;

A restoration of the deposites;

And a provision for enlarging the specie circulation, so as to increase, in fact, to a great extent, the hard money of the country, and to discountenance the circulation of small notes.

This is the substance of the measure.

Now, sir, if this measure shall be adopted, the country will be relieved;

The bank will have time to collect its debts and wind up its concerns;

Congress will be at liberty, also, to adopt any system for the future which its wisdom shall approve. It may re-charter this bank; it may create a new bank; it may decide it will have no bank. Meantime, and until its final decision shall be made, business will resume its wonted course, employment will revive, labor will be again in demand, commerce will open its sails, and revenue begin again to flow into the Treasury. If there be one intelligent individual who denies that all these consequences would immediately follow the passage of this bill, that individual I have not met with. What is said is, not that this measure would not produce these beneficial effects, but that we can get along without it; that the experiment will yet succeed; and that, at any rate, the President and the party will put down the bank. If, sir, this bill had passed within a fortnight from the time of its introduction, the country, at this hour, would have begun to resume its accustomed prosperity, activity, and cheerfulness; we should have despatched the business of the country, and been ready to go home by the first day of June, to receive the cordial welcome of our constituents.

If we could pass it now, although the case has been growing constantly worse, yet, even now, it would, in ten days, give an entire change to the face of things. In a month, put the cotton mills again in motion, bring up the prices of lumber, wheat, and other products of the farm, re-animate internal trade, put life into all the manufactories and the mechanic pursuits, in which life is now suspended, gladden labor with the certainty of fair wages, restore confidence, bring back credit, and make the country, once more, what it was twelve months ago. All this good is in our reach, if we will abandon theories, when they are proved and demonstrated to be fallacious; give up follies, now that they stand as exposed and acknowledged follies; and restore the reign of the law, of justice, of good sense, and of experience.

When I last addressed the Senate on this subject, the latter part of March, I manifested my intention to call it up again the 21st of April. The opinions of the Senate, both on the causes of the public distress and on the proper remedy, were very well known. A majority, it was not doubted, disapproved the whole Executive proceeding, in removing the public moneys from the bank, and would regard their return as the first step in re-establishing a proper state of things. And a continuance of the present bank, with modifications, was supposed, also, to be the measure which a majority was most likely to concur in, as the remedy best suited to the occasion. The House of Representatives had done nothing to commit itself, one way or the other. Whatever might be conjectured of its course, it had come to no decision.

But before the 21st of April came, that honorable body had expressed its opinion. It had decided, by a very large majority, and in the most general terms, that the bank should not be re-chartered. While this purpose remains, it is obvious, that any proceeding of the Senate on the subject must be nugatory. The Senate cannot re-charter the bank. The Senate, of itself, has no power to pass measures for the public relief. It can, indeed, check the measures of other branches: it can resist what it deems to be wrong, and it may show itself ready to concur in wise and proper measures of relief; but it can do no more. It would seem, therefore, to be hardly worth while to occupy the attention of the Senate with propositions for relief, to which the other House has, beforehand, manifested its determined opposition. Until there is some intimation of a change of opinion in that House, it is useless to press the measure which I proposed. For the present, therefore, I shall suffer the subject to remain where it is. When I shall next call it up, will, of course, depend on circumstances. Of the measure itself I retain the same opinion as I expressed on its introduction. It is a prompt measure, it is an efficient measure, it is a conciliatory measure, and it is the only measure which promises relief to the country. These are my opinions; and those who oppose this measure, and have nothing to propose but a confirmation of the present state of things, act on their own responsibility.

Sir, the question is before the country. Shall the bank be re-chartered, for a short period, until it can collect its debts and wind up its concerns without distressing the people, or shall it be left to collect its debts in the short period of its charter which yet remains, whatever may be the consequences to the public?

Mr. President, if Congress see fit to embrace the latter branch of the alternative; if it will not re-charter the bank, even for a day, or under any modification; if it will make no new bank; if it will leave the country it its present condition, to struggle with its difficulties and its distresses as it can, it will be recollected, at least, that all this is not the result of necessity. It will be recollected that a different policy was proposed; that a fair and conciliatory measure was offered, was earnestly pressed on the attention of Congress, and was rejected.

Let gentlemen, then, sir, take the consequences upon themselves. If the summer shall prove to be one of great embarrassment; if business shall be suspended; if trade shall stagnate; if employment for labor shall not be found; if the revenue shall fall off one-half; let it be remembered that these consequences, one and all, might have been, this day, easily prevented; that plain, easy, and adequate means of prevention were proposed, but that gentlemen chose to adhere to their theories, their experiments, and their predetermined course of policy, against all remonstrances, as well within the walls of Congress as without.

Mr. President, while, like others, I am engaged here every morning in presenting to the Senate the proceedings of public meetings and the memorials of individuals, supplicating Congress to restore the public prosperity, and to re-establish the authority of the laws, I think it due to those who thus do me the honor to make me the organ of their sentiments and their wishes, and indeed to the whole country, that I should express my own opinions upon the present state of things, and upon the prospects before us.

In the first place, then, sir, I wish to express my belief that nearly all practical men and men of business in the country, friends or foes of the administration, have become satisfied that the "experiment" is a complete failure. Whatever some may, at one time, have believed,

and whatever others have hoped, eight months' experience has settled the question. Yes, sir, I believe that friends as well as foes now see that the attempt to sustain the currency and maintain commercial credit, by the aid of State banks, has hopelessly failed. With all the aid of Government, with all that party zeal could do for them, these banks have not been able to relieve the community; they have not been able to restore confidence. Confidence is a thing not to be produced by compulsion. Men cannot be forced into trust. Good credit, within local limits, these banks, or some of them, possessed; but there it naturally stopped, and cannot be forced further.

As far as I understand, at least in this part of the country, the usual occurrences are these: If a man has the notes of State banks to any amount, he goes to the bank and gets specie for them. Having obtained his specie, he very often goes to the Bank of the United States and exchanges it for bills. The returns made to Congress from these deposite banks, and all our information, official and unofficial, clearly show that they are not competent to relieve the country. The experiment, I repeat, sir, has already failed. Men feel that it has failed. The friends of the administration feel that it has failed. I speak confidently, and am willing it should be remembered that I have so spoken; and I say that at this very hour, in my opinion, the conviction is general, that the measures adopted by Government have not produced, and cannot produce, the expected beneficial effect.

As to what is before us, sir, my opinion is, we are to look forward to a summer and autumn of very great difficulty. There may be occasional and temporary relaxations of suffering, but there can be no permanent relief. Men of capital will be alarmed; active men of business will be timid; those who have any thing will rather seek to secure it, than to hazard it in the attempt to make more. Employment will be scarce, wages low, and, above all, or rather, perhaps, as the cause of all, a want of confidence, an uncertainty about the future, a distrust in the currency, and a distrust in Government, will continue to paralyze the whole community.

If we break up here, having done nothing, we shall go home to meet nothing but complaints and trouble. Can any of these advocates of "experiments" tell me how the condition of the country is to be changed for the better, before the next meeting of Congress? How is business to revive? How is occupation for the laboring classes to be obtained? How is commerce to be extended? How is internal trade, especially, to regain its facilities and advantages? How are exchanges to be re-established? And what is to become of the revenue? Will gentlemen longer sleep over this last subject? Do they now not see, that the Secretary's estimates cannot be realized? Sir, the honorable member from Kentucky has called for an account of the receipts at the Treasury for the year, thus far. When those accounts come, they will open gentlemen's eyes; they will show sad disappointment. I cannot speak with precision, as to the extent of defalcation, but I do not speak altogether at random, when I give my opinion on this subject. From the best lights I can obtain, there will be a deficiency, in the receipts of the customs, of at least one-third the whole expected amount—perhaps nearer to a moiety than to a third. Such is the direct effect of the experiment upon the finances of the country. Having, sir, expressed these opinions, there are others, also, which I think it right to state.

With all respect, sir, to both Houses of Congress, and notwithstanding all that we hear, in one or the other, against the power to create a bank, I am fully of opinion, nevertheless, that two-thirds of each House are convinced of these two propositions: First, that a national bank is constitutional: Second, that a national bank, in the present state of things, is indispensable. This may appear inconsistent with what has taken place, but I fully believe it is all true. This paradox, if it appear to be one, is easily explained by considering the circumstances which may, and which do, control men's opinions. One question gets mixed with another; opinions give way to notions of present expediency; and the consequences of appearing to give way and abandon a favorite course of policy, are more feared than all other consequences. Sir, if the Executive would but signify his assent to such a proceeding, we should re-charter the Bank of the United States, at least for a short time, restore the deposites, and go home to the people in three weeks.

We hear, sometimes, intimations thrown out, that the administration may itself yet propose a bank; some sort of a bank; a bank, not on the usual principles, but on some new principles. "New principles," it is frequently said, are to be applied to the case. I am not aware, sir, from my own reading or observation, that any new principles in banking have been discovered, at home or abroad, for the last quarter or half a century, unless it be that certain notions which have been suggested among us, sometime since, and recently, but never adopted, may be called new principles. I will advert to some of them.

One is, that we may create a bank, with a large capital, and establish it in this District; not for the convenience of the people here, but for the benefit of the whole United States. Now, sir, he must have singular ideas of constitutional law, who denies that Congress can make a bank at Philadelphia, with branches in other States, and yet contends that it may establish a bank here, which may send its branches into all the States. And as to a bank with a large capital here, where there is so little commerce, with no branches in the large cities, where commerce does exist, the notion is too preposterous to need refutation. This "new principle" then, sir, be assured, will not be carried into operation.

There is another "new principle," and that is, to establish a bank on the funds in the Treasury. It is hardly necessary to say, that the time for this, if there ever was a time favorable to so crude and so dangerous a project, has quite gone by.

We have had, too, sir, at different periods in our history, suggestions favorable to the exemption of banks from liability to pay their notes in specie; in other words, favorable to a sheer, confessed paper-money system. These suggestions, it may be, have become part of the "new principles" which it is intended shortly to exemplify. The country, I trust, will not run into any such folly.

Again, I have heard it said, that although there may be a bank hereafter, yet it must be a bank, in which the Government, that is the Executive, shall have direct participation and control. I need hardly say, that, for one, I shall not consent to any such project for extending executive influence. I shall not agree to make a very bad bank, for the sake of making a very dangerous Government. In that, sir, I reject and repudiate all these new principles. I shall set my face against all banks but a specie-paying bank, a hard-money bank, a well-regulated and well-constituted bank, established on principles safe to the Government and safe to the people. If we cannot have such a bank, the next best thing will be to have none. Gentlemen may set their hearts at rest, sir, about all these new projects. The country is too wise, it has already had too much taste of experiments, to countenance any one of them. If there be not a sound bank, a safe bank, a bank independent of Executive control, there will, for the present at least, be no bank at all.

I have only a few words more to say, sir. We are already far advanced in the session. The heats of summer are approaching, and what is so be done? Is the adminis-

tration prepared to see the session break up, and members go home, leaving these things as they are? Is such the intention of the Executive? Is such the intention of members who support the Executive? I still remain of the opinion formerly expressed, that it is our absolute duty to adopt some measure of relief, before we leave our seats. But the responsibility is not on us. The Senate can do nothing. We are not responsible, either for the present, or for future difficulties.

We have not brought about this state of things;we have not removed the deposites; we have not broken the plighted faith of the Government; we have not deranged the currency; we have not shaken credit and confidence; we have not brought on failures, bankruptcies, and ruin; we have not obstructed trade; we have not checked manufactures; we have not starved labor; we have not impoverished the Treasury. It is for those who have changed the state of things—it is for those whose political acts have placed the country in the condition it now is in—to take and to bear the responsibility. When we foretold this, we were derided as prophets false, or prophets ignorant; complaints of distress have heretofore only produced sneers, sarcasms, and attempts, poor attempts indeed, at ridicule. But the evil has come in a shape too formidable to be disregarded. Here it is, and how do its authors intend to deal with it? Sir, I am as anxious as any member can be to go home. I stay here at great inconvenience and sacrifice; but I am willing to stay until the last hope of doing any thing useful has faded away. I will stay till the dog-days come, if it promise the benefit. If the administration has any thing to propose, I will stay and hear it. If it meditates any measure of relief, I am willing to wait the result of its meditation. I hope, therefore, gentlemen will tell us, I call on them to tell us, whether the Executive has any thing further to propose. Does it desire the prolongation of the session? Has it any thing or does it expect to have any thing to submit to us? The friends of the Executive have the power. They have, too, the responsibility. They reject every thing which we think useful; and they propose no change from our present condition. They can relieve the country at once, if they choose. If they will but sacrifice their own prejudices, their stiff adherence to their own opinions and purposes, on the altar of the public good, they could relieve the country in three weeks. It is for them to decide whether this sacrifice shall be made. And I now repeat, sir, and it is the last remark with which I shall trouble you, that unless some efficient measure be adopted before we separate, we have a summer and fall before us, such as this country has not experienced.

The memorial was referred, and ordered to be printed.

WAKE COUNTY (N. C.) PROCEEDINGS.

Mr. BROWN would take this opportunity to present the resolutions and proceedings of a public meeting held in the county of Wake, North Carolina. Mr. B. said he was perfectly acquainted with the chairman of the meeting, and several of the other gentlemen; they were of the first respectability. The chairman had been identified with all the great struggles of the republican party, and on all occasions had been distinguished for his devotion to that party. Among the resolutions adopted at the meeting, was one approving the removal of the deposites by the Secretary of the Treasury, as a measure judicious and indispensable, for the purpose of winding up the affairs of the bank, and to prevent the bank from using the deposites in the way of forcing its re-charter. In this, Mr. B. concurred; and he had heard it said, by an honorable gentleman on this floor this morning, that by the removal of the deposites the national faith had been violated. Mr. B. had not been able to bring his mind to that conclusion, but on the contrary, he believed there was complete power in the Secretary to remove the deposites, and that the bank had no more right to complain of a violation of faith, than when money was demanded of and paid by a debtor. It was stated in the bond, that the Secretary of the Treasury, as the agent of the Government, should, when he thought proper, remove the deposites. Mr. B., therefore, could see no violation of the faith. But there was one act on the part of the Bank of the United States which should stop those who espoused her cause; the bank, on full deliberation, after an examination of the whole cause, had yielded up the deposites; they were, therefore, estopped by their own act from saying any thing about a violation of faith. But, Mr. B. thought that if the bank believed that the law required them to keep the deposites, they had themselves committed a breach of trust, by yielding them up to what they supposed an unlawful demand; and if the Secretary had no legal power to remove the deposites, the bank was bound to disobey him. The bank, having the full advantage of the ablest legal counsel, and having withheld the pension-fund, could not, in Mr. B.'s opinion, believe that the removal of the deposites was illegal. It also appeared to him, that those who considered the removal a violation of the national faith, so far from fixing the charge on the Executive of having usurped illegal and unconstitutional powers, were themselves the advocates of a usurpation of power, in claiming for the bank unlimited control over the revenue of the United States; for if the Secretary had not power to remove the money, Congress had not; and if they had done it, the bank would then have complained of a breach of faith. We had heard much about distress for the last five months, and on the one hand, the sordid avarice of the American people had been appealed to; and on the other, their fears. If gentlemen really believed in the existence of distress, it was surprising that they had not proposed a remedy, or had not followed it up more closely. Mr. B. considered them political doctors, who debated in eloquent language on the nature and danger of the disease, but could bring no remedy. The honorable gentleman from Massachusetts had said that he had not moved the bill to re-charter the bank, on the ground that the other branch of Congress would probably not co-operate; and then again he had no doubt that two-thirds of both Houses now believed in the constitutionality and necessity of a bank. If such were the fact, the Senator might press forward his proposed remedy; but Mr. B. did not believe it; he thought the conduct of the bank, for the last six months, had greatly diminished its popularity.

The Senator had said that a re-charter of the bank would afford immediate relief. Mr. B. needed no other argument to condemn the bank, than the existence of a power in this institution to blight the hopes of the farmer and planter, to bring distress and ruin on the American people, and to cap the climax, to reduce and destroy the revenue. Mr. B. did not believe in the extent of the power ascribed to it; but if it really possessed such power, it was a conclusive argument against it. The large majority of those whom Mr. B. represented, were opposed to giving to any institution, the power to say what their produce should bring in the market, and to control the price of their cotton and tobacco.

Mr. MANGUM stated that he understood that this memorial was got up by a meeting of eighteen gentlemen, of the county of Wake, where the question was agitated by a gentleman of considerable talent, who had concentrated in his speeches all that could be collected from the debates in Congress for the last three or four years, and all the *precieux morceaux* with which he was furnished by the official organ of this city.

RALEIGH (N. C.) MEMORIAL.

Mr. MANGUM presented a memorial from a number of inhabitants of Raleigh, in North Carolina, remonstra-

ting against the removal of the deposites, and praying for the re-charter of the bank, or the adoption of such measures as might relieve the public distress, and restore a sound currency. The memorial was, he said, signed by more than four-fifths of the voters in the town. He had no idea that the question would be settled till public opinion from without should settle it—until the fact should be ascertained, that out of a body of four thousand, not more than forty would be found in favor of the removal of the deposites. He would always be opposed to any institution which should have the power of controlling the prices of cotton and tobacco. The question was now wearing out; the last hope of the party was breaking up; the party was breaking up; and so far from the action of the last six months contributing to render the institution unpopular, it was now more popular than it ever was. He met with no man of intelligence from the South, who did not say that there was a necessity for an establishment which should regulate the currency. In the South, whatever quackery might be played off, the blow would be felt less severely than in any other part of the community. The country had enjoyed a wholesome currency, and prospered under it; and, in the opinion of all sensible men, the United States Bank was sufficient to restore it. The people around us, said Mr. M., are rising *en masse:* and I do think, that in Virginia and North Carolina, the people begin to feel a deep conviction that something is to be done. Government has done more to establish the bank than all its friends could have done.

Mr. BROWN had not intended to say any thing on the present subject. How often had he heard it said by the the advocates of the bank, that the prices of produce had been reduced by the last action. He must be allowed to dissent from the opinion of his colleague. If the bank should be allowed to establish itself, he should despair of the liberties of the country. He must say that the commonwealth of North Carolina would pursue "the even tenor of her way," and uphold the standard of republicanism notwithstanding that it might be ingloriously deserted elsewhere—even by Virginia. The State of North Carolina looked to no political examples; she acted and thought for herself. If the ancient commonwealth of Virginia thought proper to desert the man who has done more for State rights than any other individual; who had struck at the internal improvement, as it was confessed he had done; who had struck at the tariff, as was also acknowledged—be it so: he (Mr. B.) trusted North Carolina would act otherwise. As regarded the expediency of chartering a national bank, he must say that our people were not a people who would surrender constitutionality to expediency. They did not value the constitution by dollars and cents. No! they saw in this institution (the bank) an attack upon the constitution of the United States; then came the American system, which was another attack. He had no doubt they were indebted to the bank for the exertions which had been made to introduce and perpetuate the American system; and he appealed to State rights men, how they could give their support to an institution which had acted in this manner?

Mr. WEBSTER said that he was glad to find that the honorable Senator from North Carolina [Mr. BROWN] was so well sustained by his State; for although it could not be affirmed, that the honorable Senator went "*magna commitante caterve,*" neither could it be said that a gentleman was without all good company who had with him eighteen or twenty respectable associates; the number, however, was hardly sufficient to uphold that standard which the honorable Senator seemed to think Virginia had ingloriously deserted.

Mr. BROWN denied that he had spoken thus with regard to Virginia.

Mr. WEBSTER quoted the precise words used by the honorable Senator from North Carolina, and continued: An appeal had been made to Virginia: a very worthy gentleman, [Mr. RIVES,] not now upon this floor, had vacated his seat in compliance with the instruction of the Legislature of that State, but with the confident expression of his opinion that an appeal to the people would alter the state of affairs. Well, all looked to Virginia—the appeal was made, tried, and decided, but decided in a different way from that which was expected by the gentleman to whom he (Mr. W.) had alluded. The appeal was now going over Virginia into North Carolina, and would set all right. But it had been said that Virginia had ingloriously deserted her ancient standard—the standard of republicanism. Virginia needed no defence in this particular, or she would instantly receive it at abler hands than his, (Mr. W.'s.) But what had she done? She had resisted Executive power, she had sought to keep the revenue of the country under the control of the Legislature. Had she in this transgressed any article in the catechism of liberty, or departed from the principles of republicanism? She had kept a watchful eye upon, and sought to restrict the power of patronage—was that inconsistent with republicanism and liberty? But the honorable Senator had given the Senate a new argument upon the subject of the deposites. He said that the bank had itself declared the removal of the public money to be a legal procedure, because she had given up the money—that she would not have given up the money if not legally demanded. If, Mr. W. said, they had this argument at the commencement of the session, there was no saying what impression it might have made upon the Senate; as however it had been so long coming from one man's mind, he feared it would be as long sinking into the minds of others.

The case was simply this: the law gave the Secretary power to remove the money, imposing upon him at the same time the duty of exercising his own judgment as to the justice of the act: the Secretary disregarding his own judgment, or having none of his own, but acting, as he had himself allowed, upon the President's judgment and order, without any just cause of complaint against the bank, did remove the money. The order came, and the bank gave up the deposites. Again, the gentleman asked why, if the opinions of a majority of the members of both Houses were in favor of a bank, some proposition to that effect was not brought forward? It was a poor consolation, he said, to tell the patient that he was ill, without proposing a remedy.

We, said Mr. W., are not doctors: there is but one gentleman of the medical profession among us, and he is not now in his seat. We have not been consulted; we have had nothing to do in the matter: But how is it with him, who, finding the patient well, exercises upon him, ruins his health, makes experiments upon him, and endangers his constitution. He (Mr. W.) repeated, that he believed there was a majority in both Houses in favor of a national bank. Then why, said the Senator from North Carolina, is a national bank not established? Simply, said Mr. W., because it is not the policy of this administration to have such a bank. There were many, who in their exercises were against the present experiment, but who nevertheless thought the experiment must go on, only because the man who fixed the policy of this Government, and "whose determination nothing could alter," had so willed it.

There was another new view of the Senator from North Carolina. The bank was now charged with a kind of guilt which he (Mr. W.) had never before heard ascribed to that institution. The honorable Senator had now discovered, that the bank was the cause of the loss of commerce and the revenue of the country. Here was a useful agent, upon which the Executive had made an attack, and thus produced much suffering in the community, (more than had been inflicted upon the bank itself,)

and now this useful agent was blamed for the consequences resulting from the injury which had been inflicted upon it, and the Senate was told that it ought to be destroyed, because an attack made upon it produced distress and derangement of the concerns of the country. What, continued Mr. W., had the bank done? It stood still—said little, and did nothing! It charter was about to expire, and it consequently called in its debts—slowly, much too slowly, in his opinion, for its own good and the ultimate interest of the people. This was a second edition of the old fable of the Wolf and the Lamb. The lamb was not born at the time the alleged offence was committed against the wolf; no matter, it was some of the lamb's ancestors; so the wolf sprang upon his victim and devoured him.

You might just as well say, continued Mr. W., that inasmuch as ships are essential to the commerce of the United States, we should therefore destroy the ships; there was nothing capable of exerting so much control over the revenue. The merchants too, had the power of controlling the revenue—they could increase or reduce it; and they, therefore, ought to be hung up under the second section, if it was inconsistent with freedom that these men should have so much control. This was the argument, that whatever was essential to the country, was obnoxious, because of its power.

Mr. W. was not about to discuss the merits or demerits of the bank; but he would say, Let it be tried—let an investigation be made—there was a jury, let them be empannelled before the tribunals—there was law, let the bank be tried. But Mr. W. agreed entirely with the other Senator from North Carolina [Mr. MANGUM] that so far from recent transactions and circumstances in the country having been unfavorable to the bank, their tendency had been all the other way; and he thought the people now felt sorely that the twenty-four States could not regulate the currency of the country, that they could not manage the internal trade or the business of exchanges. In one of the denunciations which had been made against various classes of people, the brokers had been placed foremost; and yet the kingdom of brokers had come upon us; it had been spoken into being by the erroneous rates of exchange. Compare the state of things now, with what it was in October last, and see the result. Could a man now cross a State line with the money of another State? Could he get it exchanged without an enormous premium? It could be done nowhere. There was no common medium, and specie, the hard money used to supply its place, made its progress, first from Philadelphia to Baltimore and then to Washington; and then it was bid to march back again to Baltimore and Philadelphia; it went from deposite bank to deposite bank, at whose cost we did not know now, though Mr. W. hoped we should know hereafter. The derangement in the exchanges, and the high premium, was a matter felt by every man, in the enormous diminution of the profits of his industry. That alone was enough to produce the conviction than an institution to regulate the currency of the country was indispensable.

Mr. BROWN said, the Senator [Mr. WEBSTER] had commenced his remarks by saying that there were not more than eighteen or twenty at the meeting to support the standard of the administration in North Carolina. Mr. B. knew the chairman of the meeting was excelled by no one in veracity, and yet he had said that the meeting was large and respectable, which Mr. B. thought better evidence than the conjecture of his colleague.

The Senator had also said, that one of Mr. B.'s arguments had at least the merit of novelty; but Mr. B. had heard no new arguments from him (Mr. W.) They had all been often repeated here, and had met their refutation. But then the bank had the miraculous power of conferring high intellect on all who espoused its cause.

But the argument that the bank was estopped by yielding the deposites was not new with Mr. B., he had heard it before, and it had not been answered.

The Senator had noticed the appeal to the State of Virginia. Mr. B. thought certain politicians of the old Virginia school would consider it rather doubtful evidence of their orthodoxy, that they found an advocate in the gentleman from Massachusetts.

The memorials were now referred, and ordered to be printed.

CHEROKEE MEMORIAL.

Mr. CLAYTON presented a memorial of the Cherokee nation, signed by their principal chief and other delegates, complaining that, notwithstanding the faith of treaties, the obligations of the laws, and the solemn decision of the Supreme Court of the United States in their favor, the President of the United States has not only refused to protect them against the oppressions of the State of Georgia, but is exerting his power on the side of their oppressors, and co-operating with them in the work of destruction. They represent that, under these laws and treaties, in times past, they were protected by the Executive power of the United States—that, happy under the parental guardianship of this Government, they applied themselves assiduously and successfully to learn the lessons of civilization and peace which, in the prosecution of a humane and Christian policy, the United States caused to be taught to them; that while protection was extended to them against cupidity, they could, with pride and satisfaction, and with grateful hearts to their instructers, point us to the houses they had built, the improvements they had made, the fields they were cultivating, and show, by their domestic establishments, how, from wandering in the forests, many of them had become the heads of families, with fixed habitations, each the centre of a domestic circle, like that which forms the happiness of civilized man. They say that human knowledge and letters had been introduced amongst them, and that the highest of all knowledge had come to bless them, teaching them to know and to worship the Christian's God, bowing down to him at the same seasons, and in the same spirit, with the millions of his creatures who inhabit Christendom, and with them embracing the hopes and promises of the Gospel. But now they represent that each of these blessings has been made to them an instrument of the keenest torture; that cupidity has fastened its eye upon their lands and their homes, and is seeking, by force and by every variety of oppression and wrong, to expel them from their firesides, and to tear them from all that has become endeared to them. They say, that, to give a detail of their sufferings, would make a history.

The memorial further complains, that the annuities secured by treaty for the Cherokees, has been virtually withheld, in consequence of the Executive construction of the laws, and it asks of Congress redress for this grievance, by directing that those annuities shall be paid according to the provisions of the treaty and the expressed wishes of the Cherokee people. On this subject, said Mr. C., I forbear all comment at this time. My business with it now is to cause the proper disposition to be made of the paper. It is accompanied by numerous documents, showing the whole correspondence of these delegates of this dependent people, now seeking our protection, with the Chief Executive and the Department of War. I move that it be printed, and referred to the Committee on Indian Affairs.

Mr. FORSYTH hoped the reference would not take place without consideration. These people made complaints against the President of the United States and other portions of the Government. They represented themselves as an independent Government; and measures for redress, in such cases, ought to originate with ourselves, and not with those foreigners. He would like to know what au-

thority the honorable Senator from Delaware had for representing these people as an independent nation?

Mr. CLAYTON said, the paper had been handed to him by a person in whom he had all confidence, and who had so represented them. They represented themselves as people under the protection of the United States, and they had not been protected; and they asked protection. The subject of their annuity being withheld was a proper subject for legislation; and if the people had been injured, they could only look to the Congress of the United States.

Mr. FORSYTH objected, on the ground that the people represented themselves in a character in which they ought not to be seen. The memorial came, he supposed, from John Ross; and he wanted to know how any one representing himself as the head of any people on the globe, could make a complaint against the Government of the United States, through the Senate. Suppose some petty chief of Spanish America, or of Europe, were to present such a paper; there would be but one sentiment—indignation, felt at his impudent audacity. And here was the head of the Cherokee tribe come to beard the Government. If they had represented themselves as subjects they would be heard; but thus represented, the Senate could not receive their memorial.

Mr. FORSYTH then called for the ayes and noes on the question.

Mr. CLAY said, the question was as to whether the memorial should be received. By the constitution of the United States, the intercourse with the Indian tribes was confided to Congress; by treaties with those tribes annuities were agreed to be paid them, and appropriations had been made for that purpose. Congress had the control then of this money, and had a right to see that it was correctly paid. Well, these Indians came here and said that the money had not been paid according to law; they presented a petition which the House and the Senator from Georgia objected to receive; and the ground of the honorable Senator's objections was, that they were a foreign nation.

Mr. FORSYTH said they represented themselves as such.

Mr. CLAY said it did not matter what the petitioners said they were. Their connexion with us was well known. The laws of the United States did not treat them as a foreign power, but as a people subordinate to the United States, to a certain extent. The Supreme Court had declared them to be a domestic nation; and under these circumstances, could there be any doubt that Congress had a right to see that the money granted to them by law had been properly applied? There was but one ground upon which the objection of the Senator from Georgia could be maintained, and that was, that the President, having taken the control over the treasury, had a right to apply the public money as he pleased, without the supervision of Congress. If the President could do this, then the Senate might be said to have no right to interfere in the present case. Mr. C. said he should not go into the general question of the horrible grievance which had been inflicted upon the Indians, by that arbitrary policy which trampled upon treaties and the faith of the nation; but he did hope that the Senate would not consent to close its doors against the humble petition presented by these poor Indians, in relation to an abuse which had been practised upon them by another branch of the Government.

Mr. SPRAGUE made a few remarks upon the same side, and was briefly replied to by Mr. FORSYTH.

Mr. BIBB then said, that as the yeas and nays had been called for upon this question, he should take the liberty of saying a few words upon it. He thought the honorable Senator from Georgia had suffered his feelings to carry him away from the true point at issue. Unless the treaties which the United States had entered into with these Indians were to be disregarded, he (Mr. B.) thought that the Senate could not possibly refuse to receive the petition. [Mr. B. here read an extract from one of the treaties, showing that the Indians had placed themselves under the protection of the Government, and that the Government had agreed to extend protection to them.] Now, without going into a discussion as to the real character of these people, he should vote for the reception of the petition, on the ground that the Government of the United States had taken the petitioners under its protection. He felt as much bound to receive the remonstrances and complaints of these Indians, as he did to receive those of any number of the citizens of the United States. Mr. B. said, he went on the ground that Congress should hear their complaints, and do them justice; and if the Cherokees thought injustice had been done them, Congress was bound, at least, to hear their complaints.

Mr. FRELINGHUYSEN said, there was one view of the subject, on which he thought it would be the pleasure of the Senate to receive this petition. By a treaty with the Cherokees, the United States had bound themselves to pay them an annuity of 6,000 dollars. At the suggestion of the President, the annuity, which had heretofore been paid to the chiefs of the nation, for them to distribute as they might think best, had been paid in a different manner. About five years ago this change had been made, and the War Department had ordered the annuity to be distributed among the individuals of the nation, and from the altered state of the people it had been impossible thus to carry the benefit to the whole nation. They now asked the interposition of Congress, to alter this mode; but this called for the agitation of no inflammatory question; they thought it better to pay the chiefs of the nation, than insulated individuals. Mr. F. remembered that an amendment of this import had been proposed to the bill before the other House, and he trusted that it would yet be carried, so as to pay the money either to the chiefs or the head council of the nation. Now, when the Executive was pursuing a course on this subject, unpleasing to them, could they not respectfully ask Congress, that such a mode might be adopted as would be beneficial to the nation at large? Where was the use of any indignation of feeling on the subject? Why should they be called audacious Cherokees.

Mr. F. objected to this use of the term; the history of their wrongs would better authorize the appellation of injured Cherokees. Mr. F. did not see the evidence of their insolence; they had come here with a statement of their wrongs, and the gentleman from Georgia might be assured, that if the bank had been worn threadbare, this was not a new subject, and never would be threadbare; it was interwoven with the character and reputation of the people of the United States. When the Indian bill was under discussion, Georgia declared that she intended to do them no wrong, but merely to bring them under the State authority. But it was the duty of Congress to see whether they had been wronged, and the last mode which the American people would think of to sustain the public honor, would be for Congress to shut their door against their complaints. The Senator from Georgia, representing a State which had crushed them as a nation, was now endeavoring to shut them out, because they represented themselves as the Cherokee nation. They had been heretofore denied this title; they had been called poor devils; and now, because they called themselves a nation, Congress were to shut their ears against them. Mr. F. would let them call themselves the Cherokee nation; it was all that was left them; Georgia had stripped them of every thing else; and could the Senate answer it to the fame and honor of the country, that because they had called themselves by a title which had been given them in a series of treaties, ratified with them by Washington, and his distinguished successors, and considered sacred,

that the Senate should shut its doors against them, because they had presented a petition under this title, thus confirmed, and that, too, when from this same nation the Government, for a mess of pottage, had obtained no less than two or three hundred millions of acres of their land?

Mr. CLAYTON said he would ask the Senate to bear witness, that when he presented the memorial, so far was he from attempting to produce agitation, that he had gone no farther than to make a very brief statement of the contents of the memorial, and to move its reference to the Committee on Indian Affairs, which was the usual course. Yet the Senator from Georgia had represented it as a new subject of agitation. If the Senator from Georgia had known the circumstances, he would be ashamed of what he had said. [Mr. FORSYTH said he had made no direct personal allusion to the gentleman: the desire to agitate came from without.] Mr. C. demanded it as a matter of justice, that the Senate should look at the fact proved by the documents, that the annuities were withheld. Gentlemen contended that this construction of the law was the true one, that the Executive was bound to pay the Cherokees individually. Even granting that this was the true construction, had not the Cherokees the right to ask Congress to pass a new law on the subject, that the pension should be paid over to the heads of the nation? So far from arraigning the Executive, the petition went on the supposition that the Executive having put the improper construction on the law, Congress ought to pass a new law. Was this request unreasonable? These persons had a right to their annuities, which, paid in this manner, were of no use to them. An individual must now often go fifty miles to get an annuity of fifty cents; and they invoked the aid of Congress to give them their annuities as the law was formerly supposed to indicate.

Mr. C. noticed an instance in which the Cherokee delegation had been told that their expenses would be paid at Washington by the Executive. This indicated that the Executive exercised the whole power of paying the annuities as he pleased. Under these circumstances, was it not proper that Congress should say how the annuities should be paid? Mr. C. professed not to understand the morality of the Government in its treatment of the Indian tribes; but if such a tribe was to be considered as a foreign power, this would be considered, in its direct effect, to bribe the ministers of a foreign power. The Senator from Georgia had contended that they were not a foreign nation; but when the Indians memorialized Congress, Mr. C. hoped they would be permitted to do so; he would regret if their petition should be refused admittance, and if the Indians should hear that they were never to be permitted to ask relief. He trusted that it would be received and referred.

Mr. FORSYTH replied, that the gentleman from New Jersey was mistaken in point of fact; the laws of Georgia had not been extended over the tribe. As to the fact that they were not presenting themselves as a foreign Government, they came here as the Cherokee nation; and what was a foreign Government, he would inquire? This was an independent Government, or they represented themselves to be so, appealing against the Executive—they were appealing to one branch of the Government against another. This very subject had been in discussion here for two years—there was no refusal, and there could be no refusal to do them justice, and honorable gentlemen could possess themselves of every thing which could give them information in relation to this subject, by the usual proceeding of resolution, calling on the Department of War. He objected to having an independent member of this Union, which he had the honor of representing in part, thus arraigned before the Congress of the United States by an insolent Cherokee. Attempts like this had been made twice before. One of which he, Mr. F., recollected in the House of Representatives, when he was a member of that body. The House refused to receive the complaint; and, afterwards, when the political character which the complainants had assumed was dropped, their representations were heard, and justice was done to them, as the nature of their case seemed to require. This could be done here. He moved that the paper be not received.

Mr. FRELINGHUSEN said, if the Cherokees were an independent Government, then there might be some weight in what the gentleman from Georgia had said; but when they were dependent, how could gentlemen object to receive a petition from the head of the nation? Why did the constituents of Senators apply there? Because they were dependent on the action of Congress. It was fallacious to argue that they had no right to come forward as an independent nation. What they said was the simple truth. To refuse to receive a memorial from people who put themselves under the protection of the Government was a monstrous political absurdity.

Mr. HENDRICKS would receive the memorial, but he objected against it. There was more difficulty in shielding the Indians from the dishonesty of their own chiefs, and the agents, than from any action of the Government. It would be better, if the chiefs were honest, to pay the money to them; but by that means, the people sometimes never got it. There was a regulation made five years ago, in the department, as to the mode of paying the money to the Indians, of which a number of people, combined with the chief, took advantage, and defrauded the people of their money. He thought it better to pay it to each head of a family. It was found that they durst not take it for fear of the chiefs, who insisted upon a right to receive the money. By this means the people were kept long out of their money, and sometimes cheated out of the half of it, or perhaps the whole.

The question was then taken upon Mr. FORSYTH's motion, that the paper be not received, and decided in the negative, by the following vote:

YEAS.—Messrs. Bell, Bibb, Brown, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Hill, Kent, Knight, Leigh, Linn, McKean, Mangum, Naudain, Prentiss, Preston, Robbins, Robinson, Shepley, Silsbee, Smith, Sprague, Swift, Tipton, Tomlinson, Tyler, Webster.—30.

NAYS.—Messrs. Benton, Forsyth, White.—3.

Mr. TIPTON said that he was in favor of receiving and referring this paper to the Committee on Indian Affairs. He would hear the complaints of the humblest individual, no matter of what color, if he was an individual entitled, as the Cherokees were, to the protection of our Government. But, sir, I am opposed to incurring the expense of printing the voluminous documents accompanying the memorial, until after it is examined and reported on by a committee of the Senate, who could judge correctly what consideration it is entitled to from this body.

I am confident, said Mr. T., that it is right and proper to protect the poor Indians. No member of the Senate feels a deeper interest than I do in their preservation and prosperity, and it will be found much more difficult to shield the poorer class of Indians from combinations of dishonest chiefs, and their co-workers of mischief and oppression, than to protect them against the impositions of the officers of the Indian department.

The policy adopted five years ago by this administration, of paying the annuity to the heads of families, and not to the chiefs, is both just and proper. It not only shields the poor Indians from the impositions of dishonest chiefs, but enables the President to detect dishonest agents of the Indian department. The Secretary of War knows, or should know, the number of Indians in each tribe, and the amount to be paid to them by the Indian agents; and if the Indian agents were instructed to transmit with their accounts for settlement, an abstract, show-

ing the number of heads of families in each tribe, and the number of individuals in each family, with the amount of money paid to each, and this abstract should be certified by two witnesses, known to be entitled to credit for veracity, should the payment not have been made in the utmost fairness, to all persons belonging to the tribe, the President should dismiss every agent neglecting to do his duty agreeably to instructions.

The honorable Senator from Delaware [Mr. CLAYTON] has told us how oppressive it was for a poor Indian to travel fifty miles to receive fifty cents, when the chiefs could bring them their money without cost, as was the case under former administrations. The honorable Senator is mistaken as to the facts.

There is no law directing it what manner the annuity shall be paid; it is, as it should be, left to the President, and the mode complained of is the only just one. It is the duty of the agents to count the money due to each individual, or head of family, and to show each man what he is entitled to for himself, wife, and each child, and not suffer the chiefs to cheat them out of a portion of the money due to them from the Government. It is true, that if all the chiefs were honest, this would change the case. Sir, said Mr. T., I have heard of Ross, the memorialist; his name and character have not made a favorable impression on my mind. I have no doubt but he, and others acting with him, will substract twenty-five per cent. from the annuity, if it is put into their hands. The chiefs, most generally, are traders, and will pay the people in goods or whiskey, and keep the money, and the poor Indians will never see a dollar.

There have been cases, said Mr. T., where the chiefs, and a few others, prevented the common Indians from receiving the money due them from the Government; although the agents would count and offer them their annuities, they would not receive it, fearing the displeasure of the chiefs; and the chiefs and traders want to coerce the Government to make the payment in such manner as to favor their interested and dishonest motives.

This chief, (Ross,) I understand, claims 3,000 dollars to defray his expenses in coming here, and he wants the Government to pay this expense; and if Congress refuse this request, I do not doubt that Ross will never let the annuities pass from his grasp, until he wrings from the poor people of his tribe the price that he wants us to pay for coming here to annoy the President and Congress.

Sir, I am anxious to have a report on the facts of this case from the Committee on Indian Affairs. Let us know all the facts, and I have no doubt that we shall find that the chiefs, and a few others, actuated by selfish motives, are waging war upon this most just and proper measure of the administration. When we understand all these facts, I hope that the Senate will sustain the administration in this measure.

I know that many honest men, who are misled by such clamors, coming from interested men, are imposed on, and under a mistaken state of the facts, are aiding this chief, Ross, and others. I am sure that, so soon as better informed, they will change their course, and lend us their support.

Mr. FORSYTH felt surprised that the Senator from New Jersey [Mr. FRELINGHUYSEN] should have said that these Indians were not an independent nation. They had brought their claim to be considered as a separate nation expressly before the Supreme Court; that court had not, it was true, sanctioned their claim, but the second court had decided in their favor, and they now every where maintained that their rights in this respect had been recognised. He (Mr. F.) had thought that the Senator from New Jersey had always been of opinion that they were a separate nation. He would ask that Senator now, if it would be possible to pass a bill doing equal justice to these Indians and the citizens of Georgia? Would the former not declare themselves to be beyond the jurisdiction of this Government? They could not be touched either by the laws of the United States or by those of the State of Georgia; they said they were above them; and yet they came here and demanded that the Senate should interfere between them and the President. He (Mr. F.) had no objection to their case being heard; he had no objection even to go over all the old ground again, and to take up the decision of the Supreme Court; to go into a minute analysis of the laws of the State of Georgia, (although he must say that the State of Georgia had committed no injustice towards them.) He had no objection to do all this; but he repeated that he did object to the reception of a paper from persons of this kind, calling upon one branch of this Government to interfere with the proceedings of another.

Mr. CLAYTON read a part of the memorial for the purpose of showing that the petitioners did not consider themselves a foreign nation. With regard to the observations of the Senator from Indiana, he (Mr. C.) would say, that he thought there was less danger of the Indians being cheated by their own chiefs than by the Government of the United States. The honorable Senator had related an anecdote: he (Mr. C.) begged to ask what tribe the chiefs belonged to who had acted in the way the honorable Senator had described.

Mr. TIPTON mentioned the name of the tribe, but it was not heard in the gallery.

Mr. CLAYTON said that was a wild and savage tribe, whilst every one who knew any thing of the matter, would allow that the Cherokees were rapidly advancing towards a state of perfect civilization. With regard to John Ross, he had seen that individual upon two occasions, and had been much pleased with his mild and unassuming manners. He had never heard any thing against his character. The treaties declared that the money granted to those Indians by the law, should be paid to the chiefs of the nation; but the Government had hitherto, in defiance of those treaties, adopted a different mode of payment, and the consequence had been great loss and inconvenience. The Cherokees had appointed their chiefs to receive the money, and the Government had nothing to do with any other question.

Mr. WEBSTER said "Strike, but hear!" had, upon one occasion, been the expression of patient endurance to arbitrary power. He thought this expression would apply well in the present case. Mr. W. then went on to argue in favor of the reception of the petition. Did these people, he said, represent themselves as an independent nation? Certainly not! Hard words were not strong arguments, and "insolent, audacious, presumptuous Cherokees," proved nothing. The fact was, that a people residing among us, petitioned to the Senate for redress. Now, were they citizens of the United States, or were they a foreign nation? Neither. They stood in a peculiar relation to this country. They were in some sort independent—but we did not admit that they were absolutely so. We did not permit them to form European alliances, nor to sell their lands, excepting to ourselves. Why, then, could not the Senate receive their petition? There was no sovereignty about them. The different States of the Union petitioned, and did any one suppose there was more independence in the Cherokee tribe than among the several States. But the case did not stop here. If the treaties had not been fulfilled, the Indians must obtain redress somewhere, and if they could not apply for it here, where were they to go? They could not apply in a national way. Here were large sums of money placed in the hands of the Executive, which the Indians thought had not been applied properly; what were they to do?

The consequence, Mr. W. said, of the opposite doctrine, would be, that there should be no strict control over the Executive in relation to the Indian annuities. The gentleman had said the subject might be called up other-

wise; but how could it be done? If it was for their interest, there seemed to be reason in allowing them the right to come and petition Congress. They must come in the character of petitioners, or not come at all. Mr. W. was sorry that the gentleman from Georgia had intimated that there was any getting up of the petition. Mr. W. knew nothing of it, and he could see no inducement to get up a petition of this sort before Congress. He thought it harsh to say to them that they should not be heard, and that whatever they suffered, they must submit in silence. The case was just the same as if the petition had been presented by individuals, whose right to petition could not be denied. The gentleman had said that the question ought not to be raised by petition; but it was the usual way of raising questions. The only question which could be properly asked was, whether the individuals were interested in the subject-matter of the petition: and the Cherokees were so interested; they had come in the usual form, and had come for protection under the law. Mr. W. hoped the paper would be received, referred, and printed, and that the committee would make such a disposition of the subject as in their judgment the case required.

Mr. FORSYTH thought a little change in the aphorism of the Grecian chief, would render it more applicable to the present case: "Hear, that you may strike!" Mr. F. said, if a Frenchman should present himself in the character of an individual, he would not be denied a hearing; but if he should present himself as the representative of the French nation, his petition would not be received. Such was the case with these individuals; they presented themselves as the delegates of a nation; and would honorable Senators say that they had a right to receive them in that capacity? The only mode was to present themselves through the Executive, and Congress could not interfere, without an interference with Executive prerogative, without a violation of the principles of the constitution. Gentleman had said, that injustice had been done them; it had never been done, and it was impossible that it could be done. The subject of Indian annuities had been two years before Congress, and so long it had been known that the annuities were paid in the present mode. Why had not redress been given? Why was the subject now presented in this manner? Mr. F. would tell why. The Cherokee nation was split into two parties, of one of which Ross was the chief; he had possession of the purse and the sword, and did not want to go away. A portion of the tribe wished to go away; they were now negotiating a treaty with the President for that purpose, and this petition had been brought to sustain the chief at home. The object was to agitate the public mind, to enable Ross further to deceive the individual Cherokees, in supposing that they would be settled down with a right to an independent existence in three or four States. There might be another motive operating on this individual and on the individuals who prompted this movement. Mr. F. understood the Cherokee manager was here to give advice how to act, that a better price might be secured to individuals, and they would then go away.

Mr. WEBSTER said, as Congress were about introducing a free Government among the Cherokees, he was sorry to hear, by the gentleman from Georgia, that John Ross had got possession of the purse and the sword; but in this they were only following the example of their white neighbors. The error of the gentleman consisted in his understanding the word nation, in its common acceptation, whereas there was not a man in the United States who did not know that nation, in this case, did not imply entire independence. The gentleman's argument rested entirely on a false foundation, when nation in this case means a tribe of people, controlled and protected by Congress—not such as France, Spain, or any other foreign country.

Mr. FORSYTH did not rest his objection on this word alone, but on the whole character of the paper, which he still insisted presented this people as an independent nation.

Mr. BIBB thought this debate had taken a most unexampled turn. The gentleman from Georgia seemed to suppose that every man who would not push this subject to an extremity, wished to raise a hurly-burly in the United States. There had been three separate and distinct treaties with the Cherokees, in every one of which it was recognised that they were dependent on the United States, and were subject to Congress, and not to the Executive, and by the constitution, the Executive had no power over them. How then could gentlemen suppose that Congress were invading the powers of the President? They had come with their petition; they did not claim to be independent; the distinction between dependent and independent nations was not new. What was once the condition of the United States? They were colonies, or dependent nations; and in the Declaration of Independence, one of their alleged grievances was, that Great Britain turned a deaf ear to their complaints, and when the colonies prayed for a redress of their grievances, she would not hear them. Mr. B. was as unwilling as the Senator from Georgia, to change the relationship; he considered the Cherokees as dependent; but the Government had acknowledged their existence as a people, as a dependent people, and had undertaken to protect them; and how then could it refuse to hear their greivances? If the paper should be referred to the Committee on Indian Affairs, Mr. B. did not doubt that the subject would receive the proper attention.

The question on receiving the paper was taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Bibb, Brown, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Hill, Kent, Knight, Leigh, Linn, McKean, Mangum, Naudain, Prentiss, Preston, Robbins, Robinson, Shepley, Silsbee, Smith, Sprague, Swift, Tipton, Tomlinson, Tyler, Webster.—30.

NAYS.—Messrs. Benton, Forsyth, White.—3.

The memorial was then referred to the Committee on Indian Affairs, and ordered to be printed.

On motion of Mr. FRELINGHUYSEN, at a quarter before five o'clock the Senate adjourned.

WEDNESDAY, MAY 21.

NEW YORK MEMORIALS.

Mr. WEBSTER said, he had several memorials to present to the Senate from different parts of the State of New York. The first is from the county of Otsego, and was adopted at a meeting of two hundred and fifty or three hundred delegates of the several townships in that county. The meeting was composed of those who are opposed to the powers assumed by the Executive in its recent measures.

This memorial sets forth that Otsego is one of the largest and most populous counties in the State; that its resources are the fruits of agriculture, and the products of manufacturing industry. Beyond the extent of domestic consumption, these fruits and products, as the memorialists state, are nearly without a market, because all confidence is destroyed, and the whole business of the county deranged. The merchant, they say, is unable to collect his debts, the mechanic can find nó market for the product of his labor, the farmer can no longer obtain a reasonable price for his agricultural products, and the manufacturer is obliged to curtail his business, or relinquish it altogether, by reason whereof many laboring men are thrown out of employment.

They say, sir, what all must admit to be true, that, up to the time when the Executive interfered with the cus-

tody of the public money, the United States enjoyed a sound, safe, and most convenient currency, and that that interference it is, and nothing else, which has caused so much derangement and so much distress. They had strong hopes of immediate relief from Congress, until they saw the decision of the other House, and even now they expect relief from no other quarter.

Another memorial, sir, which I have the honor to present, is from the village of Brockport, in the county of Monroe. I am informed, sir, that it was adopted at a meeting of the citizens of that village, without distinction of party. It is numerously signed, and states, with clearness and with strength, the effects of measures of Government on the happiness and prosperity of the country. They refer, in proof of these effects, (and they refer to them with pain,) to the fallen value of all the principal articles of domestic produce;

To the decline in the value of real estate, both in the county and in the village;

To the impracticability of obtaining loans, as heretofore, on bond and mortgage;

To the ruinous discount on mercantile paper, varying from 20 to 40 per cent.;

To the inability of the bank to make necessary discounts;

To the suspension of manufacturing business;

To the suspension of commercial confidence; and to the complete stagnation in almost every branch of industry.

These, sir, are the painful proofs to which the citizens of Brockport refer, to justify their sentiments in regard to these recent political acts of the Executive power. And, sir, is there any man acquainted with the real state of facts, who will stand up here, now, and undertake to gainsay these proofs?

The other memorial, sir, which the signers of it have done me the honor to intrust to my care, is from the freeholders and inhabitants of the town of Pittsford, in the county of Monroe. These memorialists express their opinions on the questions which now agitate the country, in a manner which shows that they well understand those questions. They show that the distress of the country does not arise from an extraneous cause; they show that it is not chargeable to the bank; but they trace it directly to the interference of the Executive with the public deposites and the national currency.

Mr. President, these numerous memorials, coming before us daily, from various parts of the great State of New York, from her cities, her counties, and her villages, showing so much intelligence, so much just conception of the true causes of the country's distress, and so animated a spirit in opposition to recent assertions of Executive power, may be received, as I verily believe, as auguries of the decision which the people of this important State will make, when they shall next exercise their power, through their rights of suffrage, and shall speak the language which becomes them, as freemen who know their rights, and knowing, will maintain them.

OHIO MEMORIALS.

Mr. EWING said he some days ago presented a memorial from the citizens of Athens county, Ohio, on the subject of the general condition of the country, which was ordered to be printed with the names. He now added to the list two similar papers from other townships in the same county, which adds seventy-three names to those already presented. I also, said Mr. E., avail myself of this occasion to present to the Senate two other memorials, from different parts of the State of Ohio, on the same all-absorbing subject. The one from Huron county, which lies in the northern part of the State, touching the lake shore; the other from the county of Greene, in the Miami valley. They concur in stating that a general pressure prevails in the money concerns of the country, the fall of prices, and general pecuniary embarrassment. They state their belief that these evils are occasioned by the removal of the public deposites from the Bank of the United States; that the affairs of the country cannot be successfully conducted without a national bank, and that it is essential to the credit and quiet of the country that the deposites be restored; and they pray for the restoration of the deposites and a re-charter of the bank, with suitable modifications. I need not say to the Senate that I concur entirely in the opinion of the memorialists, and regret that I can hold out to them no prospect or hope that their wishes will be regarded by those who now hold the power of the nation in their hands.

JEFFERSON COUNTY (VA.) MEMORIAL.

Mr. LEIGH rose and said he had been requested to present the memorial of a large number of citizens of Jefferson county, Virginia, on the same subject on which so vast a number of memorials had been laid on the table, the number of which was destined so greatly to increase. This memorial, he said, had the merit of being very concise, and concluded with a prayer to which he trusted every man in the country would respond. They earnestly pray, said he, that Congress, laying aside all party feelings, will adopt such measures as will give speedy relief to the country, and rescue thousands of our fellow-citizens from the calamities that overwhelm them.

The memorials were then referred to the Committee on Finance, and ordered to be printed.

PENNSYLVANIA AND NEW YORK MEMORIALS.

Mr. CLAY rose to present several memorials and proceedings of public meetings to the Senate. He would first offer six memorials from the county of Huntingdon, in the mountain region and iron district, and near the centre of Pennsylvania, complaining of injury to their business, which is that of agriculture and manufactures, in consequence of the late measures of the Executive. It will be recollected by the Senate, that the Senator from Pennsylvania [Mr. WILKINS] some time ago presented, with particular satisfaction, certain proceedings of a portion of the people of that county, approving of these measures, and representing a flourishing condition of the county. These memorials are of an opposite tenor; and he, Mr. C., is assured, by the highly respectable citizens who have transmitted them to him, that other similar memorials are in circulation, which will be subscribed by large numbers of the people of that county; and he is also informed that a vast majority of the freemen of the county are decidedly opposed to the acts of the Executive.

The next proceedings which he begged leave to present, were those of a large and highly respectable meeting in Doylestown, Bucks county, Pennsylvania. That county is situated near Philadelphia, on the Delaware, and is dedicated to the pursuits of agriculture and manufactures. The meeting, and its officers, were composed of all parties, and their high standing has been attested to him by the member in the other House who represents them. Their resolutions are drawn up with much ability, and evince an entire knowledge of the questions which have agitated Congress and the country. They complain of the derangement of business, and the injury unnecessarily inflicted by the ill-advised measures of the Executive. They emphatically dwell on the violations by that department, of the constitution and the law, and the unwarranted control which it has assumed over the public treasury.

The people of Doylestown think, and so does he, that the Secretary of the Treasury ought to have restored the deposites after the passage of the resolutions of the Senate. Under any former or ordinary administration, it would have been done. His reasons had been submitted

to Congress. Neither House approved them, and one positively declared them to be unsatisfactory. He (Mr. C.) has yet to meet with the first member of Congress who, in private conversation, does approve them. Several members of the administration party in this House have expressed, in debate, their regret that the measure was adopted. Under these circumstances, a just distrust of his own judgment, and a proper deference towards the opinions of others, should have induced the Secretary to retrace his steps.

Mr. President, the course of the Executive in regard to the chief officer of the Treasury, demands the serious attention of the people and of Congress. On the 29th May, 1833, Mr. Duane was appointed Secretary, and, in September following, he was removed by the President, and Mr. Taney was appointed. Thus, for twelve months past, within eight days, the head of the Treasury has been put there and retained in office, without the advice and consent of the Senate, agreeably to the constitution. For near eight months, during upwards of five of which the Senate has been in session, has the present Secretary been kept in office without his nomination being submitted to the Senate. Kept there, as it were, in defiance and in contempt of the Senate. His nomination is not yet sent in; and it was his (Mr. C.'s) purpose to announce that fact periodically during the session, so long as it is withheld. Is not this conduct on the part of the President, in the genuine spirit of the royal house of the Stuarts, who sought to govern England by their own will, and without the co-operation of Parliament?

But this is not all. It appears from evidence furnished by Mr. Duane, that he was offered the Treasury Department on the 4th December, 1832, about the commencement of the last session of Congress. On the 30th January, 1833, the Senate being in session, he signified his willingness to accept the office; and, on the first of February, 1833, the President communicated to Mr. Duane his satisfaction with his acceptance, and his "wishes that it might confer a lasting benefit upon the country." Now, it was well known here, during the last session, that Mr. Livingston was to go to France; and it was, of course, arranged, at the same time, that Mr. McLane should succeed him in the Department of State. All these arrangements, therefore, respecting the cabinet ministers, and a foreign minister, are made in the midst of a session of the Senate, and not one of them is submitted for its consideration. The President waits the adjournment of the Senate, and, after the members have reached their homes, he deliberately proceeds, without their consent, without deigning to advise with them, to fill those high and important stations. Can any thing more conclusively show the settled purpose of the President to govern by his will exclusively, and especially to possess himself of absolute control over the public treasury?

The disastrous effects upon the country at home, of these high-handed proceedings, are too well known. There is too much reason to believe that our interests have also suffered abroad. It will be recollected that Mr. Rives negotiated a treaty with France, by which that nation, after shameful delays, stipulated to pay an indemnity, for the most aggravated injuries perpetrated on our fellow-citizens, of about five millions of dollars, being not one-fifth part of the amount, principal and interest, to which they were justly entitled. Instead of remaining at Paris until the most material part of the negotiation, the payment of the money, was effected, Mr. Rives hastens home, to enable this administration to boast of the wonders in diplomacy which it had achieved. A letter, published, it is said, under a selection of documents made by Mr. Rives himself, is given to the world, in which he represents the adequacy of the stipulated sum to pay every cent justly due to American citizens. Now, documents which probably were, or ought to have been, in his possession, from the Department of State, demonstrated the inaccuracy of that statement. After he left Paris, our Government was represented first by one and then another chargé des affaires. And what has been the consequence? The French House of Deputies, probably supposing that France had been taken in by the negotiation, rejected the bill of indemnity by a meager majority of eight.

You know, sir, that a chargé des affaires, whatever may be his personal merits, does not enjoy the consideration at a foreign court which a minister plenipotentiary is allowed. He has no right of access to the person of the King, and can make no official representations directly to him. If the President had made his cabinet arrangements, and appointed Mr. Livingston, during the last session of Congress, when it was decided on, and sent him off at the close of that session, might there not have been a different issue of the bill of indemnity? If he had reached France early last spring, and been present, with his perfect knowledge of the French language, and his intimate acquaintance with the nature and extent of our claims, seconding the exertions of the minister Broglie, might the bill not have passed the House of Deputies? He could have effaced entirely the erroneous impression made by the indiscreet publication of Mr. Rives's inaccurate despatch, as to the true amount of our claims.

The constitution provides that "the President shall have power to fill up all vacancies that may happen during the recess of the Senate." The framers of it no doubt had in view casual or accidental vacancies resulting from resignation, death, &c. And it may be seriously doubted whether the power of the President extends to filling up any vacancy, not casual or accidental, but which is created by himself. Here was a double vacancy created by him without consulting the Senate. He created the first by the transfer of Mr. McLane from the Treasury to the State Department; and, having placed Mr. Duane in office, he created the second vacancy by dismissing him, and then he appointed Mr. Taney. If all this is right and constitutional, may not the President, as was so well argued by my friend from Delaware [Mr. NAUDAIN] the other day, retain a Secretary of the Treasury in office during his whole administration, not only without, but against, the positive advice and consent of the Senate? Let it be supposed, for example, that Mr. Taney shall be submitted to the Senate, and rejected on the last day of the session. What is to prevent the President from submitting another name, and, after the Senate having approved the nomination, adjourns, the next day again appointing Mr. Taney, and so on from session to session?

The third and last proceedings which he wished to lay before the Senate, Mr. C. said, were those of citizens of Seneca Falls, in Seneca county, New York. Seneca Falls is a flourishing village, whose population has increased, in about five years, from less than 400 to 5,000. It is, as its name implies, remarkable for its water power, which keeps in motion four or five flour mills and a cotton mill. The rich circumjacent country produces large quantities of wheat, which is manufactured in the village. The price of that staple, in consequence, as is believed, of the Executive proceedings, has been depressed by 15 or 20 per cent.

Some time ago, the Senator from New York [Mr. WRIGHT] presented to the Senate proceedings from Seneca Falls, with apparent delight, in approbation of the course of the Executive. And now, Mr. President, it is proper to disclose to you the trick which was played off on the Senator, and which is probably a fair specimen of similar practices, in manufacturing testimonies of approbation of the conduct of the Executive. A meeting was called of the Jackson party, to make arrangements in re-

lation to the election of town officers. After the business was transacted, and the Secretary had retired to another apartment to draw up the proceedings, and several of the persons assembled had dispersed, the deputy postmaster proposed to organize another meeting. These office-holders stand in need of a fresh rebuke from the Senator from Tennessee, [Mr. GRUNDY.] Well, sir, another meeting, not previously called, was organized, and the proceedings laid before the Senate by the Senator from New York were the result. The next day some of the Jackson party became indignant at what had been done. They turned whigs, (a species of conversion which is now proceeding with more activity than any other business in the country,) a whig ticket was nominated for town officers, and carried by majorities varying from 60 to 90, in a town which last fall gave a majority of about 100 to the Jackson ticket. The proceedings which are now presented took place subsequent to the election.

The Senator from Massachusetts, with his usual ability, exhibited yesterday the true posture of public affairs. Whilst all, on this side of the Senate, share with him in the desire to regain the lawful custody of the public Treasury, to reinstate the reign of the constitution and the laws, and to afford efficient relief to the public distresses, it ought not to be disguised that there is but little prospect of doing any thing. Without the co-operation of the administration or its supporters, nothing can be effected. And the condition of some of them is really pitiable. They are afraid to go home, leaving things as they are; and they are afraid to do any thing. They are unwilling to encounter the frowns of their indignant constituents, and they are afraid to encounter the more indignant frowns of the President. They are between two fires, unable to move either way in safety; unwilling to adjourn, unwilling to prolong the session. He hoped these gentlemen would promptly make up their minds one way or the other. If they are resolved to do nothing, he (Mr. C.) for one was willing to pass the necessary laws, and ready to agree to the earliest day which they might propose for an adjournment.

But he warned them of the inevitable fate which awaited them; of the sufferings, of the reproaches, of the just displeasure, of an afflicted and offended people. Can they be ignorant of what is every where passing throughout this country? Do they not behold the signs of the times? Are they blind to the fact that their party is in a state of rapid and certain dissolution? Why, sir, it is falling off in large masses, like the banks of the Mississippi undermined by the current, whole acres tumbling in at a time. He had been informed that the regency of the empire State, since the decisive issue of important elections there, has, *en masse*, fled from Albany, and taken refuse in this city, where they now are. Whether they will be demanded by his excellency Governor Marcy, in virtue of laws in such cases made and provided, remains to be seen. But he hoped that they would be received and treated here with all the rites of hospitality, and the courtesy due to distinguished and unfortunate strangers. For one, he would do more; he would condole with them in this period of their deep affliction and distress. He would entreat them to recollect the uncertainty of all earthly hopes; the ups and downs, ins and outs, of politics; the vicissitudes of human life; that we are often suddenly precipitated from the greatest heights of prosperity down to the lowest depths of misery and wretchedness; and that in the midst of life there is death. He would implore them, and their associates every where, to bear with manly fortitude and Christian resignation the sad reverses which had befallen them. And he felt persuaded that they might be assured and consoled by the reflection, that those who may succeed them in power, will be guided, towards them, by sentiments of liberality, humanity, and justice, not exceeded by those which they have constantly manifested towards their opponents. He would not longer dwell upon this painful and melancholy subject, but conclude with moving that the several memorials and proceedings now presented, be printed and referred to the Committee on Finance.

Mr. WRIGHT inquired if the honorable Senator [Mr. CLAY] had sent to the Secretary's table the letters, upon the authority of which his remarks, in relation to the memorial from the town of Seneca Falls, appeared to have been based?

Mr. CLAY remarked, that Mr. WRIGHT might see and read these letters, or any other letters he had received, but he should decline sending them to the Secretary's table.

Mr. WRIGHT proceeded to say that he had no wish to examine the honorable Senator's correspondence, and that he had made the inquiry merely because they, and not the proceedings and memorial, seemed to have constituted the foundation of the Senator's remarks. He recollected to have presented to the Senate, at an early period of the session, some proceedings of a meeting, as the memorial of the inhabitants of the town of Seneca Falls, approving of the conduct of the Executive in relation to the public deposites, but he had no other recollection upon that subject. The splendid speech which the honorable Senator had referred to, as having been made by him upon the occasion, he presumed would be found to have been about the same as the single remark he had now made in reference to the proceedings from Seneca Falls.

The Senator had now presented an expression from that town of a different character, and he had given to the Senate the result of the late election of town officers for the town, to show the great change of sentiment unfavorable to the administration, which had recently taken place there. Mr. W. said he had no information as to the result of the election referred to, other than that which the Senator had given to him, nor was he able to say what had been the usual party vote in the town of Seneca Falls. He would say, however, that he did not doubt the elections of that town were a free and fair expression of the wishes of its citizens; and he rejoiced that they were yet permitted to make those expressions; that the ballot boxes were yet open to them, through which they might express their sentiments upon the measures of the Government. Mr. W. said he must notice one position which the honorable Senator had thought proper to couple with his remarks upon the presentation of this memorial, but he would assure the Senator that he was not to be drawn into a debate upon the question of the deposites generally. The honorable gentleman had said, that upon the expression of the Senate that the reasons of the Secretary of the Treasury for the removal of the public deposites were unsatisfactory and insufficient, that officer ought immediately to have restored them to the Bank of the United States. The Senate is one branch of the Government, competent to make an expression upon this subject. The House of Representatives is another, and that body has expressly resolved that those deposites ought not to be so restored. The Executive branch of the Government is the third; and, if the Senator be right in his severe remarks upon that department, it is certain that it agrees in opinion with the House of Representatives. Indeed, it is admitted upon all hands, that these two branches of the Government agree upon this question, and the Senator's argument is, that the expression of the Senate should control, and overrule, and direct, the expression of the other two. This is the argument, and Mr. W. did not propose to discuss it, but to leave it, with this simple statement, to the decision of an intelligent community.

Mr. W. said, the honorable Senator had also considered it to be his duty to refer to certain friends of his, citizens and men of respectability of his State, now in this

city, in a manner which compelled him briefly to notice the remarks. The persons alluded to were citizens of the State of New York, of character, standing, and respectability, second to none in the country. A portion of them were members of the Legislature of that State, who, after a laborious session of that body of more than four months, had ventured to visit the seat of Government of the nation for a few days. Ought he not then to feel humiliated in being compelled, in his place, in the Senate of the United States, to defend them against this act? He was willing to become responsible for their correct and gentlemanly deportment during their short stay, and he would engage that the honorable Senator, in asking for them respectful treatment, had taken upon himself no hazard. Mr. W. said he would permit himself to say no more. The subject and the reference were unpleasant to his feelings, and he was not disposed to dwell upon either. He had hoped that citizens of his State, travelling either upon their business, or for their pleasure, are yet at liberty to visit this city and to look upon the proceedings of Congress, without being subject to arraignment for the act. He was glad now to learn that they were to have extended to them the common courtesies of life, and he would trouble the Senate no farther with their introduction here.

Mr. CLAY hoped the Senator from New York did not understand his observations as applying to these private gentlemen; he (Mr. C.) had alluded to the Albany regency. If the honorable Senator were even to say that these gentlemen were members of the regency, he (Mr. C.) would be for extending to them, if they came here in the character of private individuals, every possible mark of kindness and hospitality. With respect to another remark which had fallen from the honorable Senator, Mr. C. begged to say, that the House of Representatives had not, according to any account of their proceedings which had been published, expressed their opinion that the reasons assigned by the Secretary for the removal of the deposites were satisfactory. No support then, for this measure, was to be found in the proceedings of the other House; and if he were to depart from the usual mode of obtaining information, and make use of private opinion, he begged to say that he had yet to meet with a member who did not disapprove of the act of the Secretary of the Treasury. Many individuals, actuated by feelings of personal kindness towards the Chief Magistrate, and influenced by the fact that the measure had taken place, deemed it best that the Secretary should not retrace his steps, and that a restoration should not take place. He had never, however, heard any member of this or the other House say, that the reasons of the Secretary were sufficient. They knew that in several instances, gentlemen of this body, had voted against the resolutions of the Senate upon this subject, who nevertheless condemned the act of the Secretary.

Mr. WRIGHT rejoined. He said no fraud had been practised upon him in relation to the proceedings which he had presented to the Senate, from the town of Seneca Falls; that he knew well the persons by whom those proceedings had been transmitted to him, and whose names were connected with them; that the deputy postmaster who had been referred to in so disrespectful a manner, was personally well known to him; and that he was happy to have it in his power to say that he was incapable of practising a fraud upon any one. He was a citizen entitled to as much credit for truth and integrity, (and he, Mr. W., made the remark with no disrespect to any individual,) as he claimed for himself, or as could be claimed for any individual upon this floor. His impeachment seemed to be, that he held a public office; that he was considered worthy to hold a public trust. Was this so? Had he, because he was a Senator of his State, lost the right to express his opinions as a citizen, in a meeting of his fellow-citizens? Was his integrity and character for truth to be doubted because he was honored with this high situation? It would not be contended. Was then the postmaster of this respectable village to be held unworthy of credit because he was thought fit, by his fellow-citizens, to hold this humble office? He should not argue the point, but would most cheerfully leave it to the decision of the intelligent population of his State.

In reply to the honorable Senator's last remarks upon the subject of the deposites, he would only say that the complaint against the Secretary of the Treasury was, that he had not immediately restored them to the Bank of the United States, after the expression of the Senate disapproving of his reasons for their removal; that the House of Representatives had, since that time, solemnly declared that they ought not to be restored, and that the Executive branch of the Government entertained the same opinion. He would not attempt to discuss the question as to the Secretary's duty under this simple state of facts, but he would leave his conduct, without argument, to the impartial judgment of the free citizens of the country.

In relation to his friends from his State, who had been, as he thought, most unnecessarily made the subject of remark here, Mr. W. repeated what he had before said, that they were gentlemen, and gentlemen of standing, intelligence, and integrity. It was not his duty to give definitions to the Senator's terms, but these had visited the seat of Government during the session of Congress, for no purpose which justified suspicion or censure here, and that should any act of theirs, during their stay, merit reprobation, he doubted not it would be bestowed. Should they receive censure, not deserving it, it would fall harmless at their feet.

Mr. WEBSTER said, he would take this opportunity of adverting to the fact of the President not having yet held any intercourse with the Senate upon the subject of appointments. The honorable Senator from Kentucky [Mr. CLAY] had alluded to the long continuance of the appointments which had been made by the President without the concurrence of the Senate having been obtained to them. He (Mr. W.) wished now to call the attention of the Senate to the practical application of the provision in the constitution in relation to this matter. The constitution declared that the President should fill any vacancy which might occur during the recess of Congress, by granting commissions which were to expire at the commencement of the next session. Now, the first session of Congress commenced in March, 1789, and ended in September or October of the same year. The second session began some time in January, 1790; the first recess took place in the fall of 1789, and during that recess some vacancies occurred. The commencement, then, of the session of 1790, was the first time the Senate were called upon to fill vacancies which had occurred during a recess. Now, in the message sent by Washington to the Senate at that time, within one month after the opening of the session, he clearly defined the intention of the constitution upon this point. The message was dated the 9th of February. Mr. W. here read from the message to which he had referred, showing that President Washington was of opinion, that officers appointed during a recess of Congress, should only retain their offices until it was in the power of the Senate to appoint others.

He (Mr. W.) undertook to say, that this had been the uniform practice of every administration from the commencement of this Government to the present period. If gentlemen would go through the Journals from January, 1790, he doubted if they would find that any nomination made during the recess had ever laid over more than a month after the next session of Congress.

Mr. FORSYTH said, he had not looked to the Executive Journal with a view to this matter; but he thought the gentleman from Massachusetts was mistaken on the

subject. Mr. F. thought that nominations had been delayed before, till late in the session. While he revered the opinions of General Washington, yet honorable gentlemen did not say that he had not the constitutional right to withhold nominations till late in the session, if he had reasons for it. Where, then, was the injury done now—where was the violation either of the constitution or of the rights of this body, in withholding them till the last month or week in the session? If the nominations should be made, and the Senate refuse to confirm them, their commissions would not expire, because they held till the end of the session. Now, suppose, in this case, that the President should think the public interest did not require the nominations of these persons, and he should nominate others, when would their commissions take effect? At the expiration of the commissions under which those now in office held. Where, then, was the injustice? Standing in the attitude the President did to one of these individuals—he alluded to the Secretary of the Treasury, for he had been the subject of the peculiar animadversion of this body—it would have been treating him with great injustice to have sent in his nomination at an early period of the session. How stood the Secretary of the Treasury? He had connected himself with a great measure of public policy, and was but just beginning that policy when it was thought necessary to pursue the course, with regard to him and that measure, which we had seen here. Would it have been just, then, under such circumstances, to have presented him to the Senate for confirmation? It would have been obviously unjust, where the object was to reject him; unjust to have forced him out of office, till he had had an opportunity afforded him of placing before the public his whole conduct, and the full extent of his policy. It was no violation of the constitution, then, to delay these nominations; and honorable gentlemen, who had no object in view but to condemn the Secretary of the Treasury, need not be in a hurry; they would have a full opportunity of doing so, and if condemning him could injure him, it would have that effect. Mr. F. said he had understood the honorable gentleman from Kentucky to have descanted upon the present condition of the country. Mr. F. said he showed the other day, by referring to the prices current, that the industry and enterprise of the country was receiving its ample reward; that cotton, sugar, tobacco, flour, &c., were at their usual prices. The gentleman from Maine [Mr. SPRAGUE] said that lumber was bearing no price at all. Now, he (Mr. F.) had seen, from the prices current, that lumber was at high prices in Boston and New York, and if there was any distress arising from the want of a market for that article, it could be relieved by sending their lumber there. Gentlemen might talk as they pleased, but no assertions, no appeals, could change stubborn facts; and, with the exception of the banks, he would say that the people were in as prosperous a condition as ever they were in the United States.

People who were in debt had suffered, but gentlemen said it arose from the act of the Government. Mr. F. believed it did not. But the gentleman from Massachusetts was stated in the papers of to-day to have said, yesterday, that he believed his panacea would not answer. Well, this was something gained, but he thought that some other project might yet be adopted. The plain English of this was, that the honorable gentleman had a lingering hope that Congress would establish a national bank. Now, as to the rationality of this hope, the honorable gentleman had appealed to the state of public sentiment in Virginia. And what was it in Virginia, with regard to the gentleman's only remedy. He said, that in his judgment, the public sentiment there was favorable to relief. Mr. F. said, that according to his information, two-thirds of the Legislature of Virginia were against such a project. He (Mr. F.) thought a national bank was a useful institution, but the recent conduct of the present bank setting at defiance the national representatives, and bearding the President of the United States, was enough to shake any one's confidence in it. But he would wait till the honorable member behind him [Mr. TYLER] should give him information as to the state of public sentiment in Virginia. Believing, therefore, that there was no hope in the present session of Congress, or in any Congress for ten years yet to come, that a project for a bank could receive a majority of votes, he asked the honorable gentleman from Massachusetts, what was our duty? That gentleman said he waited for the friends of the administration to propose something. Was not the plan of the administration before Congress? Was it not working in the other House? Was it good or bad? So far as regarded the security of the public treasure, securities were proposed, and limitations of Executive control, which were never afforded in the charter of the present Bank of the United States. For the first time in the Government, the Executive came and asked limitations upon its own power. If the honorable gentleman clinged to the hope of uniting public sentiment on his favorite project, let it be tried, and sent to the House of Representatives. The gentleman, as chairman of the Committee on Finance, could forestall the other House. In this point, he was fore-armed and fore-warned. Let us not hear appeals, then, to the friends of the administration about plans for relief. There are the plans of the administration—let gentlemen examine them. But suppose the plan of the gentleman from Massachusetts (not his panacea) should succeed, it could not come into existence till the present bank charter should expire—it could afford no relief for the next two years. The real distress must arise from the winding up of this institution. It must wind up its affairs; its debtors must be called on, and they must pay; and the State banks were afraid to accommodate, for fear of this institution pressing them, and extorting their specie. Suppose, too, that the Bank of the United States, being in hostility to the Government and the State banks, should not be pleased with the new project, and should desire to throttle it, would it remove the distress for the ensuing two years? Must it not rather aggravate it? The prosperity of the country depends on the Government and the Bank of the United States. And whenever the bank should do its duty, and proceed to wind up its concerns, with no more pressure than it was obliged to inflict, then matters would go on smoothly, the notes of the State banks would take the place of those of the United States Bank as they returned to its counters, and the affairs of the bank would be wound up with facility. If, then, gentlemen wanted to cause no more distress than was necessary, let them unite with us in endeavoring to induce the bank to proceed moderately, and join us in regulating the fiscal affairs of the country under the proposed system. The fate of the bank was sealed—no struggles of its own or efforts of its friends could postpone its expiration for a day beyond its charter—it remained for its friends, therefore, to use all their power to make it do its duty. This would require some sacrifice on the part of honorable gentlemen, but they could yield to necessity, and teach the bank to yield to necessity; while those connected with the bank would suffer, the great interests connected with the industry of the country must and would remain unaffected.

Mr. WEBSTER would say a few words in reply to the gentleman's remarks; and first on the Presidential appointments without the concurrence of the Senate, to which he had alluded. The gentleman supposed that the present case was not without precedent. Mr. W. averred that it was without a precedent. After a research by others and himself, they had not found one case of the kind since the commencement of the Government, giving the slightest countenance to the present course of the President. Officers had now held their offices since the

last year; Congress had been six months in session, and the officers still held on: for this there had been no case that would serve as an example. The President, so far from having followed the example of General Washington, who delayed thirty days at farthest, and generally for a much shorter period, had delayed his nominations for a length of time beyond that of any former example.

But the gentleman argued the question, as if the President had withheld the nomination of the Secretary of the Treasury alone, when half his constitutional advisers had held their offices for six or eight months, without his asking the Senate for its opinion as to their confirmation or rejection: the Secretary of State, of the Treasury, and the Attorney General, had never been nominated. The gentleman asked what was the harm. Just the harm, said Mr. W., that what the constitution enjoined, was not done. It was well known, that during the session of Congress the most important duties of these officers were to be performed, and now the session of Congress, and a busy session, had been continued nearly two-thirds of the year. This was a single case, without a precedent in point or form, and embracing one-half of all the high officers of Government.

But the gentleman had said that these persons hold offices until the end of the session, and what would be the effect of nominating others? The effect would be, that if there was another nomination of a Secretary of the Treasury, and he should be confirmed by the Senate, then there would be a new Secretary of the Treasury. So, when a person held the office under a temporary appointment, and received a confirmation by the Senate, his old commission would end, and he would act under a new commission. The operation, then, of the present plan, was entirely to deprive the Senate of any effective portion of the appointment to the highest offices of the Government.

The honorable member had made some remarks on observations of Mr. W.'s yesterday. Mr. W. desired only to put him right. He was first entirely wrong in the supposition that the motion, on the bank, which Mr. W. had made to the Senate, was in any sense abandoned. Mr. W. had said no such thing, but precisely the reverse. He had expressed the opinion, and he would now express it again, that it was the only possible mode of relief. But it had failed of a prospect of success; and Mr. W. had said, that there did not seem to be so much of a prospect of its success in the other House as would warrant its adoption here. He had asked why it was not sent to the other House, and the reply to this question had thus been given yesterday.

The gentleman had said that Mr. W. entertained a lingering hope that a bank would yet be established. It was not only a lingering hope, but an entirely confident hope, that when all the passing ephemeral projects had had their little day, they would disappear, and a national bank would be the final result in Congress. Mr. W. had no more doubt of it, than that war must be carried on by means of an army and navy, because, under the circumstances connected with four hundred local banks, a national institution was as indispensable to the exchanges and the currency, as fleets and armies in the contests of belligerants. How soon it would come, Mr. W. could not say, and how long the majority of the people would be willing to try idle experiments, he could not say, but it must come at last. Mr. W.'s hope was confident, and was gaining confidence every day.

As to the election in Virginia, Mr. W. did not introduce that State into the debate: it was the member from North Carolina, (Mr. BROWN.) Mr. W. would not say one word as to the opinions of Virginia, in regard to a national bank, and had made no reference to them; but he had said that the appeals now made to other States to support the Executive, would be probably answered as the appeals to Virginia had been; a response which would be adopted by her sister State of North Carolina, and other States. Mr. W. did not represent the opinions of Virginia as to a national bank; it was enough for him to state what he did with much pleasure, that the conduct of the administration in regard to the whole subject, had met with a severe rebuke, in the language of a majority of the people of Virginia.

In one respect, we were under obligation to the Senator from Georgia; he had made an avowal which would be received as very important to the community; it was, that the financial bill reported in the other House was brought forward as the administration measure; it was their offer, and their only proposition. There was to be no national bank; the present bank was not to be continued, and no new one to be established; and the gentleman expressed the opinion, that for ten years there would be no national bank. We had this, then, as a matter of fact, that the bill reported in the other House was the administration expedient for the present crisis; and the gentleman had asked Mr. W. whether he thought the measure a good or bad one. Mr. W. said, if it should get as far as the Senate, which he very much doubted, it was highly probable that he would express his opinion upon it, and give his reasons for that opinion; all he would say at present, was, that if his views of it were just, its effect would be to give a nominal authority to Congress over the treasury, while the real authority would remain as it was. The gentleman had said that this was the present measure of the House, and that the House had rejected all national banks. The responsibility, then, Mr. W. said, rested on them.

But the gentleman had said, taking the ground that the present bank would not be re-chartered, would any new bank which could be created, relieve the distress of the country? The first time Mr. W. had said any thing on this subject, he had endeavored to show the great inconvenience of getting a new bank into operation, when this bank should go out of existence. He had proposed that Congress should charter a new bank, and bring it into operation before this should go out; there would be great inconvenience, but after all, a new bank would be just as good as the present.

The gentleman said the present bank could not be re-chartered, and that he expected to see the local banks of the same importance, when their notes would be in circulation, and answering every purpose which the notes of the Bank of the United States did now. He (Mr. W.) never expected to see it. He [Mr. FORSYTH] expected that every thing would go on well, if the bank gave up its pretensions. What were they? How rapid should be the withdrawal of its loans, to meet the gentleman's idea? He (Mr. W.) thought the bank was curtailing too slowly, as he stated yesterday. He stated that a vast majority of the Government and the people thought that there ought to be a national bank; and what the people will, would be.

Mr. TYLER had been called upon to state what was the true sentiment of his State. He could answer the gentleman from Georgia [Mr. FORSYTH] without difficulty. There were certain resolutions upon the table which relieved him from all difficulty—resolutions connected with certain legislative proceedings. They bore to him the opinion of his State, and instructions to vote against the bank, on high constitutional grounds; and he had no hesitation to say, that the people of Virginia responded emphatically to the language of the Legislature. He had no doubt of the course which would be taken by that State, whenever the laws were violated, or authority assumed in opposition to the constitution. Virginia had been tested through all times; she had always opposed the exercise of arbitrary power; she had done so with regard to the Senate. In the faith of our ancestors,

continued Mr. T., we mean to live; in the faith of our ancestors we mean to die; and I trust we shall not desire to die in any other faith than that which our ancestors have consummated by their lives.

Mr. BENTON commenced by remarking upon the repeated complaints which were made upon this floor against the President for not sending in the cabinet nominations. The complaint had become a sort of standing order of the day, and from the frequency of its repetition, and the impatience with which the message of nomination was called for, the people at a distance might begin to believe that the Senate was out of work; that it had transacted all its ordinary business; had nothing more on hand, and would be ready to adjourn as soon as they could despatch the nominations to the Treasury and State Departments and the Attorney General's office. Such would doubtless be the inference; but would the inference be correct? Would the people be right in believing that the Senate had finished all its business, and could do no more until a Presidential message had put this little job of the cabinet nominations into their hands? Would the people be right in that belief? Let a view of your table, loaded with untouched bills, answer the question. Let three hundred cases, standing upon the general orders, many of which have stood there for months, respond to the inquiry. Never since he had been a member of the Senate, and he had now been a member for fourteen years, had a session of six months passed off with so little attention to the business of legislation, and with so large an accumulation of business, public and private, all in arrear, untouched and unthought of, while this loud and incessant cry is set up for a new job, as if the Senate had nothing to do. The legislative business was in great and flagrant arrear, and so far as he might be permitted to speak of Executive business, it was in the same miserable condition. He would speak of the case of the bank directors, for the Executive proceedings on the subject of these directors was now published, and the whole subject was open to public remark. Have we any directors at this time in the Bank of the United States? No, not one! The year half gone for which they were to serve, and no directors for the Government yet, in that institution. Whose fault is this? Is it the fault of the President; upon whose shoulders every fault is now to be thrown? No, sir! It is not his fault, but the fault of those who have converted this chamber into a hall of accusation—a sort of club-room—for the incessant attack and denunciation of the President. Early in December last, the President sent in his nomination of bank directors; it was not until the last of February that these nominations were acted upon, and then they were rejected. Ten or twelve days afterwards, the President sent in a re-nomination of the same directors, with a message, explanatory of his reasons for doing so; this re-nomination lay in the Senate almost two months, from early in March till the first of May, and the nominees were again rejected. Immediately upon this rejection, other persons were nominated for directors, and these nominations are, to this day, without the action of the Senate. The nominations of these five directors are now upon our hands, and instead of acting upon them, instead of doing what we can to give the Government its share in the management of the affairs of the United States Bank, we leave those nominations untouched and unattended to, and call out for new nominations, as if we were idle, and had nothing to do, and could not go to work until the President would send in fresh nominations. A cormorant cry is set up for new nominations, when we have five bank nominations on hand, awaiting our action, and demanding our attention. Surely the people will see that it is not for want of work that we are thus crying out for new work.

Why, said Mr. B., why this call for the cabinet nominations; and especially for the Secretary of the Treasury? Are the offices unfilled, or unconstitutionally filled? Is the public service suffering in either of these cases in which the nominations are called for? Certainly not, sir. The places are all filled, and the duties of them are in a state of regular discharge. They are constitutionally filled—for every body knows that the appointments which are made by the President to fill vacancies happening in the recess of the Senate, continue in force until the end of the next session of the Senate. Such appointments are made by commission; and that commission has a constitutional duration. The President grants a commission; that is the language of the constitution; and the commission so granted confers upon the holder all the rights, and subjects him to all the duties, and all the penalties, for the constitutional period of its duration, which attach to the commissions issued upon the appointments conferred by the President and Senate, when acting in their respective spheres, under regular nominations. The Secretary of the Treasury has a commission—the Secretary of State has a commission—the Attorney General has a commission; and these commissions are all granted under an express clause in the constitution, and will remain valid until the end of the Senate. The public service is going on in all these departments. Then, why this cry for the nominations? Surely not from an impatience to immolate victims—that would be unworthy of the Senate—of this high tribunal, composed of men of mature age, wise heads, and generous hearts. Rumors had gone into the papers, that one of these nominations, the Secretary of the Treasury, would be rejected by the Senate. It might be that the Senate wished to negative that rumor, and to show that the bank presses had spoken without authority when they announced the certain rejection of Mr. Taney's nomination. The business of rejecting nominations was in itself a painful and ungracious office. It was a sort of condemnation. It was a disagreeable duty in itself, and therefore, could never be anticipated, or eagerly sought after by the Senate. Judges do not call out for victims; it is enough to pass sentence when brought regularly before them. Would the Senate exhibit itself as impatient for a victim which it had pre-doomed to condemnation? Certainly not. Such a course, and such a temper, would be supposed to belong to the branch of the Government at the other end of the avenue, judging from the manner in which that branch of the Government is daily characterized here; and could not be supposed to belong to Senators here, who, from the profuse application of odious epithets to the President, and from a constant denunciation of his violence, would certainly have themselves to be understood as the reverse of the character which they ascribe to him. Gentleness, charity, benevolence, sweetness of temper, should doubtless be the characteristics of those who complain so much of violence in the President. It cannot then be, that this impatience to get hold of Mr. Taney, proceeds from any disposition to condemn and reject him, but rather to clear the Senate itself from an unjust imputation which has gone abroad, and which has attributed that intention to them. Be that as it may, said Mr. B., one thing is now certain and indisputable, that the year is half expired, and that we have no directors yet in the Bank of the United States. These directors only serve for one year, and half that year is now expired. A most eventful and critical time has occurred in the bank. The rights and interests of the American people have failed to be represented there; these rights and interests are not now represented there; the places are vacant; nominations for directors all on hand, and the Senate, instead of passing on those nominations, to fill real vacancies, where the public service is suffering, is calling out for nominations to offices which are constitutionally filled, and the duties of which are in a state of regular and punctual discharge.

Mr. B. adverted to the remark which had been made,

that the President, by keeping his temporary appointments in office till the end of the session, might virtually fill them with persons of his own appointment, to the perpetual exclusion of the Senate. Mr. B. said the supposition was a far-fetched and improbable case, such as had never happened yet, and was only theoretically conceived now to furnish a new head of accusation against the President. But how stands the conduct of the Senate, and that not in theory but in practice? Has it not found a way to keep offices vacant, and that in a most important case, and during a most critical period, and under circumstances which must now rouse and fix the attention of all America? He alluded to the same case of the bank directors, on which he had been already dwelling. The Senate had found a way to keep these offices vacant. It was a very simple way—it was merely to let the nominations lie two months, and then reject them—lie again two months, and then reject them again—and so on, till the year is nearly elapsed, and a committee of the House of Representatives has been repulsed from the doors of the bank, by a directory exclusively appointed by the stockholders. Mr. B. said that many persons were now setting up for prophets, and trumpeting the fulfilment of their own predictions. He must be allowed to figure a little in that character also, and to recall one of his predictions, made at the commencement of this session and in reference to the state of things which now exists in the Bank of the United States, where the people have not the shadow of a director for their seven millions of stock, in the present new and extraordinary attitude of the bank. He then said it was probable there would be no more Government directors in the Bank of the United States; that it was questionable whether any more directors could be appointed without first obtaining the consent of the bank, and conforming to her will in making the selection. This is what he said in January last, and it is what the event is now corroborating.*

Mr. B. passed to another topic, but which was no novelty in the Senate—one which had been repeated so often that all seemed to have it by rote, and many, who in all probability would never have thought of it, were now fluent, if not flippant, in its endless and incessant repetition; he alluded to the removal of the deposites, and the wound which that cruel act had given to the constitution of the land, and the prosperity of the people! Dreadful blow, under which a happy and prosperous people were struck into misery and poverty! Our dear constitution was shivered into atoms! Trade, industry, commerce, agriculture, all, all, prostrated—and the whole of these dire effects the result of one man's will, and one man's word, in ordering the deposites of the public money to be made hereafter in the State banks, instead of the United States Bank! Ample cause, truly, for such desolating and terrific effects. But what are the facts? Why, that the Bank of the United States is no longer to receive the public moneys, and is to pay out the moneys on hand, not at once, and in mass, but in sums and parcels from time to time, as the public service should require. This order was given the first of October last, and so gently has it been executed, that up to this day a large deposite of public money remains in the hands of that bank. No less than three millions and a quarter at the last return, on the first of this month. This is the mighty cause for the ruin, the distress, which is daily proclaimed from the floor of this chamber, and echoed from the friends of the bank and the ranks of their political allies. Mr. B. said that he denied, in the first place, that any thing like the amount of distress had taken place which had been proclaimed; and he affirmed, in the second place, that nearly all that had taken place had been produced by the Senate of the United States, and the Bank of the United States; and these positions he meant to maintain, not by assertion and declamation, but by facts and reasons.

The distress of the country, he affirmed, had been exaggerated. There was no doubt individual loss, and individual suffering, and some worthy people seriously injured, but this daily proclamation of the wide-spread ruin—of universal desolation—of general bankruptcy—loss of all confidence—fall of all prices—cessation of all enterprise—was mere imagination and declamation—all sound and fury, signifying nothing, and having no basis, in fact, on which to rest. Prices of property, of produce, and of labor, were now as high, in general, in some cases higher, than they have usually been heretofore. The great staple in the South, cotton, was now a cent higher in the pound, at New Orleans, than it was at this time last year. The domestic exchanges, which had been deranged for a while by the power and policy of the Bank of the United States, were now recovering, and in nearly as good a condition as ever. The notes of the Virginia banks, though proclaimed in this city to be ten per cent. discount, are quoted in the New-York price currents at three per cent.; North Carolina and other Southern notes, at from three to four; the Louisiana and Mississippi notes at five per cent.; and these are the exact rates at which they have stood in that market in those happy and prosperous times which gentlemen paint in such glowing colors, and the loss of which they deplore with such incessant wailing and such incontinent grief. Money, real money, is more plenty than ever. There is more specie now in the country, said Mr. B., than for many years past, and the quantity is now rapidly augmenting, and giving to the country the assurance of an ample and secure currency of gold and silver. On this point, Mr. B. said, he would state particulars, as obtained from the Secretary of the Treasury, under the weekly returns of specie Mr. Taney had directed to be made by the collectors of the revenue. He referred to a paper, and read the aggregate of the returns of gold and silver since the first of December last, when the order for the weekly returns was first given. This statement showed the following result:

Imported:	Gold bullion, - -	$176,603
	Silver bullion, - -	119,165
	Gold coin, - -	279,909
	Silver coin, - -	7,358,654
		$7,934,331

To this amount, which might in general terms be stated at eight millions, was to be added the quantity not entered at the custom-houses; for specie paid no duty, and none was entered but what appeared on the manifest of the vessel. The innumerable parcels brought by passengers and traders in their own trunks and custody, was still to be computed, and at New Orleans alone, these parcels were computed at one million and a quarter of dollars. Making a reasonable allowance for the whole quantity not entered, and the importations of specie, for the last five months, could not be less than ten millions of dollars! and this amount was a clear gain—for the exportation for the same period only amounted to about a quarter of a million of dollars.

These statements, Mr. B. said, were facts, authentic, undeniable facts; and proved that money—real money—was more abundant in the United States than it had been for many years past; so that the country, instead of going to ruin, as predicted and proclaimed in this Senate, was proved to be flourishing and thriving more rapidly than ever. Such a vast importation of specie was not merely a sign of prosperity, but constituted prosperity in itself. It was wealth—national wealth—active, vivifying wealth—which invigorated and stimulated every species of industry and enterprise, and would carry forward the nation, in spite of the Bank of the United States, to the highest

* The day after this speech was delivered, three of the nominees for Government directors, were confirmed by the Senate.

state of felicity. He said, however, that another remark was due upon this point: these ten millions of specie thus imported, were uncurrent money in the United States. The laws of Congress condemned it as a currency, and sunk it to a price below its value. Come it had, but stay it could not, unless those laws were repealed, and foreign gold and silver made current, at their full money value. Here then was a great duty which Congress owed to the country, never to adjourn until these great measures were accomplished—till the foreign coins which are thus flowing into the country, are naturalized and domiciliated by our laws, and permitted to abide among us. If these measures are passed before Congress rises, the ten millions which have come in, will remain; another ten millions will arrive before Christmas, and will remain also; successive millions will constantly arrive, and as such will remain, and remain permanently, as the business of the country will require. The demand and supply will regulate itself. But if Congress adjourns without passing these measures, then the efflux of this specie will commence; it will flow out just as fast as it came in; for specie will not stay in a country where it is illegalized and undervalued by law.

Resting upon the position, that the distress of the country had been grossly and systematically exaggerated—that it was slight and transient compared to the studied and affected clamor that was raised about it—Mr. B. went on to his next assertion, that all the distress that had occurred, was occasioned by the conduct of the United States Senate and the United States Bank, and not by the conduct of the President, in discontinuing the public deposites in that bank. The friends of the bank asserted the contrary—but they had no fact, no argument, no reason, to sustain their assertion. They rested their charge upon assertion alone; and, at the end of five months, have not a single reason to give in favor of what they assert. They do not even condescend to explain how the removal of the deposites could operate to distress the country, or even to distress the bank. It was a plain case. The bank had had the keeping of the public moneys for eighteen years; the average monthly deposite was six millions and three quarters; she had it without interest; and at last the Government gives notice that it will no longer deposite with her, and that she will be required to pay out, gradually, the amount on hand. This is the state of the case; and for this a state of war is proclaimed between the Government and the bank, and ruin and desolation is predicted for the people! What, said Mr. B., would be thought of an individual who had had the keeping of another's money for 18 years without interest, and then should proclaim war upon the owner of the money for asking for it to be paid out for his service? The individual who should act thus would be universally condemned; yet this is the conduct of the bank, with the superaddition that its wealth and organization has enabled it to punish the community for the act of the Government. The assertion that the removal of the deposites had distressed the country, was a mere naked assertion; unsupported by fact or argument; contradicted by facts and arguments; unintelligible in itself; and a mere experiment upon the simplicity and credulity of the people. He (Mr. B.) on the contrary, would assert, that all the distress which had been created, had been produced by the Senate of the United States, and by the Bank of the United States, and this assertion he would prove to be true by public and notorious facts. The first fact which he relied upon was the notorious circumstance that, for two months after the removal of the deposites, there was not the most distant rumor or intimation of this dreadful distress which has since been so direfully proclaimed. The removal was made on the 1st of October; United States Bank stock, instead of falling, rose two per cent in the ensuing month; all the presses in the service of the bank proclaimed this rise, and openly exulted that the removal had not hurt the bank, and could not hurt it. The stocks of many State banks, especially the deposite banks, rose also; and for the two months that elapsed after the removal, and before the meeting of Congress, the country was tranquil and contented. The removal was not felt by the country, no more than the fall of a pea in the Atlantic sea would disturb the waters of the ocean on the coast of China.

It was not until Congress met, and the cry and signal for ruin and distress, was held out from the Senate chamber, that the country ever thought of such a thing! Gentlemen were wrong in their chronology—he must beg to correct their date and set them right as to their epoch—when they asserted, as they had for many ten thousand times, that the country was happy and prosperous up to the time of the removal; they must accept an amendment, and insert for the 1st of October the 1st of December; they must say, hereafter, that the country was tranquil and happy for two months after the removal; was tranquil and happy until Congress met, and until the distress flag was run up, and the alarm guns were fired, from the floor of the Senate of the United States! Then the Bank of the United States took it into her head to get distressed also. Her stock immediately fell! Fell five or six per cent. That same stock which had risen two per cent. in a month after the removal of the deposites! The rise, said Mr. B., was a bravado, to show the bank strong and powerful; the fall was a trick, to show it weak and distressed. The whole was the work of the bank itself—a mere gambling transaction, and a sporting with the property of the people; for all other stocks had to sympathize with those of the great bank; and a general depression of prices ensued, by which a great many worthy citizens were seriously injured. This, then, was one leading fact upon which he (Mr. B.) relied, to prove that the Senate and the bank, and not the President—the meeting of Congress, and not the removal of the deposites—had occasioned all the real injury and distress which the country had actually suffered. The next fact upon which Mr. B. relied, was, that the distress was greatest where the cry was loudest; and all the injury suffered, was precisely in proportion to the distance that the place was from the source of alarm. That source was the Senate of the United States: and here, in the presence of the Senate, has the greatest mischief been done. Four banks have stopped in the District, within the range and fire of our alarm guns; two have stopped at Baltimore, within five hours' ride of our distress speeches; and that is the end of the story, and the limit of our capacity to break banks by false alarms. The Virginia banks are safe, though proclaimed to be gone; the New Yorks banks are all safe, though the selected objects of attack and diurnally assailed for an entire month. The safety-fund system has rode out the storm. It was too far off to be affected. The alarm speeches made here could not be heard in New York; and now the safety fund seems to rest in peace. Not an orator has alluded to them for two months past. After being for thirty days the object of all attention, they now attract no notice; get not a word, good or bad, and are left to silence and their own fate. Such was the progress of the distress—greatest where the Senate was—least where it was not—and none at all in the regions inaccessible to our voice. Indiana, Illinois, Missouri—all remote places—all places remote from the Senate of the United States, and the Bank of the United State—were free from the ruin, and deaf to every appeal to send in distress memorials. The next leading fact to which Mr. B. referred, was the unprecedented sale of public lands in the Western country. It was foretold, upon the floor of the Senate, that the people of the West were to have nothing to buy lands with; that the removal

of the deposites was to cut off all their money resources, and to disable them to purchase public lands. This was the assertion and prediction. What has been the fact? Why, that twice as much public land has been bought, and paid for, in the first quarter of 1834, as was bought and paid for in the first quarter of 1833—twice as much, and a fraction over! Such was the fact! What was the inference? Why, that the new States of the West, being too far off to be affected by the false alarms got up here, in this Senate, and in the bank at Philadelphia, have gone on with an accelerated progress to their high and prosperous destiny. Another leading fact to which Mr. B. adverted, to sustain his position, was the great influx of specie, of which he had previously spoken, and merely hinted at again, to preserve that striking feature in the general picture of prosperity which the country exhibited, in spite of all that was said, or sung, to the contrary. And now, Mr. B. said, there was one other circumstance in reserve, which would come forth in due time, and prove that all the distress which had really occurred in the country was the work of the Senate itself; it was this: that, as that distress commenced with the meeting of Congress, so it would entirely vanish upon the rise of Congress! This was his prediction, and a few months would doubtless fulfil it. In fact, he said, it was hard work, and a heavy, up-hill business, to keep up the alarm now. The cry was becoming thin and faint. Those prolonged memorials, which echo the alarm speeches, are beginning to share the fate of all sublunary things, and to drop in slower and slower, announcing and indicating the near approach and final catastrophe of their mortal career. The morning speeches too, so replete with edifying geographical details, and so pathetic over woes which were never felt; even these diurnal speeches, which had been served up as a morning dish for four or five months, were evidently dying out; they were becoming short and scarce, and would probably soon cease to instruct the Senate, or to alarm the country.

Mr. B. concluded his remarks about these morning speeches on distress memorials, by quoting what an ancient philosopher was accustomed to say of the soothsayers, and who wondered that any two of them could look in each other's face without laughing. So with the orators on these memorials; they must surely laugh when they meet in the evening, and look at each other with a consciousness of what they had been doing during the day.

Mr. B. touched upon the subject of the gold currency, and complained that the opponents of the administration could not be brought to the discussion, or even to the mention of gold. The bank men seem to have an instinctive aversion to that metal. They had been loud and incessant in calling upon the administration for their plan, and when they have received it, immediately shut their eyes upon it. The Secretary of the Treasury had given in the plan of the administration. The restoration of the gold currency formed the leading feature in that plan. Was it fair to affect an ignorance of that plan when it was officially communicated, and now constituted a part of our records? The restoration of the gold currency Mr. B. considered to be an easy operation, and a measure of the greatest importance to the country. Gold, as every body now knew, had been undervalued and driven out of circulation by the paper-system party, because gold was the master of paper, and would supersede all the small notes in circulation. For this reason, and to aid the circulation of United States Bank notes, gold was undervalued, and expelled from the country. To show this undervaluation, and the absurdity of our laws, he read statements from the director of the United States mint, showing the rate at which gold coins were valued by our laws, and what they were actually worth in market. By these statements, the eagle of the United States was rated at $10 by law, and was frequently sold for $10 75, for exportation. The doubloon was valued at $14 72 by our laws, and usually sold in market for $16 and upwards, sometimes as high as $17. The half joe was valued at $8 21, and was worth in market from $8 45 to $8 70. The British guinea was rated at $4 76, and would sell for from $4 90 to $5 10. The British sovereign was rated at $4 57, and sold for from $4 72 to $4 90. These were a few of the instances in which our laws undervalued gold, and drove it from the country. In regard to British gold, there was a peculiar solecism in our law, which he wished to point out; it was this: by the tariff law of 1832, and for the purpose of helping domestic manufactures, the pound sterling of Great Britain was fixed at $4 80 of our money, so that twenty shillings worth of British manufactures would be rated here at $4 80, and would pay duties at that rate; but twenty shillings worth of British gold, the sovereign for example, was only valued at $4 57. Thus the two laws fixed different values for the pound sterling, and gold was held to be worth 23 cents less in the pound than cotton and woollen goods! Mr. B. said that gold in the United States was undervalued about six per centum; its natural and proper relation to silver was that of 16 to 1, while our laws fixed it at 15 to 1. The consequence was that all gold was driven from the country, and workers of the gold mines in the United States lost six per cent. upon their labor. They were now computed to produce two millions of gold per annum; the loss on that amount was $120,000, itself a handsome profit to be saved to the miners, but which they must continue to lose until the great measure of the present administration, that of raising gold to its true value, should be carried into effect. Until that was done, no friend to the administration should agree to adjourn. When that is done, gold will again become a common and ordinary currency. It will supersede small bank notes in all quarters, and give the people a currency really sound, really uniform, easily carried about, the true regulator of all banks, and the real master of all bank notes. As for the United States Bank notes, which were now so much praised because they passed every where, that was owing to the law which made them receivable in payment of all public dues. The same law would make the continental bills of the Revolution pass, as well as the notes of the Bank of the United States. The same law would make the notes of any State bank as good as those of the boasted Bank of the United States; but he (Mr. B.) would never vote for such a law, because it was changing the money character of the Government—changing it from a hard-money Government to a paper Government—and that was a thing that he would never do.

Mr. B. concluded with saying that he had come to the Senate to-day without the expectation of speaking a word. For two or three days past, the Senate had begun to do business, and he had hoped they were going on in that laudable course. He had flattered himself that they were done with lugubrious orations over distress memorials; but these sorrowful services had re-commenced to-day, and had consumed the day. It was not until he saw that the day was ruined that he rose to speak; and now, he believed, the Senate had about as well adjourn. He did not mean adjourn for the session, but for the night; for he would never give a vote to leave this place until the great measure of the gold currency, and of the circulation of foreign coins, should be passed upon by a direct vote of yeas and nays.

Mr. FORSYTH understood that the Senator from Massachusetts [Mr. WEBSTER] still indulged a hope to revive the bank. If the honorable Senator wished to relieve the public distress, he would advise him to try to do so by some other mode, and the sooner he bent his mind to it the better. But the more important subject was, the

power of the President of the United States in making nominations. The honorable Senator from Virginia said that this was the first time the power was exercised in this way. The power of the President was absolute so far as related to temporary appointments. An individual who was objectionable might be fixed on the people, contrary to his (the President's) duty, but that was not the question. The honorable Senator from Massachusetts had told the Senate that he had examined the records, and no instance of this kind had ever occurred before. He would refer the honorable Senator to two instances. He held in his hand a nomination by Jefferson, on the 25th of February, 1807, three days before the adjournment of Congress. They were military appointments, but the principle was the same. There was one also of a civil appointment, in February, 1809, in the nomination of William Short, minister plenipotentiary to England, just one week before the adjournment of Congress. And there was the decision of the Senate unanimously rejecting the appointment. So far as precedent went, there was abundance of precedent.

One word as to public sentiment in Virginia. How was the fact? Was public opinion against a re-charter, and against a new institution? The honorable Senator from Virginia had said, the people of Virginia responded to the decision of the Legislature. Still the question remained, Could a resolution pass in one branch of the Legislature of Virginia, and not in the other?

Mr. LEIGH. Yes.

Mr. FORSYTH. Yes!—sir?

Mr. LEIGH. I think so, sir.

Mr. FORSYTH. I think not. And Mr. F. hoped, for the honor of his native State, that the response of the House of Representatives would be so sent.

Mr. LEIGH called on the honorable Senator from Georgia, [Mr. FORSYTH,] to say if he could remember that, in any single instance, the issue of general politics had turned on an election. There was one remark in which he concurred with the honorable gentleman, with regard to all those persons who were so busily employed in fixing the character of the Legislature of Virginia, that all their calculations were absurd, and grew out of utter ignorance. Both branches would act with the most perfect indifference as to the opinion of others. For his own part, he had no fear that the State of Virginia would ever be found lending its aid to increase the power of the President of the United States, or to establish a monarchy. The Legislature of Virginia would not be deluded, and he repelled the insinuation that it had been deluded. By whom had it been deluded? Did the gentleman mean to say that the opinion of the Legislature was a delusion? or, that the opinion of the Legislature, so far as it differed from his own, was a delusion? He [Mr. FORSYTH] was, indeed, a native of Virginia, but he must have left it in his infancy, if he believed that they were in delusion, because they did not change their principles.

Mr. WEBSTER said the honorable Senator from Georgia had brought forward two precedents for the President's conduct with regard to appointments: one, was a long list of military appointments, (which always came in clusters, because they were appointments of course,) and the other, was the case of a foreign minister. Now, were either of these cases analagous to the nominations which had been made by the President? Certainly not. Mr. W. then went on to prove that there was no analogy between the precedents which had been cited by the Senator from Georgia, and these nominations, on the part of the President, to which he (Mr. W.) objected.

Mr. FORSYTH did not bring forward these precedents as analogous to the late appointments by the President; but, merely as an answer to the assertion made by the Senator from Massachusetts, that there was no instance on record of any nomination having been neglected to be submitted to the Senate within a month after the commencement of the session. As to Virginia, he was satisfied that when the Legislature of that State met, it would do its duty. The honorable Senator from Virginia had said that the late elections turned upon one point.

Mr. LEIGH corrected the honorable Senator from Georgia. He (Mr. L.) had said that the elections had turned upon no one issue.

Mr. FORSYTH continued. In one county three gentlemen had been returned, who differed from each other on all but local subjects. The honorable gentleman from Virginia thought that he (Mr. F.) had no right to say that the people of Virginia had been deluded, and asked by whom? He (Mr. F.) would reply, By the usual means, the public press. They all knew that falsehood and calumny were the ordinary weapons of the party press at this moment—he did not even except his own. Suppose the honorable Senator and himself turned to the newspapers of the day, must they not come to the conclusion that those who formed their judgment from such a source would be misled? It was the same with the people of Virginia. To say that they were deluded, was only to say that they belonged to the human family. As to the Legislature of Virginia, they might be deluded by false reasoning; and none were so liable to error as those who deluded themselves. The Legislature had been self-deluded. They had been talked to about liberty—liberty—that word which inflamed the mind of every Virginian. They had listened to the denunciations against the President, and had joined in them, believing it was necessary so to do in order to preserve the institutions of their country. The honorable Senator from Virginia had said, that no Virginian would venture to tell his State that she had been deluded. He (Mr. F.) was sorry for it, for it was the duty of every native of her soil to point out any error which she might commit, whether of fact or principle; and the honorable Senator would not do his State justice if he failed in this respect. He (Mr. F.) felt so much for Virginia—he was so anxious that her course should be just and proper—that he should always speak of her errors with regret, but at the same time with all necessary freedom.

Mr. LEIGH said he now understood the honorable Senator from Georgia as imputing only human frailty to the people of Virginia, and self-delusion to her Legislature. He (Mr. L.) begged to say, that all the delusion which had been attempted to be practised upon them, had been attempted by that press which advocated the course of the present administration. The State of Virginia had been deluged with papers from that quarter. Whether, however, the people of Virginia had been deluded, or the Senator from Georgia, remained to be seen. He (Mr. L.) presumed it was not possible for that honorable Senator to be deluded. It seemed that to avoid self-delusion it was only necessary to leave the State of Virginia when one was six months old. The honorable Senator from Georgia had all the feeling of a Virginian, but none of the self-delusion which attached to that State, because he had been carried away from Virginia when he was six months old. He (Mr. L.) meant no disrespect to the honorable Senator from Georgia, but he must tell that gentleman that the sort of delusion of which he had spoken, was not confined within geographical limits; and that the people of Virginia would never consider the circumstance of the migration of the honorable Senator as conclusive evidence that he was always right, and they were always laboring under a delusion. The honorable Senator might follow his own opinions; he (Mr. L.) should respect him the more for so doing; but he begged him, when he next had occasion to speak of the opinions of the people of Virginia, not to ascribe to them delusion, but to believe that they were as capable of correctly exercising their judgment, and that they acted as strictly in accordance with their consciences, as he (the honorable Senator) did.

Mr. CLAY said he desired to say a few words in relation to the nominations of the President, but, as the day was now far advanced, he would take another occasion of doing so. He begged, however, now to state, that he viewed the conduct of the Executive as wholly without precedent.

Mr. FORSYTH, in reply to the Senator from Virginia, said, that if delusion had been attempted to be practised by those papers which advocated the course of the administration, the same had been done by the journals of the opposite party. Mr. F. disclaimed all pretensions to superior powers of reasoning in consequence of his having left the State of Virginia early in life. He said he looked more to the conduct of Virginia, because he loved her better than any other State. It was true of himself, Mr. F. said, as of the honorable gentleman, that he always considered that correct which he believed in his conscience to be correct. He knew no other standard. They both believed that others were wrong, and their own standards were just. Whenever he spoke of Virginia, he should appeal to this standard. Virginia was not in fault. Mr. F. knew not how to speak of her in any other terms; he rejoiced in her good principles; he was glad of her triumph, but he would deprecate her errors. Would she deny him this privilege?

Mr. LEIGH said, she never would deny it, and he hoped she would avail herself of the earliest opportunity to exercise it herself. She already rejoiced in her triumph--for, triumph she would, in this contest against arbitrary power.

Mr. FORSYTH hoped so, if she was right.

The memorial was then referred and ordered to be printed, and the Senate adjourned.

THURSDAY, MAY 22.

MONTGOMERY COUNTY (PA.) MEMORIAL.

Mr. CLAY said that a respectable committee from Montgomery county, in Pennsylvania, had placed in his hands a memorial to present to the Senate, on the existing state of the country. He had the pleasure of knowing for some time and corresponding with one member of the committee; another was a plain, blunt, honest, and sensible Pennsylvanian, who had personally assured him (Mr. C.) that he had been a warm supporter of the present Chief Magistrate, but had become sensible of his error, and was most anxious to repair the mischief which he had contributed with others to bring upon the country; and the other member of the committee who had called on him he had every reason to believe was an intelligent and honest man. The memorial is subscribed by some fifteen or sixteen hundred names, about a fifth of whom were, until recently, friendly to this administration. Montgomery county is situated near Philadelphia, abounds in that most valuable material, limestone, (and he had never known a limestone district of country that was not fertile and valuable,) and in marble of superior qualities. Its industry is chiefly employed in agriculture and manufactures. Until the effects were developed of the late rash act of the Executive, so madly persevered in, the products of the labor and of the quarries of the county of Montgomery found a ready market and remunerating prices. But the demand for them has since become greatly diminished, and prices much reduced. Laborers are thrown out of employment, and compelled not unfrequently to appeal to the charity of the farmers of Montgomery county for a precarious subsistence. Manyunk was a flourishing manufacturing village, which, though in another county, is near to Montgomery. But Manyunk has unfortunately felt most disastrously the prevailing blight. Its active and busy scenes are sadly changed. Idleness and want have succeeded to industry and comfort. Women and men, boys and girls, have been deprived of their usual employment, and the inevitable consequences need not be stated. Mr. President, of all the parent sources of immorality, vice, and crime, there is not one which bears any comparison to that of idleness. And if there be one female lost to herself and her sex—one youth lost to his parents and his country, in consequence of idleness, the result of the impolitic and ill-advised measures of one man, it is sufficient to dim the lustre of the most brilliant victory ever won by the most successful military commander. Montgomery is the residence of that most excellent and estimable man, Jonathan Roberts. He (Mr. C.) had the satisfaction to serve in the other House with Jonathan Roberts and Abner Lacock, side by side, and to co-operate with them during the last war. They were both afterwards members of the Senate; and, although Pennsylvania has been generally represented, in both Houses, by able and intelligent men, she has never been served by any more worthy, more patriotic, more devoted to the best interests of their country.

Mr. President, it is impossible to disown that one has occasionally melancholy forebodings as to the present condition and future fate of our country. It is undoubtedly destined to deep, pervading, and long-continued distress. There will be unspeakable individual suffering. But, sir, the country is getting awake, wide awake to all impending danger. The people are taking their own affairs into their own hands; Pennsylvania is coming, the Campbells are coming, and, as Charles Maurice Talleyrand said of the Russian war, the present period is "the beginning of the end" of that dreadful disease whose alarming symptoms first displayed themselves in 1827, which broke out on the 4th of March, 1829, and ever since has been raging with pestilential violence. The memorial of the good people of Montgomery is brief, but well drawn; and he moved that it be read, printed, with the names attached to it, and referred to the Committee on Finance.

The motion was agreed to.

On motion of Mr. WHITE, the Senate proceeded to the consideration of Executive business.

When the doors were re-opened, it was ordered that, when the Senate adjourn, it adjourn to meet on Monday.

On motion of Mr. KANE, the special order, being the report of the Committee on the Judiciary on the pension books, &c. was postponed, and made the special order for Monday.

On motion of Mr. BIBB, the resolutions submitted by him, on the subject of an amendment of the constitution, were postponed, and made the special order for Monday.

Several bills were now taken up, read a third time, and passed.

After disposing of sundry resolutions lying on the table, and acting as in committee of the whole, and ordering to a third reading some private bills,

Mr. SHEPLEY moved to postpone the orders of the day for the purpose of taking up the bill to repair the military road at Mar's Hill, in the State of Maine.

Mr. CLAY asked whether it was not possible that this road would be eventually ceded to Great Britain? He had another objection, also: Here was a road, said to have been made for military purposes, according to the dogmas of the President, a national road, and it was now proposed to give it, after it had been put in repair, to the State of Maine. He (Mr. C.) would like to know what sort of a road this really was; whether it was a military road, a military-national road, or a military-national State of Maine road?

Mr. BENTON made a few explanatory remarks, and offered the following amendment to the bill:

"That the use of the said road shall remain forever free to the troops, munitions of war, &c. of the United States, without the payment of any toll whatever."

Mr. SOUTHARD thought something more than this amendment was necessary. He wished to know also whether any active legislation, on the part of the State of Maine, had taken place upon this subject; had they declared that they would receive the road when repaired.

Mr. BIBB moved to amend the amendment of Mr. BENTON, by inserting a provision that the mail shall also be carried free.

The amendment to the amendment was agreed to; and the amendment as amended was then agreed to.

Mr. POINDEXTER made a few remarks in objection to the bill, and,

On motion of Mr. SOUTHARD, who wished more time to deliberate on the question,

The Senate adjourned to Monday.

MONDAY, MAY 26.

COINS.

Mr. WRIGHT presented a memorial signed by the officers of eighteen local banks in the city of New York, urging on Congress some legislation in regard to the gold and silver coin of the United States, in reference to foreign silver coin.

Mr. WEBSTER considered the subject to which this memorial had drawn the attention of the Senate, as one of very urgent importance, and which had not escaped the consideration of the Committee on Finance. The evils existing were two:

1. There was no law requiring the silver coins of some countries to be a legal tender, as they had heretofore been, which circumstance diminished the quantity of specie in the country, capable of being so used, very much.

2. The want of a just provision established by law, between silver and gold.

Mr. W. thought proper to say that the Committee on Finance had not forgotten the subject; but they had waited for the passage of a bill in the other House, which had been introduced under the auspices of a member from the city from which the memorial came. If that bill should not arrive in due time, a bill would be originated by the Committee on Finance; and Mr. W. hoped the honorable member presenting this memorial, would use all diligence to forward the measure there and here. There was little difference of opinion on this subject.

Mr. WRIGHT was aware of the fact mentioned by the Senator; and as these memorialists, whom he thought competent judges, had made distinct propositions, in reference both to gold and silver coin, and had done so because they were apprehensive of delay in the action of Congress, Mr. W. expressed the hope that the petition would receive the early attention of the committee.

Mr. WEBSTER would only add, for the satisfaction of the gentleman and others, that, unless progress was made by the other House, Mr. W. would move for a bill on the subject, on this day week.

INDIANA MEMORIALS.

Mr. HENDRICKS presented five memorials from Indiana, all remonstrating against the measures of the Executive in regard to the Bank of the United States, and praying for the restoration of the public deposites to that institution, with the re-charter of the bank.

Mr. H., in presenting this memorial, said: It has, Mr. President, become my duty to present to the Senate a memorial on the subject of the bank, the deposites, and the currency. I have received, and am requested to present a memorial, or rather five memorials, of the people of Switzerland county, and State of Indiana—all, however, of the same import and tenor, having been circulated in different parts of that county: and, sir, I am advised by a correspondent from whom I have received these, that there are nineteen others in circulation, which may soon be expected for the purpose of being presented to this or the other House. These memorials are numerously signed, and it is my duty to state that which has so often been stated in presenting such-like papers, that they are signed indiscriminately by men of all political parties, and of every pursuit and occupation of life. It is a county in which the friends of the present Chief Magistrate were, and I presume still are numerous, and their party strong, and this paper is not to be viewed as a party production, but, as the expression of an honest, intelligent people, truly representing the condition of the county, the causes which have produced it, and the remedy, in their opinion, proper to be adopted.

This county is situated on the Ohio river, above the falls, is a county of the second class in size and population, but, in the peaceful industry, the virtue and intelligence of its population, it is inferior to none; and, in these respects, would not lose by comparison with any people who have preferred their petitions here. It is a mixed population, grouped together from every quarter of the Union, and from almost every quarter of the world, chiefly, however, from Kentucky, Ohio, Pennsylvania, New York, and New England. And it also contains the Swiss settlement from which it takes its name. This people emigrated from the cantons of Switzerland during the troubles of the French revolution, and subsequent to that period, and ultimately settled on the Ohio river, where they have successfully introduced the culture of the vine. They obtained a grant of land, of which I took occasion to speak the other day, when the Polish land bill was before the Senate, on which they first settled, by special act of Congress, by which an extended credit was given them, at the minimum price, then two dollars per acre. They called their town Vevay, and their county Switzerland, names of their own selection, from their own country in Europe. They are peaceful, industrious, intelligent, and patriotic—warmly attached to their adopted country, as they are to that of their nativity.

This county, sir, occupies a long reach on the Ohio river, and its agricultural productions are wheat, corn, and hay, as well as almost every other article in demand at the New Orleans market, to which there is a heavy export trade carried every year. New Orleans is the great market, and almost the only market of the people of that State, and they are instantly and deeply affected by its condition. It is true, that, before long, a great diversion of their export trade must take place by the Wabash and Erie canal and the navigation of the lakes; but, at present, the Mississippi trade and the market at New Orleans are the only hopes of the growers and exporters of produce. The people of Switzerland county have as little direct interest in the Bank of the United States as almost any people of the Union. They seek not accommodations in this or any other bank. They are the exporters as well as the growers of their produce, and the whole concern is very much the proceeds of their own industry. But in the prosperity of the Bank of the United States they have a deep interest—for, having no State banks as yet in operation, the paper of the Bank of the United States has largely shared in the circulating medium of almost the whole State, and especially was it so on the Ohio river. The present state of things has withdrawn rapidly the paper of that bank, and its place is but partially supplied with the paper of other banks, chiefly those of Cincinnati and Louisville—banks of recent origin, and in which the people have not the same confidence that they have in the Bank of the United States. The diminution of currency, the distrust of that in existence, the general want of confidence, and the instability of the whole matter, has, as they say, and as other sources of information assure me, produced deep and almost universal pecuniary embarrassment in the country.

They tell you that the past experience has fully demonstrated the convenience and necessity of a circulating

medium, composed of bank notes, redeemable in specie, to supply the want of a sufficient metallic currency. They do not believe that a sufficient quantity of gold and silver exists to form a circulating medium; and they believe that a sudden change, or attempt at change, from a paper system to a metallic currency, would prostrate not only commerce, but agriculture; prostrate the value of all property; produce entire derangement of our affairs, and bring wide-spread ruin upon the country. They tell you that, after full experiment, it clearly appears that local banking institutions have not been able to furnish a national currency in any way adequate to the wants of the community; and that a national bank, with branches in the different States, is alone competent to the task of regulating and producing such currency; of keeping it in a sound and healthy condition; and of equalizing the exchange between different and distant parts of the Union. The convenience and necessity of a paper circulating medium, said Mr. H., but few will deny. It is convenient on account of transportation and exchange; and it is necessary, because the precious metals are not to be found.

However much we may wish the condition of the country to be other than what it is, we must all admit that gold and silver, to supply the paper system, is not in the country; and that to force, or to attempt to force, a violent and sudden change from the one system to the other, must convulse the country. It is much to be desired that a greater quantity of the precious metals were to be found in circulation than at present exists; and in providing a remedy for the fiscal derangement of the country, this ought to be provided for. But this must be done by a slow and cautious process. A state of things must be created which will invite specie into the country, rather than send it away. We cannot legislate into the circulating medium a greater quantity of the precious metals than is to be found.

It has been stated that the chartered capital of the banks, about four hundred and fifty in number, amounts to $145,000,000, and that the paper in circulation is, to the specie in their vaults, more than six to one. How, then, is this circulation to be supplied, and what utter destruction would a sudden change, were it practicable, bring upon the country.

The people of Switzerland are of opinion, that a national bank is indispensable to the prosperity of the community. In this opinion I fully concur; I believe that a national bank, or a national currency of some kind, is indispensable, and that all our experience tests this position. This, as a currency regulator, in my opinion, we must have. The State banks are wholly insufficient for that purpose. I am no advocate for the present bank, and think it has no paramount claim upon the Government for a re-charter. But I am prepared to vote for a bank charter, with proper modifications. My reason for this course is well expressed by the petitioners—that it is indispensable to the prosperity of the community. And, sir, not having heretofore mingled in the five months' debate on this subject, I will take this occasion to state briefly the kind of bank which I would prefer. I would prefer a United States Bank, located in the District of Columbia, in the city of Washington. This would do away all constitutional difficulties; for all admit the power of Congress to charter such institution here. Objections to this place for the location, I do not think insurmountable. Settling the constitutional question is a desideratum so great, that it will overbalance all objections.

Such an institution here need not have any greater connexion with the Government than if located in Philadelphia; and locate it where you may, it ought to have very little connexion with the Government. This place, it may be said, is not sufficiently commercial to justify the location of so much capital here. But this place may become, and will become, a place of much commercial importance as soon as the Chesapeake and Ohio canal, or the Baltimore and Ohio railroad, shall be completed. Nor need it be considered absolutely necessary, that the location of such bank be in the largest commercial city. I would not charter so large a capital as $35,000,000. Half that sum, aided by the deposites of the public money, and by the control which the disbursement of the public expenditure would give such institution, would enable it to regulate the currency of the country, and its exchanges, and check excessive issues of local banks. I would not exceed twenty millions in the capital. The bonus, which all agree might be much larger than that of the present bank, I would distribute among the States in some fair proportion. I would permit such bank to locate branches in the States only by permission of the Legislatures of the States, and would, on account of the distribution of the bonus, prohibit the States from taxation; nor would I deprive Congress of the power of amending the charter of such bank, or of chartering another bank, should the public interest so require. Such bank, although it could not go into operation till the expiration of the present bank charter, would give prospective stability to the currency. It would at once inspire confidence, and that is all that is wanting.

Whatever may have produced the pecuniary embarrassment of the country, so strongly represented by the memorialists, I cannot (said Mr. H.) for one moment doubt that such embarrassments exist. My letters, from almost every portion of the State, assure me of that fact, and I very much fear that this distress is not at its height in the country west of the mountains. We are, in the hands of the New Orleans market, as the clay is in the hands of the potter. Accounts from that quarter are discouraging at present, and bode worse for the future. Bankruptcies unparalleled in number and extent, are spoken of in New Orleans, and the means of receiving and paying for our produce is believed not to be in existence there. The distress of that portion of the country, and of the whole country, I fully believe; and stand ready to co-operate in any measure which affords prospects of relief. I know it has been said that the distress complained of is occasioned more by excitements, which the removal of the deposites has been seized upon to produce, than by the removal itself. To some extent, I admit this to be true. For instance, if this long session of Congress had not taken place immediately after the removal, it is probable that neither the excitement nor the pressure would have been so great; but it cannot be denied that the measure of removal was the original cause, without which the excitement and distress which pervades the country would not have occurred.

No one, sir, more deeply regrets than myself the removal of the deposites. It was a most unfortunate measure for the country. And while I have never doubted the power to remove, nor the correctness of the motive which induced the measure, I have always regretted it, as deleterious and injudicious. I have said by my vote, that in my opinion the reasons of the Secretary are unsatisfactory and insufficient; but I have carefully avoided any vote, or any act, having a tendency to increase excitement, which, in my opinion, was but increasing the distress complained of. I voted against the resolution which has been the occasion of the present controversy between the President and the Senate, and I have voted, and will continue to vote, against every measure having a tendency to prolong or imbitter that controversy. My object, in this, is the tranquillity of the country, which, at this time, is too much disturbed. My object is the prosperity of the country, which cannot be fully restored until the excitement be allayed. That the liberties of the country are in danger, I do not believe. This is an excitement greatly to be lamented; but, like all others which have preceded it in our history, it is destined to pass away,

without serious injury to our institutions. The elements of republican governments have always been, and must always continue to be, stormy and tempestuous. The opinions of 13,000,000 of freemen must necessarily be a discordant mass of materials. Our Government is the offspring of, and dependent on, public opinion. We are united only on a few fundamental principles, such as personal and political liberty, and national independence. On minor subjects our opinions are various and discordant.

We have wisely chosen this form of government, preferring it to other forms, where the will of one man, or of a few individuals, is the law of the land, and where this will and this law is enforced at the point of the bayonet. Let us not, then, despair of the republic, but cling to it as the anchor of our political hope.

Mr. H. then moved that the memorial be read, printed, and referred to the Committee on Finance.

Mr. BENTON would add his testimony, if necessary, to that of the Senator from Indiana, [Mr. HENDRICKS,] in favor of the respectability of the population which furnished the subscribers to the memorial just presented. He knew their industry, enterprise, and sincere devotion to their country, and had no doubt but that they fully believed in all the distresses which they mentioned; but their petitions only recited what had been alleged on this floor for the last four or five months; and the reason why petitions were so late in coming from that distance, must be because the petitioners were so far off from the source of alarm—so far off from this chamber, where the cry of distress was first raised, four or five months ago. The petitioners speak of the scarcity of money in consequence of the disappearance of the United States Bank notes. Now, said Mr. B., the petitioners doubtless thought there had been a great diminution of this kind of currency, because they heard it proclaimed from all quarters. But he, Mr. B., would ask the Senator from Indiana himself, [Mr. HENDRICKS,] what was the real amount of these notes withdrawn from circulation.

Mr. HENDRICKS said, that he had not before him any statistical tables, showing him the condition of the Bank of the United States, neither monthly reports, nor those of any other period, and his recollection did not furnish him with an answer to the question propounded. He presumed the Senator from Missouri was much more familiar with that subject than himself. Nor did it go to the point in question, whatever the facts might be. He presented the memorial of a portion of his constituents, men of intelligence, who well understood the fact which they stated to the Senate. What was that fact? The want of an adequate circulating medium, the rapid disappearing of United States Bank paper in that section of the country. This is a fact intimately connected with their business—a fact which they see and feel. They make no statement of this kind for any other portion of the country, but undertake to represent the condition of their own. Now, to them it makes little difference how much or how little may be the amount of notes withdrawn from circulation by the Bank of the United States. It is the effect of the existing derangement of the currency upon themselves, of which they complain.

Mr. BENTON resumed. It was right to be a little statistical in this case. The statistics would show that, in point of fact, there was very little diminution of the circulation of United States Bank notes. There was about sixteen or seventeen millions of those notes now out, and that lacked but little of the quantity out last year, before the deposites were removed, and which was usually about seventeen or eighteen millions. Still, the petitioners were no doubt right in the fact that these notes were scarce in the part of the country in which they lived; for the law of bank circulation, which he (Mr. B.) explained on another occasion, carried them off to the northeast.

Mr. B. spoke of the prices of produce in New Orleans, and quoted from Benjamin Levy's Price Current, of the most recent date. From this, it appeared that Western produce bore a good price; cotton higher than it was at this time last year; pork, beef, bacon, flour, corn, &c. about as high as usual, and in good demand. He also read a letter from Cincinnati, showing that steamboat business, both freight and passage, was better than it had been for three years past; that money was as plentiful as usual, prices as good as usual, people contented as usual, and panic-makers only out of business. Mr. B. then took up a New York paper, the Times, just received, and which gave the value of different bank notes at the Brokers' Board in that city, and showed that the Southern banks had nearly recovered their ancient rates in that market. The Carolina banks only about 3 per cent. discount; the Virginia banks, even those which were reported dead, only about two per cent. discount; and the pet bank of this District, (the Metropolis,) which had been the subject of so many melancholy predictions, was at the rate of one per cent. discount, and no more! All is going on well, said Mr. B. It was nearly "the last of pea-time with distress memorials; and, as the cry of distress began in the Senate, he presumed it would end in the Senate; and that, henceforth, nothing more would be heard than the faint and lingering accents of a dying-out and exanimate alarm.

Mr. HENDRICKS repelled the idea, that the memorial which he had just presented to the Senate, had been produced in any degree by the panic which pervades the country, or that it had been gotten up for political effect. The people of Switzerland county were not panic-makers, nor were they more liable to alarm from danger at a distance, than the people of other portions of the Union. In this instance, he believed they were much less liable to alarm than many others. They stated facts connected with their own business.

The produce business, in which many of them are engaged, is deeply affected by the distracted and depressed condition of the currency. They see, and they feel, and they cannot be mistaken in the facts they state. He had referred, when up before, to the condition of the New Orleans market; to the fact that bankruptcies, unparalleled in number and extent, had taken place in that commercial city; and that it was believed the means of receiving and paying for the produce of the upper country was not to be found there. In that reference, he had allusion, among other things, to a letter which he had seen in the hands of a Senator on the floor, and such information was generally more to be relied on than the prices current. The letter did speak of unparalleled failures in that city, and that information accorded well with the experience of many who had recently been engaged in the produce business on the Ohio and Mississippi rivers.

Mr. H. repeated that this memorial had not been gotten up for political effect. He reminded the Senate of a remark he had made when first up, that the memorial was signed indiscriminately by men of all parties. He would venture the assertion, that there were many names on that paper of persons as warmly devoted to the present Chief Magistrate and his administration, as any individual within the sound of his voice; men who, although they disapprove of the removal of the deposites, and of the measures which have produced the present state of things, yet they have undiminished confidence in the purity and integrity of the motives which induced the measure—men who indulge in no denunciation, who believe the President of the United States to be an honest man, an ardent patriot, and one who would make, for the perpetuity of our free institutions, as great sacrifices as any other. It is not for political effect that such men make such statements as are contained in the memorial just pre-

sented. All their political feelings are on the other side of the question.

The motion of Mr. HENDRICKS to refer and print the memorial, was agreed to.

Several private bills were next taken up, read the third time, and passed.

PENSION BOOKS.

The Senate now resumed the consideration of the special order of the day, being the report of the Committee on the Judiciary on the pension books; and Mr. KANE concluded his remarks, and was followed by Mr. BIBB, Mr. WRIGHT, and Mr. CLAYTON.

The question was then taken on agreeing to the following resolution, (moved by way of amendment to the original report,) as follows:

Resolved, That the Department of War is not warranted in appointing pension agents in any State or Territory where the Bank of the United States, or one of its branches, has been established, except when specially authorized by act of Congress.

And decided as follows:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Forsyth, Frelinghuysen, Kent, King of Georgia, Leigh, Mangum, Naudain, Poindexter, Porter, Preston, Robbins, Shepley, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster.—28.

NAYS.—Messrs. Benton, Brown, Grundy, Hill, Kane, King of Alabama, Linn, McKean, Morris, Robinson, Tallmadge, Tipton, White, Wilkins, Wright.—15.

So this resolution was agreed to.

The question was then taken upon agreeing to the following resolution:

Resolved, That the act of Congress "for the relief of certain officers and soldiers of the Revolution," passed on the 15th of May, 1828, and the act supplementary to that act, passed on the 7th June, 1832, are properly acts providing for the payment of military pensions.

And decided as follows:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Kent, King of Georgia, Leigh, Mangum, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster.—26.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Linn, McKean, Morris, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.—17.

So the resolution was agreed to.

The question was then taken on agreeing to the following resolution:

Resolved, That no power is conferred by any law upon the Department or Secretary of War, to remove the agency for the payment of pensioners under the said act of the 7th June, 1832, and the funds, books, and papers, connected with that agency, from the Bank of the United States, and to appoint other agents to supersede that bank in the payment of such pensioners.

And decided in the affirmative, without a division. After which

The Senate adjourned.

TUESDAY, MAY 27.

WASHINGTON COUNTY (OHIO) MEMORIAL.

Mr. EWING said he was charged with the presentation of a memorial, signed by 1,063 of the inhabitants and qualified voters of the county of Washington and State of Ohio. This county, said Mr. E., embraces the first settlement within the bounds of the now State of Ohio, and I recognise upon it the names of many old and valuable friends, some of the pioneers of the West, and among them a member of the convention which formed the constitution of the State of Ohio. That section of the country has no direct connexion with the Bank of the United States, or any transactions with it; they have their own bank, a safe and well-managed institution, which, in good times, was sufficient for all the business of the country. But the blighting influence of the experiment has reached even them. Business is paralyzed, and the price of produce struck down. They say, and they say truly, that credit is essential to the prosperity of the West, and that business must languish if it cannot be carried on on borrowed capital. Indeed, it cannot be otherwise. That whole vast country, with all its resources, is too new to have accumulated capital sufficient to develop those resources. It must either linger in the march of improvement, or avail itself of foreign capital and credit for its advancement. The memorial is a well-written paper, and presents the topics which have been so much discussed, in a strong point of light. It is also calm and respectful in its language. But I will not detain the Senate by its reading. I move that it be printed with the names, and referred to the Committee on Finance; which was agreed to.

MARINERS' COMMON SCHOOLS.

Mr. WEBSTER presented a memorial from sundry inhabitants of Boston, praying Congress to take into consideration the propriety of aiding, by duties received from commerce, common schools in the maritime cities, for the instruction of mariners in common knowledge.

Mr. W. said that, for some years past, the attention of the community in which he resided, had been strongly drawn to the condition of that useful class of citizens, the mariners. It has been thought well worthy an effort to elevate the character of that class, by affording means of instruction, and inspiring higher moral feeling, and a greater degree of self-respect. It has been thought desirable to impress on them a sense of the value of property, the virtue of economy, and the preservation of their dearly-earned means of living in saving institutions, and other ways. This class is numerous, it is important, especially in time of war; its members are exposed to peculiar temptations and dangers, and have, therefore, always been regarded as objects of unusual legislative care. Gentlemen who have entered into these views, in regard to this portion of the community, had found their objects much assisted by the efforts of a man whom he thought it but just to mention, with respect, on this occasion; he meant the Reverend Mr. Taylor, a man of uncommon talent, of peculiar and appropriate eloquence, and well acquainted with the general character and habits of those to whose moral and religious improvement he devoted the labors of his life. I have now, said Mr. W., to present to the Senate a most respectable memorial on this subject. It urges upon the attention of Congress the importance of education, and knowledge, and good morals, in this great class of citizens; and since they are so much connected with the commerce of the country in peace, and so necessary to its protection in war, they suggest that, out of the duties collected from that commerce, common schools may be established and maintained, in the maritime towns, for their instruction in common learning. I find this memorial signed, sir, in the first place, by several high officers in the State Government, next by the municipal officers of the city. I find next, sir, nearly the whole body of the clergy of the city, of all denominations, uniting in this benevolent and truly philanthropic object. I see, too, a column of the names of ship-owners; another of the names of master mariners and seamen; and, finally, a long list of other citizens. I am happy, sir, to be the organ of presenting this subject to the consideration of Congress, not only on account of the great respectability of the signers of the memorial, but also on account of the subject itself, which cannot but be admitted to be one of

importance and interest. I hope it will receive the deliberate consideration of the committee, as I think the time has come when there is a strong and just conviction widely prevailing, that a melioration is both desirable and practicable, in the condition, character, habits, morals, and happiness, of this indispensable portion of the nation's strength.

Mr. W. moved its reference to the Committee on Commerce; which was agreed to.

Mr. WEBSTER gave notice that he would, to-morrow, move to go into the consideration of Executive business.

JOINT RESOLUTION CONCERNING THE REMOVAL OF THE DEPOSITES.

Mr. CLAY gave notice that he should, on to-morrow, ask leave to introduce a joint resolution, the object of which would be to re-assert what had been already declared by resolutions of the Senate, that the reasons assigned by the Secretary of the Treasury to Congress, for the removal of the public deposites, are insufficient and unsatisfactory; and to provide that, from and after the 1st day of July next, all deposites which may accrue from the public revenue subsequent to that period, shall be placed in the Bank of the United States and its branches, pursuant to the 16th section of the act to incorporate the subscribers to the United States Bank.

RHODE ISLAND ELECTION.

The CHAIR then commenced calling the general orders; when, on motion of

Mr. POINDEXTER, the orders preceding the report of the select committee on the Rhode Island election, were postponed, and the Senate proceeded to the consideration of that report.

The reports of the majority and of the minority of the committee were then read, occupying until nearly half past three o'clock.

Mr. POINDEXTER then expressed a hope that the question would be immediately taken, and without debate.

Mr. WRIGHT asked for the yeas and nays, and they were ordered.

Mr. WRIGHT said, he did not feel bound to say a single word that would excite debate, nor did he intend to propose any amendment, because he thought it better to take the question as proposed by the select committee in their resolution. This resolution affirmed that Mr. ROBBINS had been duly elected a Senator of the United States, and, if concurred in by the Senate, the question is at once settled. If, therefore, he proposed to amend the resolution so as to make it read that Mr. ROBBINS is not elected, and the amendment should prevail, the next question raised, would be, whether Mr. POTTER has been elected. Consequently, he would prefer taking the question on the resolution as reported by the committee.

The question was then taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Poindexter, Porter, Preston, Silsbee, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Waggaman, Webster.—27.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, Morris, Robinson, Shepley, Tallmadge, White, Wilkins, Wright.—16.

AMENDMENTS OF THE CONSTITUTION.

The Senate then proceeded to consider the resolution of Mr. BIBB, proposing an amendment to the constitution of the United States as it respects the election of President and Vice President of the United States.

Mr. BIBB then addressed the Senate in explanation of the mode of election which he proposed. He condemned the present mode by electors, and supported and advocated an election of the President immediately by the people. He deprecated an election devolving, in any instance, on the House of Representatives, and was in favor of providing, that whenever it should happen that no candidate for the Presidency obtained a majority of the whole number of votes given, the election should return to the people, and so, *toties quoties*, whenever such was the result.

Mr. B. at four o'clock, gave way, without concluding, to Mr. MANGUM, on whose motion,

The Senate adjourned.

WEDNESDAY, MAY 28.

FREDERICK COUNTY (MD.) MEMORIAL.

Mr. CHAMBERS said he was charged with the presentation of a memorial from the voters of the second election district of Frederick county, Maryland. With many of the officers whose names were subscribed to the proceedings, he had a personal acquaintance, and of the others he could speak from undoubted authority, and of all he could say, with entire confidence, that they were men of high standing for their intelligence and general respectability. The memorial treated of the important topics which had been the occasion of so much discussion here, and of so much interest and anxiety throughout the whole Union, the removal of the deposites, the national bank, and the protest. Upon these subjects the memorialists had expressed themselves in terms strong and energetic, yet altogether respectful. They recognise the right and the duty of a free people to express their opinions of public measures, and of public men, who are their agents and servants, and deem the present a crisis fit for the exercise of this duty. They claim for Congress the exclusive control of the public treasure, and denounce every effort to transfer that control to the Executive department as a subversion of the first principles of the constitution: they regard the late Executive measures, in regard to the national treasure, as such an effort. They regard the systematic and persevering purpose of the President to destroy the credit of the United States Bank, and the removal of the deposites in violation of an existing contract, as unwise, destructive of the interests of the country, a wanton waste of the money of the people, and a high-handed abuse of power. They declare the late Executive measures to have caused the embarrassed pecuniary condition of the country, by giving a shock to credit and confidence, by deranging and depreciating the paper currency, and by creating a necessity for individuals to withdraw their means from the ordinary and useful channels in which they had operated, to seek protection and security against the ruinous consequences of the experiment. They advocate a national bank as the sole means of preserving a sound currency, and of preventing excessive issues by the local banks, and deprecate the project recommended by the Secretary of the Treasury, and proposed by the Committee of Ways and Means in the House, as altogether insufficient for the purposes avowed, and injurious to the community. They highly approve the course of the Senate, in its unyielding purpose to maintain inviolate the principles and spirit of the constitution, and condemn, in very pointed terms, the protest, or appeal to the people by the President, as claiming powers not granted by the constitution, and dangerous to the harmony and perpetuity of our institutions. They hail with gratification the late symptoms of a returning healthful state of public opinion in regard to these matters, referring to the late elections in Virginia and Connecticut, and not omitting those of New York and Albany.

Mr. C. said he would not detain the Senate by repeat-

ing his own views upon the subjects alluded to. They were well expressed in the memorial, and he had had the honor of making them known on more than one occasion. He would, however, while on the floor, express his surprise at the course pursued by some Senators on the opposite side; they will not allow to intelligent practical men the least acquaintance with their own concerns—practical men, whose lives were devoted to their particular pursuits, to which they had exclusively confined themselves, were not permitted to have any acquaintance with those very departments of business to which they had altogether applied their whole attention. Gentlemen here knew much better than they did their condition, their necessities, and their prospects. Was it possible that such an idea could seriously be entertained? That portion of the people of Maryland who have issued this declaration of their opinions, are intelligent; they understand their interests, and they know the practical influence of your financial and political schemes upon their particular departments of business much better than mere politicians do. The merchant, the mechanic, the agriculturist, whose subsistence and pecuniary comforts depend upon the successful prosecution of their respective pursuits, can appreciate more accurately than others, the precise effect of any given state of things upon their respective occupations. All their intelligence and acuteness, sharpened by interest and cultivated by experience, are engaged with deep solicitude to understand the bearing and influence of exterior causes. They are not blinded or misled by the prejudice of politics and party; they are moved by the great consideration of the security and prosperity of trade. They are excited only by the presence or approach of some enemy to their interests; something that interrupts the regular channel of their useful labor. The contests of individuals for power or office, the strifes of party and partisans, are to them quite insignificant, in comparison to the steady profitable progress of their business. Such men are not expectants of office, or political distinction; they look for happiness, first in the success of their honest avocations, and then in the private and retired walks of life, enjoying the repose which their industry has entitled them to indulge, and the intercourse of friendship more durable than that of politicians. Such men have presented themselves before us by thousands, moved by no impulse of party prejudice or hostility, for they come with all sorts, all classes, of party names—influenced by no desire to prostrate a dominant power, for they have, many of them, assisted to establish it; they come with an assurance that they see and feel the mischievous and ruinous consequences of a course of measures unwisely adopted by the Executive. They go into detail, and explain how and why these mischiefs are felt; that the causes continuing, the effect must be prolonged, and the mischiefs be aggravated; and they point you to the appropriate remedy. They will listen with surprise to the language in which their petitions are answered; they will, with astonishment, hear it said that they do not understand their own case at all; that they do not experience difficulties or embarrassments; that the price current proves they are totally ignorant of their own concerns when they complain; and their surprise will not be diminished when they hear the further consistent conclusion of the answer, that all they suffer is not, as they vainly suppose, the result of causes to which they ascribe it, but is all attributable to certain political heretics in Congress, who have created a panic by their speeches.

Why, sir, said Mr. C., we have had opposition to an administration before—we have had violent speeches in Congress—we have had the President and his cabinet charged with all sorts of unwise and mischievous conduct—we have seen all this in the case of the last administration—and we have seen opposition so fierce, so violent, and so able, as to beat it down, and carry against it a majority of the people, who were persuaded by popular speakers and leaders to believe that great public interests required these officers to give place to those who now occupy their stations; but did we ever see the fruits of that opposition in the disastrous condition of the country now proved to exist? Sir, we have fully tested what can be effected by the combined powers of talented orators in Congress—we witnessed that "experiment" to its utmost extent and consummation. But it did not stop your looms, it did not fill your streets with objects of charity, willing to labor for an honest living, but unable to find employment—it did not destroy confidence and credit, and prostrate all your branches of business—it did not depreciate your currency, and break your banks, and fill your newspapers with lists of insolvents and bankrupts—it did not load your table, and stun your ears with the loud complaints of men of all classes of life, and all shades of political sentiment, crying aloud against present embarrassment, and predicting worse. Congressional speeches never did this before, and could not do it now. Those who suffer, know well from whence the blow proceeds, and know, too, that while the hand that strikes is still relentless, no voice uttered here can stay the work of destruction. There is a voice elsewhere, the voice of an indignant, injured people, that can arrest the wild career of folly and passion, and he trusted it would be heard in tones of thunder.

Mr. C. adverted to the productions of prices current. He had heretofore given to the Senate his views upon this subject, and had attempted to show, that, with regard to flour, wheat, corn, and tobacco, the prices were much below the just expectation of those who reared these products, and much below what they would be but for the injurious influence of the late Executive measures upon the commercial and business transactions of the country. The well-known law of supply and demand must exert its prevailing effect to an extent which will make it resist, in a considerable degree, the operation of other causes. The last crop of wheat and corn was a small one—corn particularly, the demand for which is chiefly at home, was sold last fall, at the moment when the crop was harvested, at a higher price than it will command now, although the loss by waste and diminution of quantity, by keeping it over six or eight months, is believed to be equal to fifteen or twenty per cent. It was now only sold in quantities actually necessary for immediate consumption, and the introduction of a large quantity into any one place would, he had no doubt, immediately reduce the price. Flour and tobacco were much more dependent upon the foreign demand, and he had heretofore offered the proofs to show that the prices here had not borne the usual and fair proportion to the prices abroad, and because the embarrassed condition of the country had lessened the means and resources of those who were usually purchasers. Wheat, at one time, had sold for more than three dollars per bushel, but we all know that it was not the result of a condition of the country so very much more prosperous than it was in the preceding or succeeding year. Every one knows that peculiar circumstances produced the unusual price, circumstances controlled no doubt by the pecuniary condition of the country, to some extent, but not by any means exclusively arising out of that condition. So now these prices attain their present rates, not in consequence of the prosperous condition of the country, but in despite of all the pressure, and all the embarrassment, and all the poverty, and all the wretchedness, which our rulers have most uselessly brought upon a people whose only offence consists in having thoughtlessly indulged their feelings, instead of consulting their judgments, when they intrusted these rulers with their confidence.

Mr. C. said he would forbear to extend his remarks,

and would conclude by asking that the memorial receive the usual disposition, and be printed.

The memorial was then referred to the Committee on Finance, and ordered to be printed.

Mr. WEBSTER, from the Committee on Finance, reported a bill to repeal certain provisions of "An act to alter and amend the several acts imposing duties on imports," approved the 14th July, 1832.

[This bill restores the provisoes in the 10th and 12th articles of the 2d section of the act of 14th July, 1832, as relates to hardware, and manufactures of copper and brass, which were, by a subsequent act, i. e. of 2d March, 1833, suspended until the 1st of June, 1834.]

RESTORATION OF THE DEPOSITES.

Mr. CLAY rose and said, that, as the morning business seemed to have been gone through, he should move the Senate for leave to introduce two joint resolutions. He had given notice of one resolution, but, on reflection, he had thought it best to prepare separate resolutions, which, as they were short, he would read in his place:

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the reasons, communicated by the Secretary of the Treasury in his report to Congress of the 4th of December, 1833, for the removal of the deposites of the money of the United States, from the Bank of the United States and its branches, are insufficient and unsatisfactory.

Resolved, therefore, That all deposites of the money of the United States which may accrue or be received on and after the 1st day of July, 1834, shall be made with the Bank of the United States and its branches, in conformity with the provisions of the act entitled "An act to incorporate the subscribers to the Bank of the United States," approved the 10th April, 1816.

The first resolution, Mr. C. said, it would be perceived, was a mere re-affirmation of one which the Senate had already passed, declaring the insufficiency of the reasons assigned by the Secretary of the Treasury for the removal of the public deposites from the United States Bank and its branches, and their unsatisfactory nature. That resolution was a separate one, and was not intended for the action of the other House; but only to constitute the basis of legislation, if legislation should be found necessary; and to produce the effect which, in his humble opinion, it ought long since to have produced, in the restoration of these deposites to the vaults of the United States Bank, by the Secretary of the Treasury, without any further action on the part of Congress. He would not again state the reasons which had brought him to this conclusion, as he had so recently laid them at length before the Senate.

But that was a separate resolution of this body, and this was a joint one. To the former it had been objected on this floor, and also in the country, and, as he believed, by the President of the United States also, in his protest, that it was a mere abstract proposition, not necessary to be introduced, and which would not lead to any particular measure of legislation. He thought that there was nothing at all in that objection; but, in order to prevent any person from being misled by it, he had deemed it proper to submit the first of these resolutions.

The second resolution states "that all deposites of the money of the United States which may accrue or be received on and after the 1st day of July, 1834, shall be made with the Bank of the United States and its branches, in conformity with the provisions of the act entitled 'An act to incorporate the subscribers to the Bank of the United States,' approved the 10th April, 1816."

The effect of the second resolution, it would be perceived, if adopted, would be to leave the Treasury Department at full liberty to continue its experiment until the first of July next. It would leave the public deposites already placed in the local banks, subject to the regular disbursements, according to the provisions of law. It provides prospectively for the lawful resumption of those relations which had heretofore existed between the Treasury of the United States and the Bank of the United States, which relations had been provided for by law, and which had only been interrupted by a violation of law and of the constitution. It might be said that the Senate had no right to usurp the action of the other House, or to originate what would never obtain the sanction of the Executive branch.

Whatever might be the fate of these resolutions at the other end of the Capitol, or in another building, that consideration ought to have no influence on the course of this body. The Senate owed it to its own character, and to the country, to proceed in the discharge of its duties, and to leave it to others, whether at the other end of the Capitol or in another building, to perform their own obligations to the country, according to their own sense of their duty, and their own convictions of responsibility. To them it ought to be left to determine what was their duty, and to discharge that duty as they might think best. For himself, he should be ashamed to return to his constituents without having made every lawful effort in his power to cause the restoration of the public deposites to the United States Bank. While a chance yet remained of effecting the restoration of the reign of the constitution and the laws, he felt that he should not have discharged this duty if he failed to make every effort to accomplish that desirable object.

The Senate, after passing the resolution which they had already passed, and waiting two months to see whether the Executive would conform his course to the views expressed by this branch of the Legislature; after waiting all this time, and perceiving that the error, as the Senate had declared it to be, was still persevered in, and seeing the wide and rapid sweep of ruin over every section of the country, there was still one measure left which might arrest the evil, and that was in the offering of these resolutions—to present them to this body; and, if they passed here, to send them to the other House; and, should they pass them, to present to the President the plain question, if he will return to the constitutional track; or, in opposition to the expressed will of the Legislature, retain the control over the millions of public money which are already deposited in the local banks, and which are still coming in there.

To-morrow (continued Mr. C.) will be the last day of one entire year, since we have had a Secretary of the Treasury of the United States appointed in conformity to the provisions of the constitution of the United States. Unless the Executive nomination is to be found in the communications which have been brought to the Senate this morning, it will be one year to-morrow since there has been a head of that department, holding the office and performing the duties, by and with the advice and consent of the Senate, conformably to the constitution. It has been asked on another occasion, Why this great anxiety for the nomination of persons who have been appointed during the recess? For no other reason than that the constitution requires the nominations to be made. It had been asked, if we were anxious to receive the nominations, in order that we may reject them? There is no one who has a right to put such a question. It is sufficient to answer, that the constitution requires the nominations to be made; and to say that this has not been done. And we might retort, if it were proper to go into any inquiry as to motives, Why is the nomination of a Secretary of the Treasury withheld? Is it kept back because it is designed to nominate an individual who, it is known, will prove unacceptable to this body? But it is not my purpose to go into the consideration of these questions; or, indeed, to say any thing on the subject of the resolutions, which can

now provoke any debate. All that I have further to say is to express a hope that the resolutions will be acted on, and will be suffered to receive the decision of the Senate, without any unnecessary or protracted debate.

Mr. BENTON deemed the present moment to be the most objectionable time that could have been selected for proposing to restore the public deposites to the United States Bank. Such a proposition might have been a proper proceeding at the commencement of the session. A joint resolution, at that time, would have been the proper mode; it could have been followed by action; and, if constitutionally passed, would have compelled the restoration of these deposites. But the course was different. A separate resolution was brought in, and passed the Senate; and there it stopped. It was a nugatory resolution, leading to no action. It was such a one as a State Legislature, or a public meeting, might adopt, because they had no power to legislate on the subject. But the Senate had the power of legislation; and, six months ago, when the separate resolution was brought in, the Senate, if it intended to act legislatively on the subject at all, ought to have proceeded by joint resolution, or by bill, at that time. But it thought otherwise. The separate resolution was adopted; after adoption, no instruction was given to a committee to bring in a bill; nothing was done to give legislative effect to the decision of the Senate; and now, at the end of six months, the first attempt is made to move in our legislative capacity, and to pass a joint resolution —equivalent to a statute—to compel the restoration of these deposites. This is the state of the proceeding; and, Mr. B. must be permitted to say, and to give his reasons for saying, that the time selected for this first step, in our legislative capacity, in a case so long depending, is most inappropriate and objectionable. Mr. B. would not dwell upon the palpable objections to this proceeding, which must strike every mind. The advanced stage of the session—the propositions to adjourn—the quantity of business on hand—the little probability that the House and the President would concur with the Senate, or that two-thirds of the two Houses could be brought to pass the resolution, if the President declined to give it his approbation. These palpable objections must strike every mind, and make it appear to be a useless consumption of time for the Senate to pass the resolution. Virtually, it included a proposition to re-charter the bank; for the most confidential friends of that institution admitted that it was improper to restore the deposites, unless the bank charter was to be continued. The proposition to restore, then, virtually included the proposition to re-charter; and that was a proposition which, after having been openly made on this floor, and leave asked to bring in a bill to that effect, had been abandoned, under the clear conviction that the measure could not pass. Passing from these palpable objections, Mr. B. proceeded to state another reason, of a different kind, and which he held to be imperative of the course which the Senate should now pursue: he alluded to the state of the questions at this moment depending between the Bank of the United States and the House of Representatives, and the nature of which exacted from the Senate the observance of a strict neutrality, and an absolute non-interference between those two bodies. The House of Representatives had ordered an inquiry into the affairs and conduct of the bank. The points of inquiry indicated misconduct of the gravest import, and had been ordered by the largest majority, not less than three or four to one. That inquiry was not yet finished; it was still depending; the committee appointed to conduct it remains organized, and has only reported in part. That report is before the Senate and the public; and shows that the directors of the Bank of the United States have resisted the authority of the House—have made an issue of power between itself and the House—for the trial of which issue a resolution is now depending in the House, and is made the order of the day for Tuesday next. Here, then, are two questions depending between the House and the bank; the first, an inquiry into the misconduct of the bank; the second, a proposition to compel the bank to submit to the authority of the House. Was it right for the Senate to interpose between those bodies while these questions were depending? Was it right to interfere on the part of the bank? Was it right for the Senate to leap into the arena, throw itself between the contending parties, take sides with the bank, and virtually declare to the American people that there was no cause for inquiry into the conduct of the bank, and no ground of censure for resisting the authority of the House? Such would, doubtless, be the effect of the conduct of the Senate, if it should entertain the proposition which is now submitted to it. That proposition is one of honor and confidence to the bank. It proceeds upon the assumption that the bank is right, and the House is wrong, in the questions now depending between them; that the bank has done nothing to merit inquiry, or to deserve censure; and that the public moneys ought to be restored to her keeping, without waiting the end of the investigation which the House has ordered, or the decision of the resolution which affirms that the bank has resisted the authority of the House, and committed a contempt against it. This is the full and fair interpretation —the clear and speaking effect—of the measure now proposed to the Senate. Is it right to treat the House thus? Her resolutions, adopted with the greatest unanimity, imply the worst of misconduct to the bank. Certainly the House would not order an inquiry, unless they believed there was ground for it—grave and serious ground for it. The specified points of inquiry went to malpractices and abuses—to corruptions and oppressions—to violations and forfeiture of the charter! If true, they not only showed the bank to be unworthy of keeping the public moneys, but unworthy of existence! a criminal institution, ripe for the stroke of justice, and awaiting the sentence of the law! Was it right for the Senate, by adopting a resolution of honor and confidence to the bank, to make a virtual declaration, that the bank was innocent, and the House culpable, for proceeding against her? That the inquiry directed by the House is frivolous and unfounded—unworthy of consideration—and not fit to arrest, for a moment, the full current of honor and confidence from the Senate to the bank?

In the front of these inquiries, said Mr. B., stood the prominent subject of the public distress; that distress which had been the subject of so many meetings, the burden of so many memorials, and the pregnant topic of so many woful speeches on this floor. The first subject of inquiry was, into the cause of this distress. The committee were directed to ascertain whether the bank, through its money, or through its management and influence, had contributed to produce the distress which the innumerable memorials presented to Congress so bitterly complained of; and they were directed to search for the evidence of that fact in the bank itself. Will the Senate, by its act, virtually affirm the frivolity or the untruth of this inquiry? Will the Senate, virtually, intelligibly, and practically, acquit the bank, when the bank will not acquit itself?—will not suffer its innocence to be tested by the recorded voice of its own books, and the living voice of its own directors? These directors have refused to testify; they have refused to be sworn; they have refused to touch the book; because, being directors and corporators, and therefore parties, they cannot be required to give evidence against themselves. And this refusal, the public is gravely told, is made upon the advice of eminent counsel. What counsel? The counsel of the law, or of fear? Certainly no lawyer—not even a junior apprentice to the law—could give such advice. The right to stand mute, does not extend to the privilege of refusing to be sworn. The right does not attach until after the

oath is taken, and is then limited to the specific question, the answer to which might inculpate the witness, and which he may refuse to answer, because he will say, upon his oath, that the answer will criminate himself. But these bank directors refuse to be sworn at all. They refuse to touch the book; and, in that refusal, commit a flagrant contempt against the House of Representatives, and do an act for which any citizen would be sent to jail by any justice of the peace in America. And is the Senate to justify the directors for this contempt? to get between them and the House? to adopt a resolution beforehand—before the day fixed for the decision of the contempt, which shall throw the weight of the Senate into the scale of the directors against the House, and virtually declare that they are right in refusing to be sworn? If it does, said Mr. B., it may find itself confronted by the authority of the bank, as well as by the stern voice of the law. The bank itself—the directors individually, and the corporation as a board—have heretofore admitted and declared the right of the people to have the evidence which is now demanded. He did not speak of the former examinations, in which directors were sworn, and books examined. Strong as these cases were, he passed them over, to get at cases stronger still, and which should exhibit the present directors themselves—the same men, individually and corporately, upon their oaths, and upon their honors, in their most solemn and authentic acts, contradicting and condemning their present pretensions, and acknowledging the right of the people to have the evidence of their books, and of their oaths, to elucidate any question, either of abuse of powers, corruption of conduct, or violation of charter, which may be charged upon them.

Mr. B. said, that the present president of the bank had, heretofore, sworn to the right of Congress to know every thing that the bank did. It was in the investigation of 1832, and in relation to a loan, which, at the uttermost, could only amount to malpractice, abuse, or corruption, and could not work a forfeiture of the charter. It was the case of the first loan to Noah and Webb. This loan of $15,000 had not been entered upon the books of the bank. Nine months after it was made, it was, for the first time, put upon the books. The reason of this was stated by Mr. Biddle, in his examination before the committee. It will be seen at page 86 of the report of that committee. A committee of the House of Representatives were coming to investigate the affairs of the bank. This loan was not upon the books; but, at the approach of the committee, Mr. Biddle ordered it to be put there—and declares his reason to be this: "I thought it right that every thing done by the bank should always be distinctly known and avowed. I therefore gave the notes to the chairman of the committee, Mr. Thomas P. Cope, who entered them on the books." Mr. B. said that he referred to this testimony of Mr. Biddle, not for the transaction to which it related, but for the sentiment which it declared; a sentiment sworn to and acted upon in 1832, and denied and repudiated by the same men in 1834! He had no comment to make upon this contradiction, the glaring nature of which would strike every mind. He proceeded to the next piece of evidence emanating from the bank itself, to prove the acknowledgment of their obligation to submit the operations of the bank to the judgment of the people. Every body, said Mr. B., has heard of the resolutions of the bank, adopted at the board of directors, and confirmed and extended by successive boards, for putting the funds of the bank, without limitation of amount, at the disposition of the President, to spread information before the people. Now, what were those resolutions, either in language or in import, but authentic declarations of the right of the people to be made acquainted with the operations of an institution in which they are partners to the amount of seven millions of stock, and whose notes enter so largely into the currency of the country and the revenues of the Union? The words of the resolutions are, to cause information to be communicated to the people in regard to the nature and operations of the bank. The President of the bank was to execute the resolution, and has executed it at an immense expense, every fifth dollar of which is the money of the people. The operations of the bank have thus been made the subject of communication to the people by the bank itself. The board of directors—the very men now directing the bank, have admitted the right of the people to be made acquainted with the nature and with the operations of the bank; they have filled newspapers and periodicals with their communications, intended to influence the opinions of the people; and now, when the representatives of the people send a committee to obtain a little more of that information, and to find out whether the communications already made contain the truth, the whole truth, and nothing but the truth, they are unblushingly denied the privilege! Mr. B. proceeded to a third piece of testimony to convict the bank, upon its own evidence and its own acts, of self-contradiction, in refusing to give testimony before the committee, and refusing to permit copies to be taken from the bank books: it was in the fact, that these identical directors, the same who now refuse to be sworn, had already appeared as volunteer witnesses, in their own persons, in the very case, and to the self-same points, in many instances, to which they now refuse to testify. Here, said Mr. B., is the proof, holding up a printed pamphlet. It is a little book of forty pages, drawn up by a committee of the bank, adopted by the board of directors, 5,000 copies ordered to be printed, and universally received by the friends of the bank as the evidence of its correctness and upright dealings. It is dated December, 1833, and imports to be an answer to "a paper signed Andrew Jackson, purporting to have been read to a cabinet on the 18th of September, and to another paper signed H. D. Gilpin, J. T. Sullivan, Peter Wager, H. McElderry, bearing date August 19th, 1833." Now, what were the papers here answered by the bank, but the very papers on the charges contained in which, the committee of the House was raised? The paper signed by Mr. Gilpin and the other Government directors, charged the bank with a long list of malpractices, amounting to abuses, corruptions, and violations of charter. The paper read by the President to his cabinet, was founded upon the communication of the Government directors; and to these papers the bank directors publish an answer of 40 pages, consisting of their own statements, and of extracts from their books, and contradicting or explaining the charges of the Government directors. To this the Government directors made a rejoinder of 50 pages; and the whole came before Congress and the nation. Upon these charges and answers, the committee of the House was raised. It went to Philadelphia to investigate the very points which had been brought before the public—the very points to which the bank directors had been testifying before the public, and publishing extracts from their books! Yet they refuse to be sworn! refuse to swear! refuse to testify! refuse in the very case in which they had appeared as volunteer witnesses! refused to testify on the very points which fill their own pamphlet; that pamphlet of which they ordered 5,000 copies to be printed, and the contents of which have formed the basis for all those speeches in favor of the bank, of which so many myriads of copies are distributed from this Capitol, and, as it is well believed, at the expense of the bank and of the people, who pay every fifth dollar of the money expended by the bank! This is the conduct of these directors; refusing to be sworn to the truth of their own statements; refusing to appear as witnesses before a committee of the House of Representatives, after having appeared as volunteer witnesses at the bar of the public, and given evidence upon

the identical matters in controversy! Mr. B. held, upon these facts, that the bank directory were self-convicted of their contumacy to the House of Representatives, and as good as convicted of all the matters laid to their charge; and that it was assuming an immense burden upon itself, for the Senate to go on to vote a restoration of the public deposites to the bank! a vote which implies honor and confidence! which treats as frivolous or unfounded the charges against the bank! which virtually pronounces the opinion of the Senate on all the questions depending between the House and the bank, and throws the weight of that opinion into the scale of the bank!

Mr. B. called the attention of the Senate to another point in which the body of the directors, in their answer to President Jackson's cabinet paper, had made a charge against him, which, if true, would not only degrade and dishonor him personally, but entirely annihilate the influence of his name and opinions against the Bank of the United States. It was a charge of having attempted to make the bank subservient to his political views, and then turning against it because he could not thus use it. The charge was specific, with time and place, and would be read: "It was in the midst of this career of inoffensive usefulness [of the bank] when, soon after the accession to power of the present Executive, the purpose was distinctly revealed, that other duties than those to the country were required, and that it was necessary for the bank, in administering its affairs, to consult the political views of those who had now obtained the ascendant in the Executive. It is understood, that soon after that event a meeting was held in Washington of the principal chiefs, to consider the means of perpetuating their new authority, and the possession of the bank was among the most prominent objects of the parties assembled."

This is a charge, said Mr. B., put forward by the present directors of the bank, in their pamphlet of December, 1833. It is put forward with a specification which admits of proof. The time—the place—the object—and the parties to the meeting—are all stated; and upon this statement an immense superstructure of accusation has been raised against the President. Now, the statement is either true or false; if true, it degrades and dishonors the President; if false, the people ought to know it. If the directors had submitted to be sworn, they would have been examined on this point; by refusing to be sworn, they have escaped the examination; and the people remain without proof on a point of the utmost materiality to their confidence in the administration of the Government. Mr. B. called upon all honorable men to say, whether the bank directors, after having made such a charge, and with circumstantiality of time and place, had a right to draw back and refuse to be sworn to what they had stated.

Mr. B. then concluded, with a motion to postpone the further consideration of Mr. CLAY's resolution for a week, to give time to the House of Representatives to decide the question of contempt depending against the bank directors.

Mr. CLAY: I hope the motion will not be postponed.

Mr. BENTON: I shall ask for the yeas and nays on my motion.

Mr. CLAY: Agreed.

The yeas and nays were then ordered, and the question being taken, was decided as follows:

YEAS.—Messrs. Benton, Black Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Morris, Robinson, Shepley, Tipton, White, Wilkins, Wright.—18.

NAYS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Hendricks, Kent, Leigh, Mangum, Moore, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Waggaman, Webster.—25.

The resolutions were then read and ordered to a second reading.

On motion of Mr. WEBSTER, the Senate then proceeded to the consideration of Executive business. After remaining for some time with closed doors,

The Senate adjourned.

THURSDAY, MAY 29.

NAMES ON THE PENSION ROLL.

The resolution submitted the day before yesterday by Mr. PRESTON, on the subject of pensions, was taken up, on his motion; when Mr. P. addressed the Senate in a series of statistical remarks, for the purpose of showing that the number of pensioners on the pension books are far greater than the number of the survivors of the Revolutionary war, according to all the tables of longevity and all statistical principles. As he made constant reference to tabular statements, in the course of his observations, it is not practicable to give any accurate report.

After going through his tables, Mr. P. concluded with expressing his wish to restore accuracy to the payment of pensions, and with declaring that he should follow up this resolution with a motion to print the list of pensioners.

Mr. PRESTON was followed, in reply, by Mr. WEBSTER, Mr. FRELINGHUYSEN, Mr. SPRAGUE, Mr. EWING, Mr. CHAMBERS, Mr. WRIGHT, Mr. FORSYTH, Mr. CALHOUN, and Mr. SHEPLEY.

Mr. FRELINGHUYSEN moved to amend the resolution by including the words "the State or Continental line in which they served," which was accepted as a modification by the mover.

Mr. CHAMBERS moved to amend the resolution, by adding the following words; and the amendment was accepted, as a modification, by Mr. PRESTON:

"And that he be also directed to report to the Senate the regulations adopted at the War Department relating to the process necessary to entitle claimants to the benefit of the act of 7th June, 1832."

After a discussion, which continued until half past three,

On motion of Mr. FORSYTH, the resolution was laid on the table for the present, the mover assenting.

[The following is a copy of the resolution as now modified, and depending in the Senate:

Resolved, That the Secretary of War report to the Senate a statement showing the names of the several pensioners who are now, or may have been heretofore, placed on the pension rolls, designating their rank and annual allowance, the sums which they have severally received, the laws under which their pensions have been granted, the State or Continental line in which they served, the date when placed upon the roll, their ages, and the States and counties in which they severally reside; also, the names of the pension agents who have received compensation as such, and the amount of such compensation, and the act under which it was allowed; the names of the clerks who are, and who have been, employed in the pension office, and the sums paid them as compensation; with a statement of the aggregate sum paid in each State, and an aggregate statement of the whole sum disbursed on account of pensions: and that he be also directed to report to the Senate the regulations adopted at the War Department, relating to the proofs necessary to entitle claimants to the benefit of the act of 7th June, 1832.]

[As entire notes of the whole debate on the above resolution were not taken, or were mislaid, it is deemed proper to insert, in the best order we can find them, such of the remarks as we can find reported, to illustrate the synopsis given above.—*Editors.*]

The question on the adoption of Mr. PRESTON's resolution being under consideration:

Mr. PRESTON said, it was of importance to ascertain

with precision the number of claims which would probably be made upon the Government. His object was to follow up the resolution, when the information should be obtained upon it, by ordering the publication of the names in the various counties of the United States where the applicants for pensions, or the pensioners, reside, and thus by publishing them, prevent fraud upon the Government. In his judgment, there was some radical mistake, mismanagement, or fraud, in the pension system, which called on Congress to look minutely into it. He came to this conclusion from the fact that there were thirty-six thousand pensioners of the Revolution on the pension roll. And so far from decreasing, since the adoption of the present gigantic system, it had annually increased, and was increasing, equal to the calculation made at the time of its decrease. There was an actual increase of twenty-five per cent., from which it would seem that these revolutionary heroes increase in numbers. When the system was adopted, an elaborate report was made as to the probable and possible number which would be put on the roll from it. The estimate was made on the maximum of numbers which would apply. The calculation then was, that it could not add more than ten thousand to the pension roll. [Mr. P. here read extracts from the report of the committee which reported the act of July, 1832.] The aggregate amount of revolutionary soldiers were supposed to have been 328,000, and at the time of the report, that ten thousand might, by possibility, have been alive. But instead of ten thousand, in eighteen months, the applications had amounted to twenty-four thousand six hundred, of which the Secretary of War reported that about one thousand would probably be rejected. Up to this time, then, the calculation had been more than trebled, and thirty-six thousand were now on the roll. Mr. P. said, it struck him as incredible, that at this time there should be so vast a number alive. It was well known that our pension system was more extensive than it was in any other country—agents were appointed in every part of the country to collect claims, and bring them before Congress—many were pushed too far, and sustained throughout by fraudulent testimony. Mr. P. related a striking instance of this to sustain a claim for a pension by a person who served on board the frigate South Carolina, during the Revolution. The present result on the pension books he considered impossible, and therefore it demanded scrutiny.

Mr. P. then proceeded at length to show, from various statistical statements and tables of longevity, that so great a number of pensioners could not now be alive. He took the estimated population of the United States at the Revolution, calculated the proportion of fighting men, and assuming the average age at thirty, he came to the conclusion, upon the ordinary tables of longevity, that there could not be one-third the number of old soldiers now in existence that were represented to be living. Mr. P. argued, also, that fraud must exist, from the fact that a large proportion of the pensioners now on the roll, were in States which produced no soldiers in the war of the Revolution, while those States which furnished the fighting men, had, comparatively, few pensioners. Mr. P. believed no one was aware of the immense expenditure which was annually made to pensioners, and that we could not calculate the amount to which it would extend if it went on two or three years more. He thought it would be five or ten millions.

Mr. WEBSTER said he presumed no member had any objection to the resolution of inquiry. If fraud had been practised, or mistake had occurred, in the administration of the pension laws, which was of so much importance as to make an inquiry necessary, why, this course was the correct one on which to commence reform. But while he concurred with the honorable gentleman in this, he would repeat a suggestion he made the other day, that the state of facts from which the gentleman reasoned, did not conduct him to the disproportions to which he arrived. He had shown a great apparent disproportion between the population of different States and the pensioners in each State, and from the longevity of the South, he came to the conclusion that the proportion should be the other way. But Mr. W. would submit to the honorable member, how frauds should exist in a greater proportion in one part of the country than in another; at least to so enormous an extent? It could not be. We must, therefore, look to other causes for an explanation of the difficulty. And it might be explained by reference to one or two considerations. The disproportion in the emigration from different States, and the change in the population. No fact in the whole range of statistics was more easily explained than the disproportion of pensioners in New York and Massachusetts. What was New York in the Revolution? It certainly was not to be compared to Massachusetts at that period. What made the population of New York? Half a million of its population went to that State after the war. The fighting men rushed to New York after the peace, and the same thing took place after the Canadian war as at the peace of 1783.

Mr. FRELINGHUYSEN said, that the rules of longevity of the honorable gentleman from South Carolina were not correct or applicable; that the latitude given by the act of 1832, to those who had served but six months, must multiply the number of pensioners; he thought a child of seven years old at the commencement of the war, might have served his six months before the peace, and not be a very aged man now. He did not believe the most jealous scrutiny into the matter would disclose any material frauds. He was astonished, after the passage of the act of 1832, on his return home, to see so many old worthies applying to the court for pensions.

Mr. CHAMBERS said, he had the honor to be a member of the committee by which the act of 7th June, 1832, had been reported, and he concurred in the remark that the merit of all the labor with which that bill, and the report accompanying it, was produced, was due to the present Governor of Connecticut, then the chairman. Certainly, the result has been to create a much larger list of pensioners than the anticipations of the committee, or any known standard of computation had authorized us to expect. How far this excess arises from fraud or mistake, he had no means of judging. But, sir, said Mr. C., while the Senate is investigating this fact, it strikes me as quite becoming to look into the matter of errors and mistakes against the intended objects of our bounty. What number of fair and honest claims had been rejected at the Department I know not; that in some instances injustice has been done, I affirm, as matter of my own personal knowledge. It is not a week since my personal services were rendered, and rendered cheerfully, as they always are, in aid of an old soldier, of whose participation in the perils and sufferings of the Revolution I have not a doubt. He had applied at the Department and was informed, as most applicants are, I believe, that some further form was required. At the session of one of the courts in my circuit he produced the printed regulation of the Department, particular requirements of which were marked to indicate his nonconformity. I prepared for him the voucher supposed to be deficient, and a few days ago presented his claim again, when a new printed formula was handed to me, by which it appeared the applicant must prove the year, the month, and the day, of his entering into the service, and the precise time he continued. It was in vain that I described my old acquaintance as wasted in mind as well as body; that old age had transformed the hardy, active, and intelligent soldier of '76, into a decrepit, palsied, enfeebled remnant of himself; and that to ask him to give precise dates to occurrences of near sixty years ago, which he had

never reduced to writing, was to require him to commit flagrant perjury. All the reply I could receive was, Such is the language of the regulations—*ita lex est scripta*. My friend who is now at the head of the Pension Committee afterwards suggested, that by giving the names of the respective officers with whom he had served, and swearing in positive terms to the minimum of his service in each tour, he might be allowed a pension for the aggregate time to which these minimums would amount; and I wrote to the Commissioner of Pensions, to ascertain if such would be the case. His answer, received this morning, is now before me, saying, that to allow a pension on such proof, would be in direct violation of the established rules.

Now, sir, how stands the case with that class of revolutionary patriots, of whom this old man may be considered the representative? They have lived by the honest labor of their hands till age and infirmity has disabled them longer to labor; they are now, at the age of some seventy-five or eighty years or more, worn out in mind and body, their memory, like their limbs, torpid, inactive, and infirm, compelled to ask the generous aid which they are assured is prepared for their acceptance; and when at much trouble and difficulty, they make their appearance at your door, they are repulsed with technical exactions, and required to specify dates more accurately than any honest man, it seems to me, could do even in reference to a transaction of but a few years past. Sir, how is it possible these men can tell the precise day on which they marched to the field? Ever ready, they waited the signal of alarm; the first tap of the drum hurried them to the muster, and no man thought of waiting to make a record of the moment; his only desire was to be first at the post of danger; and in such a scene, often repeated, what was there to imprint on the memory that distinction between one month and another which, at the lapse of sixty years should enable it, diseased by age and decayed by time and exercise, to recall precise dates? Is not such a regulation equivalent to the open proclamation of your purpose to grant no pension but to the man who will perjure himself? Is it not to turn away every man who prefers poverty to crime? While, then, we talk of the "hardships" of paying false pretenders to our bounty, let us do justice to those who have had the promise to receive. We are able to make the declining age of these veterans comfortable. We have professed to make provision for them; let us not delude them; let them have something better than "hope deferred." Believing, as I do, that the regulations of the Department exact more than in many cases an honest man can comply with, and, indeed, offer a premium to perjury, I will propose to the Senate, unless the Senator from South Carolina will adopt it as a modification, to ask for the "regulations" of the Department in relation to the evidence of claims.

Mr. CHAMBERS then submitted his amendment, which was accepted by Mr. PRESTON, as before stated.

Mr. WRIGHT said it was not his object to offer any opposition to the resolution. On the contrary, he hoped it would pass. He thought the statements which had been made upon the present and former occasion when this subject was before the Senate, and the suspicions of frauds which were shown to be entertained, had satisfied every member of the body, that some inquiry should be made which would correct the public mind, detect frauds, if frauds exist, and allay suspicions as to honest applicants. He said he would go with the honorable Senator to any extent to detect and punish any frauds which might be found to exist, and he would rather engage in such an inquiry in his own State than in another, because his motives would not then be suspected, nor could he be accused of designing to cast unjust imputations any where. He also owed it to himself to remark, that upon a former occasion, when this subject was under consideration, he should have made the observations which it was now his purpose to make, had it not been for the fact, that an honorable Senator from Massachusetts [Mr. WEBSTER] made explanations, in answer to the Senator from South Carolina, which were perfectly satisfactory to him, and he had no disposition to protract the debate, or to consume the time of the Senate. The argument of the honorable Senator from South Carolina, [Mr. PRESTON,] was based upon premises which he (Mr. W.) considered unsound, and calculated to lead to error. These premises were comparisons of the present number of pensioners from each State upon the pension rolls, made under the several pension laws, with the number of troops furnished by each State during the revolutionary war. These comparisons, as made by the honorable Senator, had no reference to the present population of the States, and here, Mr. W. said, he considered was the radical error. New York had been made, by the honorable Senator, very prominent in the comparisons he had presented, formed upon the basis just mentioned, and which he, Mr. W., believed he could satisfy the Senator himself, and the Senate, was unsound. New York, at the time of the Revolution, when compared with some other States, was small in population; and her quota of troops was small in proportion to her population. The inhabited portions of New York, at that early period, were a narrow tract of country along the Hudson river, small settlements upon the borders of Lake Champlain and Lake George, and a limited portion of the lands upon each side of the Mohawk river, extending westwardly from Albany some hundred miles, more or less. These were the portions of the State then embracing nearly all of the white population. Mr. W. said he spoke from recollection, and from a very bad recollection as to statistical facts; but he believed that, at the commencement of the revolutionary war, the population of New York and South Carolina were not greatly variant, and that the troops, both regulars and militia, furnished by these States, were not widely different. How was it now? He would assume the population of New York to be 2,000,000, and for all the purposes of the pension law of 1832, the number must be below the fact; and he believed the population of South Carolina, of all descriptions, to be now about 500,000. Is it then fair to compare the number of pensioners upon the various pension rolls, residing within these two States, to determine the fairness of the pension applications, or the absence of fraud in the grants of pensions made to the citizens of each State? Mr. W. said he could not so consider the argument. The population of New York had increased since the revolutionary war, and before the passage of the act of 1832, more than three times its amount at the time of the war. It had not been so with the population of South Carolina. The increase in New York had not been solely from the increase of its original population. It was not true that the population of New York, existing at the time of the Revolution, had multiplied so much more rapidly than that of South Carolina; but the difference had been occasioned by emigration into New York from the old States. That emigration was principally from the Eastern States; it commenced soon after the war, and continued until western New York was principally settled. Mr. W. said his residence was in the county of St. Lawrence, the extreme northwestern county of the State. His recollection was, that settlements were commenced in that county at about the year 1800, and that the county was organized between that time and 1804. It was not now a large county in population, relatively speaking, and during the war of the Revolution, he did not suppose there was an armed white man in it. Still it now presented a somewhat numerous list of revolutionary pensioners. He had been informed that at the first court of record held in the county, after the passage of the act of 1832, about seventy of the venerable survi-

vors of that glorious struggle assembled in that new county to make their applications for the pensions granted by it. He did not know the fact, but he presumed that of the number thus assembled there would not have been found five who claimed to have served either in the New York line or the New York militia. The county is almost exclusively settled from the States of Massachusetts and Vermont, and the pensioners now residing within it are nearly all emigrants from those and other States. Inasmuch as this county had no white population during the war, if the premises of the gentleman be sound, it should have no pensioners now, and his reasoning is, that the fact that it has, raises the presumption that the applications have been sustained by fraud.

Mr. W. said, he knew the honorable Senator would not contend that this was true as to all these cases, but he seemed to think it must be as to a large portion of them. If the gentleman was as well acquainted as himself with the population, and the progress of settlement of the western portions of New York, he would change his opinions. Where, he would ask the honorable Senator, was now the population of New York? Of its 2,000,000 of inhabitants, he felt confident he should be within the fact when he said that at least 1,000,000 was to be found in portions of the territory of the State where there was no white population at the close of the revolutionary war. The county of Oneida, the most populous county of the State, the city and county of New York alone excepted, was a wilderness, inhabited by the savages exclusively, until long after the close of that war. He believed it was true that there might have been a block-house or two, or some slight works, erected for defence against the Indians, within its territory, during or before the termination of the war, but the county was unsettled and uninhabited by the whites until after that period. Now, he believed, if a line were drawn across the State, as far east as the east bounds of this county, nearly, if not quite the one-half of the white population of the State would be found west of such line. The most of this population too, would be found to consist of emigrants from other States since the Revolution, and they had brought with them a full share, he thought he could say a large share, of the soldiers of the Revolution. Was it unnatural that it should be so? Who so likely to emigrate from the thickly-settled portions of the old States to the great West, to the unexplored wilderness, as the soldiers of that war? They undoubtedly came out of that war, as most of them went into it, poor, and unable to purchase the cultivated and valuable land of the old States. Mr. W. said it was not the rich, but the poor men of a country, in any war, who constituted its soldiery and filled the ranks of its armies; and it was not the rich, but the poor men of a country, who constituted the pioneers of its wilderness and first swept away its forests and cultivated its soil. This would always be the work of those whose pecuniary circumstances compel them to earn their living by the labor of their own hands, and who can only acquire homes where land is cheap and can be made valuable by their own improvements. Such were the soldiers of the Revolution, and vast numbers of them left their residences in the settlements and pushed their way into western New York.

Mr. W. said he would remind the honorable Senator that the counties of Westchester and Saratoga, perhaps more emphatically than any other portions of New York, except the city, were the seat of war, and still he could not be mistaken in supposing that Oneida and many other of the comparatively new counties, would be found to be the places of residence of a greater number of revolutionary pensioners than either of the counties he had first named. The reason was obvious. Their populations were much greater, and were composed as much of those who lived and acted in the scenes of that war, as the people of those counties. Indeed, many, who served in the army as citizens of those counties, were now to be found at the West, as emigrants from the old to the new parts of the State. A proper consideration of these facts, he was sure, would convince the honorable Senator that his mode of reasoning was unjust and must lead him to erroneous and unjust conclusions. The supposition that the population of the States had maintained their proportions from the time of the Revolution to the present day, was inadmissible, as contradicting known facts, and to suppose that the soldiers of that seven years' war had remained more stationary than any other equal portion of the population of the States, was equally against probability and fact.

Mr. W. said, he was glad that the amendment offered by the honorable Senator from New Jersey, directing the call to embrace the line or corps in which each pensioner served, had been adopted, because that would show where these veterans of each State now reside. He was perfectly willing that any proper scrutiny, as to the pensioners residing within his State, should be had, and he had no fear that the call, as now made, would show a greater number of those pensioners from the New York line, or the New York militia, than the proportion which the numbers of those corps, actually in service, would be found to bear to the whole army.

Mr. W. said he felt sure the honorable Senator had not selected New York, so peculiarly, for the purpose of his comparisons, from any invidious motive. He had expressly disavowed any such intention, and he, Mr. W., should not have been able to convince himself of the existence of such a motive, if the disavowal had not been made. But he must say, it did appear to him, if it had been the sole object of the Senator, reasoning from the premises he had chosen to assume, to have shown the palpable disparity between the troops in service from each State, and the number of pensioners now residing within it, that he might have obtained much stronger instances than that between South Carolina and New York, by turning his attention to the new States of the West. He had told the Senate, that the troops furnished by New York and South Carolina were nearly equal, and that the pensioners residing in New York at the present time, were eighteen times as many as those residing in South Carolina. If the honorable Senator had taken Ohio, how would his comparison have resulted? Mr. W. said he had not looked at the report to which the gentleman had referred, but he presumed that Ohio now returned a number of pensioners equal to that of South Carolina. [Here Mr. PRESTON remarked, Four times as many.] Then, said Mr. W., Ohio has within it four times as many revolutionary pensioners as South Carolina, and Ohio did not furnish a soldier for the service—Ohio did not contain a white man, till years after the war. South Carolina, therefore, furnished just as many more men for the service than Ohio, as the whole number of men she sent into that great struggle, and still Ohio presents four times as many pensioners from that service, as are presented by South Carolina. Here Mr. W. said, the gentleman had a comparison, not counting in tens, but in thousands, and he would not attempt to establish the rate per cent. advantage to Ohio, but would leave it with the other calculations of the Senator. He must, however, be permitted to suppose that the honorable gentleman would see, from this instance, the palpable injustice of his comparisons, and the erroneous impressions they would be likely to create. According to his positions, Ohio, Indiana, Illinois, Misssouri, and the new States at the Southwest, ought not to present a pensioner, as they were not inhabited at the time of the war, and therefore presented no troops for the service. Still it was admitted that they all did present pensioners, and surely the gentleman would not contend that the single fact of their not having sent troops into the revolutionary army was proof

that all the pension applications from those States were false and fraudulent. On the contrary, the error was, that the honorable Senator had not made allowance for the great changes of location of the inhabitants of the old States, and reflection would satisfy him that the grounds he had assumed, and the conclusions he had drawn, from erroneous premises, were manifestly unjust to some of the States.

Mr. PRESTON replied at length to Mr. WRIGHT and others, commenting extensively upon the whole pension system; and, in the course of his remarks, compared the number of pensioners in New York with those in Ohio, and compared also the populations of the two States, to show that the population of the latter was half that of the former, while the number of persons receiving pensions residing within the latter, was but about one-fifth of the number appearing to reside within the former. Hence he inferred that Mr. WRIGHT's mode of accounting for the great number of pensioners residing in New York, by the emigration to that State from other States, was not supported by facts.

Mr. WRIGHT rejoined. He said he should not be led by the gentleman into a discussion of the pension system; that the resolution before the Senate, was a call for information, and he had no disposition to discuss the questions which might arise when the information should be obtained, in anticipation, or upon a supposed state of facts. He should be ready to meet those questions when the facts were settled, but he must decline wholly attempting to settle them upon hypotheses, and especially in considering a call for the facts. His object, therefore, in rising at this time, was simply to answer the remarks of the Senator as to the disparity in the number of pensioners between Ohio and New York, and, this done, he would detain the Senate no longer. The answer seemed plain to his mind, and, upon its being suggested, he thought it would be equally plain to the Senate. The revolutionary soldiers were the early emigrants from the old States. They were not modern emigrants, as their ages must necessarily satisfy every gentleman. Western New York was opened to them immediately after the peace of 1783, and they soon began to form settlements there. The territory now composing the State of Ohio, was then beyond the reach of settlement, and it was many years after, and when western New York had become measurably full, that the emigration flowed over it into Ohio. Before that period had arrived, most of these old soldiers had fixed themselves down in permanent abodes nearer to the settlements of the old States. Hence, when the tide set most strongly to Ohio, there would have been among the emigrants a much less proportionate number of revolutionary soldiers.

Even now, Mr. W. said, their descendants from western New York were beginning to move on, not into, but beyond, Ohio, into the States of Indiana, Illinois, and Missouri; but few, very few of these aged patriots would be found among the emigrants. They remained at the homes they had established in their younger days. The weight of years had become too heavy upom them to render them willing again to seek the wilderness and again to encounter the hardships of a new country. This seemed to him a sufficient reason for the diminution in the number of pensioners as the emigration was followed West.

[The discussion was further continued by Messrs. SPRAGUE, EWING, PRESTON, FORSYTH, and CALHOUN.]

Mr. CHAMBERS said: I do not rise, Mr. President, for the purpose of going into the argument upon which the Senator from South Carolina [Mr. CALHOUN] has entered, but to express my dissent *in toto* from his doctrine upon the subject of revolutionary pensions. When he refers to the history of other nations—when he refers to later periods, in our own history, for instances to illustrate the cases of our revolutionary pensioners, he does them injustice. When the Senator shall point us to the history of men fighting for liberty, from the love of liberty, with the known alternative of doubtful independence on the one hand and slavery on the other; when he shows us a people in the first age of their existence, without armies, without money, without concert, rising up against a gigantic and powerful Government which had exercised dominion over them, with a spirit that would not calculate the hazards which opposed their resistance to oppression, with a resolution that neither hunger or nakedness or exposure could subdue, with a purpose to sacrifice life and fortune, and every thing but honor, in the desperate struggle for civil and religious freedom; when he shall show us such a people, and shall then trace their history through perils and sufferings and blood to a successful termination of their struggle, and shall point to us the happy results of their devoted lives and fortunes, in the establishment of a great and prosperous nation, proud in its glorious institutions, the work of their wisdom, abundant in its treasures, the fruit of their toils; then, sir, when we find such a nation looking with a cold and unpitying eye upon the few lingering monuments of war-worn patriots, whose blood was shed, whose purse was drained, now mendicants in the streets, inmates of the alms-houses, or starving on the commons, while their sons are luxuriating in the rich rewards of their sufferings, then, and not till then, shall we have a parallel case. None such can be found in any war in any other country, nor in any other war that has been or can hereafter be waged in this. I concur in the opinion that in relation to the last war, we have carried our pension system to an extreme. Our soldiers fought bravely, but they encountered the ordinary chances of war; honor and fame awaited them if victorious; the liberal stipulations of a regular and well-established Government secured them all the comforts a soldier can require while in service, just provision for themselves if disabled, and a maintenance for their families if slain, with an assurance of honorable treatment while prisoners, and a certain deliverance if they should fall into the hands of their foes. Not so with the revolutionary soldier and patriot. The certainty of comfortable provisions for himself and his family was only to be found by uniting with the enemy. The treasury from which his emolument was to be derived was empty and bankrupt. No obligations of ordinary warfare exempted him from the penalties of treason and the ignominy of the halter if captured. And, finally, if slain, the only legacy he could leave to his widowed wife and orphan children, was a draft upon the charities of his countrymen, who had no settled Government to redeem it. Pension laws may induce a mercenary feeling hereafter, but certainly the light of heaven never shed itself upon a body of men less moved by motives of avarice than those who fought the battles of the Revolution. I repeat, that no case can again occur to resemble it; and, therefore, a system of pensions peculiar to it is strictly proper.

How far the apprehensions of the Senator from South Carolina, in regard to the "corrupt agencies," may be justified by fact, I am not prepared to say. I would fain hope that in regard to members of Congress, there can be no just foundation for them. As a Senator, I should feel humbled to the last degree could I believe that any man, honored by the votes of any district in this Union, would condescend to traffic in such business—to abstract for his pecuniary profit one farthing from the poor pittance allowed to a revolutionary soldier to secure his old age from want. As well might he ask money for the crumbs from his table which ministered to the necessity of his father. If there has been a member of Congress who has robbed a poor old soldier of the Revolution of one cent of his country's bounty, by selling the services which he is bound gratuitously to render, his name

should be proclaimed, that he may meet the scorn and reprobation of the community.

[Mr. CALHOUN here made some remarks, which have not been reported.]

Mr. CHAMBERS said he repeated the hope, that the Senator's apprehensions as to the speculations upon pensioners, were unfounded. He did not assent to the propriety of assigning to "six months men" the odium which had been cast upon them. Certainly, those who served longer had more merit, and the law made a just distinction. But even these six months men had, many of them, rendered efficient services; and he believed a large proportion of the American people felt the same sentiment he did, that rather than see a revolutionary soldier, though he served but six months, bowed down with age, in penury and want, they will divide with him the last dollar they have, conscious that they are indebted to him and his compatriots, not only for that dollar, but for every other enjoyment, civil and political, they possess.

The resolution was then, as before stated, laid upon the table for a day or two, to afford further time to inquire into the subject.

The Senate, then, on motion of Mr. CLAYTON, proceeded to Executive business, and after some time spent therein,

The Senate adjourned.

FRIDAY, MAY 30.

ADJOURNMENT OF CONGRESS.

A message was received from the House of Representatives, by Mr. Franklin, their Clerk, stating that the House had passed a joint resolution fixing the time for the adjournment of Congress, in which they asked the concurrence of the Senate.

UNITED STATES MARINE CORPS.

The bill for the better organization of the United States Marine Corps was read a second time, and considered as in Committee of the Whole.

Mr. SOUTHARD explained the grounds on which the provisions of the bill were predicated, urged the utter insufficiency of the marine corps, as heretofore organized, specified the nature and design of the provisions of this bill, and argued the importance and necessity of carrying them into effect.

Mr. FORSYTH objected to the bill, on the ground that it would be unnecessarily increasing the number and expense of the corps in question.

Mr. BIBB moved to insert on the 3d page, 4th line, the following words, viz. "first by promotion, according to rank, and then by selection." The section would then read thus: "That no commissions now existing in the marine corps shall be affected by this act, and that the President may, during a recess of Congress, appoint officers, first by promotion, according to rank, and then by selection."

A division took place upon the amendment, which was carried.

Mr. BIBB then moved to add further, "That all acts authorizing the granting of brevet rank for other than gallant conduct, are hereby repealed."

Mr. POINDEXTER was in favor of the amendment of the Senator from Kentucky, [Mr. BIBB,] but was of opinion that it ought to apply to the officers of the army as well as to those of the marine corps.

Mr. CLAY was opposed to the practice of brevetting for mere length of service. Upon this principle, if the parties lived long enough, the Government might have ten colonels or generals, where only one officer of that description was required for the service of the country. He (Mr. C.) was for giving brevets to those who were at present entitled to them, but he would repeal the act by which brevets were granted, so as to remedy the evil in future. He was in favor of the amendment, but would go further, and apply it both to the marine corps and to the army. He saw no reason, however, why they should not repeal the act as regarded the marine department, although they might not be able to repeal it at present in relation to the army. They might act in the latter case when they had occasion to get up an army bill.

Mr. CHAMBERS was as willing to repeal the brevet act as any one, but he was opposed to selecting any particular branch of the military department for this purpose. Such conduct would be invidious, and would be striking at that which the soldier held most dear—his honor. Suppose Congress were to stop this mode of promotion in the artillery, and not in the infantry, what would be the feeling of the officers of the former body? Would they not have good reason to consider themselves unjustly treated?

Mr. SOUTHARD regarded the question of command as the one to be settled; that of rank was to be left to the law.

Mr. LEIGH thought a lieutenant was entitled to some command in right of his office; he held the same relation to the captain that a colonel did to a brigadier general, and Mr. L. thought all were bound to obey the commands of their superiors.

The question was now taken on the amendment, which was lost.

The bill was then ordered to be engrossed, and read a third time.

RESTORATION OF THE DEPOSITES.

Mr. CLAY moved to take up for consideration the joint resolutions submitted by him, relative to the deposite of the public moneys in the Bank of the United States.

Mr. BROWN remarked, that these resolutions were very important in their character; he therefore thought, as several seats were vacant, it would be very improper to take them up at this time. He was ready to give his vote at any time upon them, but it was hardly treating absent gentlemen fairly to pass them now.

Mr. WRIGHT asked whether it was in order to take up a subject of a public nature, this being a day set apart for the consideration of private bills.

Mr. CLAY said he had no wish to take advantage of the absence of other members. His only wish was, that the resolution might be ordered to be engrossed for a third reading, and then let the subject lie over till Monday.

Mr. WRIGHT asked the Secretary to read the order which had been adopted, setting apart Fridays and Saturdays exclusively for private business.

The order was read.

The CHAIR remarked that it was not aware that this was Friday. From the terms of the order, it seemed that the rule would prohibit the consideration of the resolutions.

Mr. CLAY then gave notice, that, on Monday next, whoever were absent or whoever were present, he would press the resolutions to a final passage.

The Senate then took up, considered, and ordered several bills to a third reading.

The bill making a grant of lands, to enable the college of Hanover, in the State of Indiana, to establish an institution for teaching the deaf and dumb, was read the second time; and, after having been explained and advocated by Messrs. HENDRICKS and POINDEXTER, and opposed by Messrs. SOUTHARD, GRUNDY, CLAY, and SPRAGUE, the bill was, on motion of Mr. POINDEXTER, laid on the table.

SATURDAY, MAY 31.

After disposing of several other bills, the Senate, on motion of Mr. KING, of Alabama, took up the bill for the relief of Mountjoy Baily.

Mr. MOORE said this bill contained a principle, as it regarded commutation, against which the Committee on Revolutionary Claims had unanimously reported. This bill had been committed to them late in the last session, and had been brought forward this session without taking the usual course through a committee. He therefore moved that it be recommitted to the Committee on Revolutionary Claims.

Mr. POINDEXTER thought there was no necessity for recommitting it, as it was well understood that the committee would report against it. It had been the practice of the Government to allow interest on such claims, and if this poor man was to be made an exception, be it so.

Mr. BLACK instanced several particular cases of this kind, decided by yeas and nays, in which interest had been allowed. He hoped it would not be referred, because a reference would be equivalent to the defeat of the bill.

Mr. BELL was not disposed to refer the bill. The House had always been in favor of allowing interest on such claims, and the Senate, till very lately. At the last session, the committee of the Senate had taken a different view of the subject, for the purpose of reversing the decision. Mr. B. thought this view erroneous. He thought the general principle adopted by Congress, of not paying interest, was not strictly applicable to the present case. Congress had engaged, by contract, to continue half pay for life to such officers as served to the close of the war; but, as this arrangement was not satisfactory to the people, it was proposed to give five years' full pay in lieu thereof. The claim of half pay for life could be established in any court of justice, and the claim now presented, including interest, would amount to only half of the claim for half pay for life. Mr. B. therefore thought it would be unjust to withhold the interest.

Mr. MOORE, alluding to Mr. BELL's assertion that, after this session, there would be no more applications of this description, said, that if the gentleman would look over the documents he would change his opinion. During the former session there were but few, and in the present session there had been many, and the claims seemed to increase. They came forward not merely to ask for the principal sum, but also interest upon it, as if to see what they could get out of the Government. He denied that decisions in favor of paying interest had been uniform. He could turn to cases in the statute-books, where the individuals had received the principal without the interest. The honorable Senator had thought it a hard case to refuse interest, and that paying interest to this day would only be equivalent to the payments which had been made fifty years ago. It was no such thing; and if the principle were carried out, there would be millions of dollars to be paid under this bill. He thought, on looking to the documents, it would be found to be doubtful whether the individual was actually entitled to pay. He did not wish to defeat the bill, but he wished to establish a proper precedent, and to have the final judgment on the bill.

Mr. CHAMBERS wished to know how many final judgments were to be had; this bill had been already before the Senate many times.

Mr. MOORE referred to the recent case of the heirs of Lieutenant Wilde, as a precedent, in which interest had not been allowed.

Mr. CHAMBERS said it was an ingenious argument. In that case the Senator from Alabama had agreed with him. He produced the bill for the relief of James Burnet, as a precedent, wherein interest had been allowed. The honorable Senator from Alabama said the man had had justice done to him, inasmuch as he had received the half pay which was due to him. The old soldiers were all poor. They came and applied for their pay, and, as that supplied their present need, they took it at the time, and left the interest to be applied for at a future time.

Mr. FRELINGHUYSEN wished that he could vote for this bill; but, after the discussion which had taken place the other day, he could not. The petitioner, in the present case, had already received $2,250 for pay, and in four years after he comes again and applies for interest upon the amount for all the time. Mr. F. thought the only safe principle upon which the Senate could proceed, was never to pay interest unless the Government had itself neglected to pay the principal.

Mr. BELL said the present case was not a demand for the payment of interest; it was a claim for fifty years' half pay. Any gentleman who attentively examined the matter, could see that this was the case. If a suit were brought by this claimant against the United States, in a court of law, what could Congress do? They would be obliged to pay the sum demanded. They had promised to pay this money, and any court could compel them to do it. The claim was for fifty years' half pay, Congress had paid a part of what was due, and would they now refuse to pay the remainder? It was objected, that the admission of this claim would have the effect of bringing into existence many others. He (Mr. B.) knew this was a very prevailing argument at this time; but he begged to ask the Senate whether it were prepared to refuse the claims of a man who had fought for their independence, merely because other demands might be brought against the Treasury? Mr. B. concluded by calling for the question by ayes and noes, in order, as he said, they might have one more manifestation of the feeling of the Senate in relation to these matters.

Mr. WHITE argued against the bill, and said its object was to give to Mountjoy Baily interest on five years' full pay, which he had received in commutation for the half pay for life promised him by the old Congress. Mr. W. said that, as a member of the committee to which this claim had been referred, he had taken particular pains to examine it, and had come to the conclusion that Mr. Baily was not entitled either to the principal or interest of the sum which he demanded. Mr. W. went on to prove this assertion, and to show that the claimant had never exhibited any satisfactory proof that he was entitled to the pension he had received.

Mr. CHAMBERS read an affidavit made by Mr. Baily, stating that the necessary evidence in support of his claim had been sent to the Secretary of War some years ago, and that the documents had never been returned to him, so that it was not in his power to present them when they were demanded upon a subsequent occasion.

Mr. WHITE did not think the case at all altered by what had been said by the Senator from Maryland, [Mr. CHAMBERS.] He (Mr. W.) had a paper stating that the documents of the claimant had been returned to him. Mr. W. then proceeded to argue upon what he considered to be the general impropriety of claims of this kind. The principle comprised in them, he said, was very extensive; the Government might be called upon in this way to pay enormous sums. The interest upon a pension of only $100 would amount, in 45 years, to nearly three times as much as the principal. It was high time that the Senate should understand the nature of these claims. He was satisfied, that in acceding to them, they would be proceeding upon ground which was unjust and dangerous to the country. A revolutionary soldier applied in the first instance for land. Well, land was plentiful, and in some of the new States they were glad to get settlers; the Government, therefore, readily granted a piece of land to the applicant; but by so doing they tacitly admitted that he had served till the end of the war, and laid themselves open to a claim for commutation; this claim was immediately made, and what came next? Why, a demand for interest, amounting, in some cases, as he (Mr.

W.) had shown, to nearly three times the principal. If the applicant were to bring his claim to all this at once, scarcely a Senator would be found to vote in favor of it; but, by breaking it into doses, he accomplished his object. The system was not confined either to the living; if the Senate passed the bill they would make a precedent which would extend to the heirs of the revolutionary soldiers, and which would also enable an individual to let his pension lie over as long as he pleased, for the purpose of procuring interest. But suppose it to be proved, Mr. W. said, that Baily had served to the close of the war, the question would still arise whether he was entitled to interest. This question was a general one, entitled to a full and dispassionate consideration, and although the Senate had heretofore decided in favor of paying interest, he thought the subject ought to be re-examined. Mr. W. could not see on what principle interest should be paid.

Mr. BELL said it was on the principle that the five years' half pay, in lieu of half pay for life, was left optional with the claimants.

Mr. WHITE argued that, having postponed the claim for half pay till 1830, and now coming in for five years' full pay, was an abandonment of the former claim, which could not, therefore, be presented as an argument in favor of the payment of interest. Mr. W. alluded to the case of supernumerary officers who did not serve, but were liable to be called out at any time, till the close of the war. The courts had once decided that the claims of such were not valid, which decision, although it was afterwards reversed, served as a hindrance to a due presentation of their claims. Mr. W. considered this as an argument in favor of allowing them interest.

Mr. LEIGH said, on this very argument the court of appeals in Virginia had denied the right to interest.

Mr. WHITE thanked the gentleman for making the case stronger; if such claims could not draw interest, much more should not those claims which nothing hindered from being presented.

Mr. TYLER thought the subject one of great interest, and there were a good many claims of this kind from Virginia. Mr. T. held that all who were entitled to commutation, were also entitled to interest, and it had been often so decided by the Senate. Mr. T. instanced several cases, one of which was a recent and strong one, in which twenty-two Senators had voted in favor of paying interest, and only Messrs. WHITE, HILL, and ROBINSON against it. Mr. T. here read over the names of the majority and minority on the question, and said, there was a positive decision pronounced. In February, a variety of questions followed, and were all passed. He instanced several persons to whom the pay had first been allowed, and were afterwards allowed the interest. He contended that the decisions were founded in justice. The commutation law was passed in 1783, and many were paid in 1790. The three per cent. stock was established for the purpose of giving the soldiers an equivalent for what had been awarded to them. If Baily had subscribed to this stock he would have received an interest all this time, and he ought to be allowed an interest equivalent to what this fund would have given to him. The honorable Senator from Tennessee had said that there was no proof to establish Baily's title. The very facts of the case decided that he was entitled to it.

Mr. SMITH said the question was important, and involved large sums of money; but this was no reason why the money should not be paid, if it was justly due. In questions of less importance a mistake would be of less consequence. If he could see any thing in law or equity to justify the payment of the interest, he would be the first to vote for it; but what were the circumstances? The case stood altogether upon precedents. Even in courts of justice there were cases wherein the decision being found to be wrong, the courts had to retrace their steps, and reverse the decision; he had yet to learn that a legislative decision was to have the same binding influence on the body as in courts of law. He had understood that different members of the Committee on Revolutionary Claims had decided both ways. He could not distinguish between the recent case of the heiress of Wilde and the present case. The allowance to revolutionary soldiers was not in the nature of a pension. Congress had promised to those who should continue in the service half pay for life, or a commutation of five years' whole pay. This man had done so, and therefore it was in the nature of a promise—in the nature of a debt. This man had never applied for payment until 1830, and he received his five years' whole pay. "In 1834, he says the interest would be convenient—I'll take it." The principle would bankrupt any Government on earth. No Government could stand it. The applicant had received his pay during the war, and, in 1830, he had received the amount of five years' pay in lieu of half pay for life, and now came for interest. So far as money was concerned, the Government had done all that could be done. Large sums had been paid by Government to revolutionary soldiers in the State of Virginia. The money was paid by Congress, but no interest was allowed. The sum to be paid must be immense, and therefore the scrutiny into the propriety of the principle ought to be accurate.

Mr. LEIGH said it was known for many years, that precedents and not acts had been acted on. He had been told, on a former occasion, that there were precedents for the payment of interest, and precedents to the contrary. There might be some difficulty in accounting for this difference, but he must be of opinion that one case must have been better canvassed than the other, and that the difference must have arisen from the mode in which the questions were debated. He wished to do justice to this old soldier, and he felt impelled to vote in favor of the old gentleman, but was restrained by justice from giving that vote. There were other cases now depending in that body—claims of Virginia soldiers—whose claims, too, were well established; and yet, although they were some of the best friends he had, he would be compelled to vote against giving them interest.

The debate was further continued by Messrs. FRELINGHUYSEN, TYLER, BIBB, CHAMBERS, and KING of Alabama.

On the question, Shall this bill pass?

It was lost by the following vote:

YEAS.—Messrs. Bell, Bibb, Black, Chambers, Clay, Hendricks, Kent, King of Alabama, McKean, Poindexter, Porter, Robbins, Silsbee, Sprague, Tomlinson, Tyler.—16.

NAYS.—Messrs. Benton, Brown, Calhoun, Ewing, Forsyth, Frelinghuysen, Grundy, Hill, King of Georgia, Leigh, Linn, Mangum, Moore, Morris, Prentiss, Robinson, Shepley, Smith, Swift, Tipton, White, Wright.—22.

On motion of Mr. FORSYTH,

The Senate adjourned.

MONDAY, JUNE 2.

AUGUSTA (ME.) MEMORIAL.

Mr. SPRAGUE presented a memorial from 450 citizens of Augusta, Maine, on the subject of the removal of the public moneys, and the recent Executive measures. Mr. S. said that two years ago there was in that town an overwhelming majority in favor of the present administration. The paper was drawn up with much ability, and set forth the conviction of the memorialists of a general distress now pervading the community. They all complained of ruin, misery, and distress, and they had come to Congress for relief. They said they did not go to the Executive, because that was not the proper tribunal, even

if it had the power to give relief; and out of self-respect, they would have forborne applying to him, as he had turned a deaf ear to the complaints of his fellow-citizens; their petitions had been treated with disregard and contempt; the conduct of the President had only produced additional insult and injury, and respectable men had been turned away from the door of that house which the people had erected as the residence of the Chief Magistrate. They said there was no hope from that source, and they appealed to Congress for relief. They farther represented the claims of the Executive to power as excessive, and that if he proceeded to exercise it, he would possess more power than is in the hands of any one man in any limited monarchy. This memorial was signed by many gentlemen with whom Mr. S. had the pleasure of a personal acquaintance; and at the head of the list were two men long distinguished for their adherence to the true whig principles of 1776, having been officers during the Revolution. One of them rode fifty miles in the night to be present at the affair of Lexington, and the other was an officer during the whole war. There were others on the list equally entitled to confidence and respect. Mr. S. asked that the memorial might be printed, with the names, and referred to the Committee on Finance.

Mr. SHEPLEY said that in 1832 Augusta gave 478 votes instead of 450, as on the memorial, in favor of a Governor opposed to the present administration. This he thought proved that there had been no extraordinary change in Augusta. Mr. S. also went into a statement of prices in Maine, to show that there could be no distress there, as prices were quite as high as usual. He considered this as proof that the distress was all got up.

Mr. SPRAGUE replied that he had grounded his statements on a letter from most respectable gentlemen, whom he named; and who declared that Augusta, two years ago, gave an overwhelming majority in favor of the present administration; and that great distress prevailed in that quarter, notwithstanding the alleged prices current. He recollected, too, that his colleague, though he had at first denied the existence of distress, had afterwards admitted it, and had ascribed its existence, first to the bank, and next to the Senate. Mr. S. would like to know how they could be the cause of a distress, which his colleague now denied to have existence. He insisted, however, that the authority which he had to prove its existence was amply sufficient.

Mr. SHEPLEY, after a few words which were not distinctly heard, said it was true, that in the beginning of December last he did not admit that there was distress, and it was likewise true, at that time, that there was none. There had, however, since that time, been such an impression made on the minds of the people that they apprehended that great distress would be felt when business should commence. He hoped, however, now that the business of that part of the country had commenced, and commenced under good auspices, that they would find their apprehensions groundless. It was a fact that prices and wages were still kept up at their usual standard. There might be a scarcity of money, but not a very material one; and business seemed not to have suffered.

The memorial was then referred to the Committee on Finance, and ordered to be printed.

NEW JERSEY MEMORIALS.

Mr. SOUTHARD presented a memorial from Gloucester county, New Jersey, complaining against the conduct of the President of the United States in the removal of the deposites from the Bank of the United States; which was read, and referred to the Committee on Finance.

Also, two others, one from a meeting of citizens of New Jersey, in the county of Cumberland; and the other from a State convention, held in Trenton. They were called democratic meetings, and as they were both held nearly at the same time, the same persons were at both meetings.

Mr. S. said he had a difficulty as to the course to be taken in regard to these documents. The difficulty would not be the same if they had come from persons holding the same sentiments that he held; for then he would have no difficulty in remonstrating; but they came from persons who were earnestly and devotedly opposed to him, and who denounced both him and his colleague. They warned him that no alteration was to be made in the resolutions, in order that they might be received by the Senate. The last resolution said, "We desire that they shall receive no modification in order to be acceptable to the Senate;" and warned him to make no attempts to change either the substance or the phraseology. He must either hold himself responsible (a thing which he was not partial to) for deciding on the propriety of submitting the documents to the Senate, or present them, and leave the Senate to do what it would with them. Some parts were in respectful language, but he was not able to concur with the views of the memorialists. In both were harsh expressions with regard to the Senate, and with regard to members of the Senate. It declared that his colleague and himself had violated their trust in disobeying their instructions, and took shelter under the assertion that they were acting according to the wish of the people. With regard to the Senate, they took similar views. They had remarked, also, on what had appeared in a certain vehicle, which was remarkable for giving what was not said in the Senate of the United States, and repudiate him for it. In regard to the Senate, they denounce its conduct in no measured terms. In the memorial from Huntington, which Mr. S. supposes to have been the larger meeting of the two, he saw, in very large characters, 415, which he presumed was the number of signatures. Mr. S. here read the last resolution, which went to state the opinion of the meeting concerning the conduct of an accredited majority in the Senate, and accused it of having tried and passed upon the President of the United States without giving him an opportunity of being present, a right granted to every criminal; declared their interference to be unlawful, inasmuch as the President was liable to an impeachment, and that the Senate, by so doing, assumed a character which did not belong to it. He would not detain the Senate by reading the resolutions in reference to his colleague and himself. What he had read, he had read in order to explain their character to the Senate, which he thought it best to do in their own words. He would ask the usual reference, under the feeling which he had expressed.

Mr. CLAYTON could not consent to the printing of the papers. In his opinion the papers ought not to be received; but he would content himself by moving that they be laid on the table. He would ask from the Senator from New Jersey [Mr. SOUTHARD] some information respecting the persons composing the convention. They stated themselves to be democrats; now he (Mr. C.) was very much mistaken if the gentleman who had presented the resolutions which were now before the Senate, was not a decided and proscriptive federalist. Another gentleman (Mr. Wall) who had taken a prominent part in the proceedings, was also, he believed, an uncompromising federalist. He (Mr. C.) wished to know from the Senator from New Jersey, how far these individuals were entitled to the designation they had assumed.

Mr. SOUTHARD coincided in opinion with the Senator from Delaware, [Mr. CLAYTON,] respecting the character of the individuals to whom he (Mr. C.) had alluded. His constituents, however, Mr. S. said, had a right to assume what designation they pleased; he could not quarrel with them for so doing.

Mr. FORSYTH said, he understood the object of the motion made by the Senator from Delaware, was to get

rid of the papers altogether; he hoped the honorable Senator would not press his motion. The present memorial came from a convention of one of the great political parties of New Jersey. Sometime since the Senate had received a memorial from the opposite party, and this one came forward as a response to it. Some allusions, it was true, were made to the Senators from New Jersey, but if those Senators did not object to the paper on that account, surely the Senate had no right to interfere. The other memorial which had been sent here by the opposite party, spoke in no measured terms of the Executive act; it denounced the act and all those who supported it. It did not certainly denounce the minority by name, but it did so in effect. Mr. F. concluded by calling for the ayes and noes upon the motion of the Senator from Delaware.

Mr. CLAYTON hoped the question would be so taken. What was the language of the memorial in reference to this body? He could ask the Senator from Georgia [Mr. FORSYTH] to point to any memorial couched in terms so offensive as this, and which had been received by the Senate. [Mr. C. here read an extract from the memorial to the effect "that, in the opinion of the convention, the insult and abuse directed against the President by an accidental majority of the Senate, was not only unprecedented, but was a daring violation of the constitution, and that they (the Senate) now presented to an astonished people the degraded spectacle of the highest court in the Union disabled, by its own act, from performing one of its most important functions.] Mr. C., in continuation, said he would not countenance the reception of a paper sent to this body for the mere purpose of insulting it; he would not consent that the Senate should be held up as a "degraded spectacle." He hoped the question would be taken on the subject by ayes and noes.

Mr. CHAMBERS said, he rose to ask his friend from Delaware [Mr. CLAYTON] not to urge his motion. It was always a delicate as well as a difficult matter to designate precisely the point at which the allowed license of censure should terminate, and at which the character of scandalous language should be deemed to commence. He thought it was best to err on the safe side, and allow a little more than the due quantum of license rather than retrench the freedom of petition. He knew nothing of the language of the paper, except what he had learned from the reading of the resolution censuring the conduct of the Senate. Now, there were many considerations which might be estimated as palliations for the warmth and harshness of expression used by the memorialists. He would suggest to his friend from Delaware some of them. First, the epithets read, though very harsh, were applied to the political conduct of the Senate--to its official acts, and did not attribute bad motives to the members of the body, or to the majority. But besides this, much charity was due to politicians who were excited and alarmed at the prospect of losing their power. These memorialists had seen the people of their State moving on in immense masses against the administration; they had seen its former friends and supporters uniting in terms of strong denunciation; the party was melting away, and the long-indulged hope of office and emolument was dissipating. Now, sir, ought we not to bear with such folks in the indulgence of a little spleen and bad humor? It was asking too much to require a party enjoying but yesterday the confident hope of prosperity and dominion, to see itself prostrated by the very means adopted for its preservation, to find defeat after defeat announce its approaching dissolution, and yet preserve its mild and amiable tone and temper. He was proud to have it in his power to announce one more instance of the progressive march of sound principles, which had been furnished in his own State, and in the vicinity of his friend from Delaware. The lamented death of the worthy representative from the first Congressional district of the Eastern Shore of Maryland had caused a new election for a successor, the result of which was given in the Intelligencer this morning. At the regular election in October last, the late member, who was a very popular candidate, received a majority of precisely 200 votes against the same gentleman who is now defeated by a majority of more than 1,000. Maryland was following suit to New York and Virginia; and he hoped the symptom would be regarded. Surely these repeated causes of irritated feeling should in charity induce us to indulge the losing party the privilege of a little angry language. He had been somewhat surprised to hear the inquiry put by his friend from Delaware to his friend from New Jersey. Why, sir, did the Senator doubt the quarter from whence such warmth of democracy proceeded? In his experience, the most bitter and excited politicians, those especially who made most complaint against the claims of Congress and in favor of Executive pretensions, were the exclusive democrats who, in 1798 and 1812, were the leading and most violent federalists. Show me a man who was a federalist of 1798 and 1812 of the purest water—who went ahead of his party--and you shall see a man who is now a thorough-going Jackson man, and an exclusive patent democrat, who goes as far ahead of those who were democrats in 1812 as we were then in advance of him. This is the case in my county, and my friend from Delaware can tell the same story. It is true there was a material distinction in the case. The democrats of 1798 and 1812 went for the rights of the people and the rights of their representatives and of Congress against Executive power: the democrats of the present day—the patent democrats--go for Executive power in its whole length and breadth, and against the rights of the people and the rights of Congress. Now, sir, when these various causes are looked at, are we at a loss to account for the ill feeling and hard words used by these patent democrats? The Senate is not injured by such epithets; it is "biting at a file." He hoped his friend would not renew his motion: let these effusions of mortified feeling be borne with. Yes, sir, said Mr. C., I accept a remark furnished by a friend at my elbow, and say, "Let the sinners groan."

Mr. EWING made a few observations in opposition to the reception of the memorial, and read the clause which had been previously read by the honorable Senator from Delaware, [Mr. CLAYTON.] Mr. E. said he had no objection to receive a memorial, notwithstanding it might contain remarks condemnatory of this body; but no man who had any respect for himself could vote to receive a a paper containing such a clause as that which he had just quoted. The memorialists might have expressed their opinion that the Senate had acted unconstitutionally without imputing to them any thing degrading or disgraceful.

Mr. CLAYTON said there was another reason why the paper should not be received. It proposed no legislative action. Why should the Senate make a different disposition of the paper in this respect than they had made of other papers? The memorial, he repeated, proposed no legislative action. Were Senators to sit in their chairs for the mere purpose of hearing themselves abused?

Mr. FORSYTH would say a word, with the permission of the gentleman. He thought with the Senator from Maryland, [Mr. CHAMBERS,] and he was sorry that the Senator from Ohio [Mr. EWING] did not follow his example. Mr. F. thought the memorial, even if it proposed no legislative measure, ought to be referred, like others, as an expression of public opinion, and as such it was entitled to great respect, in view of the source from which it came. The delegates from all parts of New Jersey, by whom it was sent, imbodied a large portion of the Senator's constituents, who presented it, and, as the memorial said, a majority of them; and admitting the

facts stated to be true, their language was justified: it was degrading to act the part of prejudging. These men believed the Senate had done so, and they had a right to express it. The Senate would not endorse their declaration by referring and printing the memorial, and the Senate owed it to their self-respect to treat this memorial as they had done the other from the convention in New Jersey of the opposite party. Mr. F. thought the whole party was not to be judged of by one or two patent democrats.

Mr. CLAYTON noticed the resolution in the memorial more particularly objectionable, which charged the Senate with "an act of gross and revolting injustice, and as now exhibiting to the astonished world the degrading spectacle," &c. Mr. C. moved to lay this resolution on the table.

Mr. POINDEXTER was disposed to receive and refer any petition couched in respectful language; but he would not consent that one should be received which was disrespectful to the body, or any member of it. He alluded to the rejection of the memorials from Erie, Germantown, and York; and he would say, on his own responsibility, as this was the order of the day, that this was more disrespectful to the Senate than either of the others. He had never seen such vulgar, such blackguard language in any memorial; it was not fit to send to any body of men, and particularly to the Senate. If the language had been respectful, Mr. P. cared not for the subject; but he would demand from every portion of the people of the country that respect which he would accord to them. If such a paper had been sent to the President, what would the "old hero" have done? Mr. P. would not say that he would have acted the part of a roaring lion; but he would have spurned the proposal to receive such a paper, and put it on his files. And yet the Senate were asked to refer and print this paper, which represented them as a degraded body.

Mr. P. moved that the paper should not be received, and asked for the yeas and nays; but withdrew the motion on the suggestion of Mr. FRELINGHUYSEN, who moved to amend Mr. CLAYTON'S motion, by adding the 11th to the 9th resolution, and laying both on the table.

Mr. CLAY, after calling the attention of the Senate to the two resolutions, on the insufficiency of the Secretary of the Treasury's reasons, and the restoration of the deposites, moved to lay the whole of this memorial on the table.

Mr. FORSYTH asked if this were to be the final disposition of it.

Mr. CLAY hoped so; but he had no objection that it should be called up hereafter by the gentleman from Georgia, if he thought proper.

Mr. FORSYTH supposed it would be final, and called for the yeas and nays; which were ordered, and there appeared, yeas 18, nays 21.

So the memorial was laid on the table.

AMENDMENTS TO THE CONSTITUTION.

The special order of the day, being Mr. BIBB'S resolutions to amend the constitution of the United States, so far as relates to the election of President and Vice-President, was taken up; and Mr. BIBB, after concluding his speech on the subject, commenced some days ago, submitted some verbal amendments, which were adopted.

Mr. BENTON then moved to refer the resolutions as amended to a select committee, to consist of five members; which motion having been carried, the following gentlemen were chosen by ballot:

Messrs. Bibb, Benton, Webster, Calhoun, and Forsyth.

RESTORATION OF THE DEPOSITES.

Mr. CLAY moved to postpone the previous orders, and to take up the joint resolutions submitted by him some days since, on the removal of the public deposites from the Bank of the United States, and their future disposition.

Mr. BROWN called for the yeas and nays on the question, which were accordingly ordered, and it was decided in the affirmative, yeas 24, nays 16, as follows:

YEAS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Leigh, Naudain, Poindexter, Prentiss, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Webster.—24.

NAYS.—Messrs. Benton, Black, Brown, Forsyth, Grundy, Hill, King of Alabama, King of Georgia, Linn, Mangum, Morris, Robinson, Shepley, Tipton, White, Wilkins.—16.

The resolutions were then taken up.

Mr. CLAY, in a few words, expressed his hope that no unnecessary time would be taken up in discussing the resolutions, but that they might be passed upon this day. The first resolution had been already discussed for several months, and he did not intend to say a single word on the subject of the second resolution, unless the course taken by gentlemen on the other side should render it necessary for him to do so.

Mr. BENTON then rose, and moved that the resolutions be postponed, for the purpose of giving the Senate an opportunity of considering the following resolution:

Resolved, That the Senate will not consider any proposition to restore the public moneys to the keeping of the Bank of the United States, or to renew the charter of that bank, until after it shall have submitted to a full examination of its affairs by a committee of one of the Houses of Congress, and especially into the part which the bank may have acted, if any, in producing the late commercial embarrassments and distresses.

Mr. BENTON, in support of his motion, spoke somewhat at large in vindication of the right of Congress to examine into the conduct and affairs of the bank, and its duty to do so, before it would entertain any proposition of honor or confidence to that institution. The right to make this examination, he said, rested upon many grounds. A clause in the charter reserved this right, and reserved it without limitation or restriction, without forms or conditions; and it was not to be endured that this unconditional right, reserved by Congress, should be defeated and nullified by the interposition of forms and conditions, restrictions and limitations, prescribed by the bank itself, and which would put it into the power of that institution to be examined or not, just as it pleased. Besides this chartered right to examine the bank, Mr. B. said that the United States was a partner in the institution, and possessed the natural and equitable right of all partners to know how the partnership concerns were managed. Every partner has a right to examine the books and papers of the concern; dormant partners possess this right as well as active partners; and if the members of the concern who have charge of these books and papers, refuse to submit them to the inspection of the other partners, a court of equity will interfere, upon the application of the injured party, and place the books and papers where every partner can have free access to them. This is the natural right, and equitable law of partnerships; and the people of the United States, who are partners to the amount of seven millions of dollars in this bank, have a right to see how it has been managed, and their representatives are the proper persons to exercise that right. A committee of Congress is the proper organ to examine for the people; and if such a committee should be repulsed from the door of the bank, then the rights of the people, as partners in the institution, are resisted and violated. A third ground on which Mr. B. bottomed the right of the Government to examine the affairs of the bank, resulted from the nationality of the institution—from its national character, in contradistinction to its mere banking character—and the

consequent liability which it incurred, with all other national institutions, to undergo the supervision of the power which created it. On this point he quoted General Hamilton, and showed that that eminent man, when he was first recommending a bank of the United States, in the year 1791, openly asserted the right and the duty of the Government to examine the institution as often as it thought fit, and declared that an objection to such an examination would imply mismanagement. Here he read the following paragraph from General Hamilton's report of 1791:

"If the paper of a bank is permitted to insinuate itself into all the revenues and receipts of a country; if it is even to be tolerated as the substitute for gold and silver, in all the transactions of business, it becomes, in either view, a national concern of the first magnitude. As such, the ordinary rules of prudence require that the Government should possess the means of ascertaining, whenever it thinks fit, that so delicate a trust is executed with fidelity and care. A right of this nature is not only desirable as it respects the Government, but it ought to be equally so to all those concerned in the institution, as an additional title to public and private confidence, and as a thing which can only be formidable to practices that imply mismanagement."

All this has happened, said Mr. B. The paper of the Bank of the United States has insinuated itself into the receipts and revenue of the country; it has become a substitute for gold and silver; it has entered into all the transactions of business between man and man; and, thereby, this bank has become a national concern, and a concern of the first magnitude. The branch of the Government immediately representing the people, have thought fit to order an investigation into the affairs of the bank, and that investigation has been resisted and defeated by the bank. In the language of General Hamilton, this resistance implies mismanagement; and that mismanagement ought to stimulate the Government to an exertion of all its powers to enforce the examination to which it is entitled. A fourth ground upon which Mr. B. placed the right of the Government to examine the affairs of the bank, related to the restoration of the deposites and the renewal of the charter. If the bank was culpable, it would have no claim to the further keeping of the public moneys, and it ought to submit to have that question of culpability tried by the evidence of its own books. If it had abused the powers granted to it, it can have no claim for further favor or confidence. On this point, he took a decisive stand, independent of the charter, and independent of all legal rights, and resting upon the great principle, that the Government had a right to know how the bank had been managed during its present existence, before it would renew to it another term of existence. This was a condition precedent in the hands of the Government. It was a condition which it had a right to prescribe, and which, under present circumstances, it was eminently its duty to prescribe. It had a right to say to the bank, We wish to know how you have exercised the great powers we have granted to you, before we renew those powers; we wish to examine your own books, to see what your conduct has been; and until you submit to that examination, we will not entertain, or consider, any proposition to renew your extraordinary privileges. This was what the Government had a right to say. It was what was done in England in relation to all great corporations —the East India Company, as well as the Bank of England. A committee of forty-eight members had thoroughly investigated the affairs of the East India Company before its charter was renewed; a committee of thirty-two members had also thoroughly examined the affairs of the Bank of England before its charter was renewed at the last session of Parliament. Lord Althorp, in the House of Commons, in 1831, felt almost as an imputation upon him, the question put by Sir Henry Parnell, whether he meant to ask for a renewal of the bank charter before a committee of the House had investigated the affairs of the bank. He declared that there should be full inquiry; and full inquiry there was, without limitation, restriction, condition, or formality, on the part of the bank. Mr. B. said it was the right and the duty of Congress to act in the same way towards the Bank of the United States.

Even if no misconduct was imputed to it, it would be right to examine, and see if no misconduct had occurred. It should be a prelimiary step of prudence and precaution, before such large powers should be granted again. But there was misconduct imputed to it; and dropping all other imputations, he would point out the one which stood first on the list of inquiries ordered by the House of Representatives—which was alluded to in the resolution which he proposed to submit, if the postponement took place which he moved for—and which went to ascertain whether the Bank of the United States was the author of the distresses which had prevailed in the country during the past winter? This he held to be a most vital inquiry, and one that should never be abandoned until the true authors of that distress were made known to the people. An immense number of memorials presented to Congress, charged it upon the President; a great number of others charged it upon the bank. The truth of these charges the people ought to know; and certainly the bank ought not shrink from the evidence of its own books. A strong presumptive case of guilt was made out against it; and that presumption was ripening into full proof and absolute conviction, under the conduct of the bank in refusing to submit to the test of its own books. The Government directors, in their memorial addressed to Congress, had strongly inculpated the bank, and gone into a statement of facts to show that the directors refused every proposition to conduct the curtailment of the bank debts on a plan of equality and impartiality, and put the whole business of the curtailment into the hands of a subaltern committee, appointed by the president of the bank alone, and exempted even from the small restraint of reporting to the board of directors!—affirming that the late pressure in the money market had been occasioned by the bank itself—that the curtailment had been conducted by a secret committee, and had been partial, unequal, and unnecessary. Mr. B. went on to read several extracts from the memorial of the Government directors, to prove what he said. At page 16 of their memorial, he read a resolution submitted by the Government directors to the board, proposing a systematic reduction, to be gradual in its operation, and to bear upon all sections of the country, and all classes of debtors, in the same degree and proportion. This plan, the committee say, would have prevented an oppressive, sectional, and partail curtailment, and would have confined the business of curtailment to the board of directors, and given to every director a voice in what was done. This plan was rejected! No—worse than that!—the imperious board refused even to consider it! and forthwith adopted a series of resolutions for reducing the business of the institution, and gave authority to the committee of the offices to modify these resolutions as they should deem expedient, and peremptorily refused to require this committee, thus invested with unlimited power over the great and delicate business of curtailment —refused to require them even to report to the board of directors! This, Mr. B. considered to be a flagrant breach of the charter, which expressly enacts that not less than seven directors shall constitute a board to transact business. The reduction of a debt of sixty-odd millions, was certainly a piece of business! It was the most important piece of business ever transacted by the bank; and has been so transacted as to fill this hall with cries of ruin and distress from various quarters of the country.

The Government directors expressly charge, at page

17 of their memorial, that "We attribute to them the excessive curtailment in the business of the institution, which has been so sudden and oppressive, and which was not necessary, either to the extent to which it was carried, or in the manner in which it was made to bear on the community." Having read these extracts, Mr. B. commented upon them as containing a direct charge, first, of a breach of the charter in committing the proper business of the board to a subaltern committee of three members; and, secondly, of a partial, sectional, unnecessary, and oppressive curtailment of the debts of the institution. These were the charges; charges made by the Government directors, and not in newspapers, but in a memorial to Congress. True, these directors have been rejected by the Senate; but, equally true, the House of Representatives had ordered an inquiry into the conduct of the bank, and have put this charge of the Government directors at the head, and in the very front, of the subjects to be inquired into by their committee. True again, that the charter reserves to either House of Congress the right, through a committee, to inspect the books, and to examine the proceedings of the bank, to see whether the charter has been violated. But what has happened? The committee of the House, sent to Philadelphia to inspect the books, and examine the proceedings of the bank, have been resisted and repulsed! They return without accomplishing their mission! and a loud cry is set up in one general chorus, by the bank, and all its friends, in Congress and out of Congress, that the Government must go to law with the bank! that the directors are not bound to criminate themselves! that a *scire facias* must issue, and then they will answer in court! Thus refusing to abide the evidence of their own books! Thus refusing to let a committee of Congress inspect their books, and examine their proceedings, to ascertain whether the bank was innocent, or guilty, of a wanton oppression of the community, during the past winter. Mr. B. said, that since the distresses of the South Sea scheme in England, at the commencement of the last century, there had not been in any country so loud and pervading a cry of distress, as has been heard in this country during four or five months past. The cries of the English people had been carried to Parliament, as the cries of the American people have been brought to Congress. What did the English Parliament do? Immediately raised a committee; sent them to examine the directors of the South Sea Company; received their report; ordered all the directors to the bar; interrogated them in the face of all England; convicted them of practices which had distressed, alarmed, and injured the community; and sent them to jail, loaded with the curses of an outraged kingdom. This is what Parliament did in a similar case to what has now happened in our America. Mr. B. would not ask what Congress had done. That question was yet to be tried in the House of Representatives; he would not anticipate the issue; it was not his business to do so. But what had the Senate done? Had it ascertained the truth of the charges made by the Government directors, before they were rejected? Not at all! Had they ascertained the truth of these charges before they proposed to restore the public deposites to the keeping of the bank? Not at all! Nothing is inquired into—nothing ascertained—all taken for false or frivolous that is alleged against the bank; and even her cry adopted, of, Go to law! Mr. B. remarked upon this cry for a *scire facias*, so suddenly adopted in the Senate here. It had broken out to-day, and now resounded from all quarters. Whence this cry? It comes from Philadelphia! It is brought back by the minority of the bank committee; it is put in their report; and forthwith, it becomes the cry of the whole bank party. But what a contradiction is exhibited, and exhibited here to our faces! What a change in a few brief days! For four months we heard nothing else but of this responsible bank, subject to the control of Congress! this creature of our own creation, over which we had ample control! Yes, ample control! that was the word! this fiscal agent, which was responsible to Congress, not to the President! and which was right in resisting all amenability to the President, because it was to Congress that the charter made it responsible! This was the language, in this Senate, for four months! What is it now? Why, that it is not Congress, but the Judiciary, to which it is liable. It is the court—the court—to which it will submit. She will go to law with Congress, but will not submit to be examined by a committee. Congress may send a *scire facias*, but no committee of investigation. Such is the new refuge, or subterfuge of the bank. When the President asks for information through the Government directors, his authority is resisted, because the bank is responsible to Congress, and not to him! When Congress asks the same information, then Congress is resisted, because the bank is responsible to the Judiciary, and not to Congress! Such are the contradictions, such the subterfuges, such the tricks played off in our faces, and in the view of the whole American people. In the face of such evidences of guilt—in the face of such a strong presumptive case to convict the bank of being the author of the distresses which have been complained of in the memorials to Congress, is it right to give her marks of favor and confidence? Is it right either to restore to her the keeping of the public moneys, or to grant her a renewal of her charter? Mr. B. thought not, and that the proper course for the Senate to follow was indicated in the resolution which he had read, and which he would submit for the consideration and action of the Senate, if the present proceedings should be postponed.

Mr. CLAY asked the yeas and nays on the motion; which were ordered, and are as follows, to wit:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Linn, Morris, Shepley, White, Wilkins, Wright.—13.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, McKean, Mangum, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Robinson, Silsbee, Smith, Southard, Swift, Tipton, Tomlinson, Tyler, Waggaman, Webster.—29.

So the motion to postpone was disagreed to.

Mr. BENTON then moved to strike out all after the enacting clause of Mr. CLAY's resolutions, and insert, as an amendment, the bill reported in the House of Representatives by the Committee of Ways and Means, providing for the deposite of the public moneys in the State banks, and making regulations for its security in those institutions. In support of his motion—

Mr. BENTON proceeded to state several reasons, and to urge many considerations in favor of adopting it. He deprecated the spirit which seemed to have broken out against State banks, and said that it augured badly for the rights of the States. The strongest current of consolidation which was now observable in the Union, was that which sat in favor of the Federal bank and against the State banks, and threatened to consolidate all moneyed power, and with it all political power, in favor of a great central institution, independent of the States, and able, by its own avowal, to crush the State institutions at its pleasure. He said this spirit against the State banks was an impulsion of modern origin—unknown to the fathers of the republic, and to the early history of the country—and strongest now where the spirit of consolidation was strongest, and where the defence of State rights was weakest. At the commencement of this Federal Government, said Mr. B., there was no Federal bank, and all the public moneys were kept in State banks, or drawn direct, and as fast as they were received, out of the hands of receivers and collectors. General Hamilton, when

Secretary of the Treasury, kept the public moneys, for the first year of his administration, in these banks, and kept them safely there. When the Federal bank was proposed in 1791, and the keeping of the public moneys was one of the services attributed to it, Mr. Jefferson, then a member of President Washington's cabinet, denied the necessity of a Federal bank for any such purpose, and openly declared himself in favor of the State banks. He said that these banks had already done this business for the Government, and done it well, and would no doubt enter into arrangements with the Treasury for doing it permanently, and on better terms than it could be done by the Federal bank. Mr. B. read an extract from Mr. Jefferson's cabinet opinion, delivered to General Washington at the creation of the first Federal bank, to sustain what he said of his opinions. The extract was in these words:

"The existing banks will, without a doubt, enter into arrangements for lending their agency; and the more favorably, as there will be a competition among them for it; whereas, the bill delivers us up bound to the national bank, who are free to refuse all arrangement, but on their own terms, and the public not free, on such refusal, to employ any other bank. That of Philadelphia, I believe, now does this business by their post notes, which, by an arrangement with the Treasury, are paid by any other State collector to whom they are presented. This expedient alone suffices to prevent the existence of that necessity which may justify the assumption of a non-enumerated power as a means for carrying into effect an enumerated one. The thing may be done, and has been done, and well done, without this assumption; therefore, it does not stand in that degree of necessity, which can honestly justify it."

Mr. B. said, that what Mr. Jefferson affirmed in 1791, was afterwards proved under his own administration, and that of Mr. Madison. During the whole of their administrations, a large portion of the public moneys was kept in the State banks, and safely kept there. Mr. Gallatin, in answer to a call made by the House of Representatives, sometime before the expiration of the charter of the first bank, showed that the public moneys were then kept in twenty different banks, of which nine were the United States Bank and its branches, and eleven were State banks! Mr. B. thought this point so material, that he would read an extract from Mr. Gallatin's report, to show that he neither overstated nor mistook the facts. He then read the names of the State banks employed by Mr. Gallatin, and the amount of public money in each. They were: the Bank of Columbia, $115,192; the Bank of Alexandria, $61,917; the Bank of Newport, Rhode Island, $35,788; the Bank of Pittsburg, $137,462; Roger Williams's Bank, $53,882; the Bank of Pennsylvania, $92,628; the Bank of Saco, $28,528; the Manhattan Bank, $188,670; the Bank of Maine, $50,747; the Marietta Bank, $19,601; and the Bank of Kentucky, $91,061.

Such, said Mr. B., was the distribution of the deposites of the public moneys in the time of Mr. Gallatin; more State banks employed than the whole number of branches and the mother Bank of the United States put together! In several instances, a State bank was employed in the same place in which a branch of the Federal bank was situated, and some of those employed then are employed now. Of this class, Mr. B. instanced the Manhattan Bank of New York, and stated that the stock of this bank was, at this day, about twenty dollars in the hundred higher than the stock of the United States Bank! And this after all the efforts which had been made to shake public confidence in the State banks, and especially those of New York. The Bank of Alexandria, which he said had lately stopped, with a small amount of public money in it, and the payment of which is secured, was also in the list of Mr. Gallatin's deposite banks, and had double as much money in it in his time, as when it lately stopped. That bank had been a deposite bank for forty-five years, and the Government had lost nothing by it, notwithstanding the attempt lately made to delude the public with a belief that it had just been selected by Mr. Taney, and had immediately failed, with an immense loss to the United States.

Mr. B. said, it was thus proved, by an experience of twenty years—an experience running through the whole of the administration of Jefferson and Madison, and a part of their predecessors—that the public moneys may be safely kept in the State banks; and that Mr. Jefferson was right, in his cabinet opinion of 1791, when he gave it as his solemn opinion to President Washington, that there was no necessity for chartering a Federal bank to act as the fiscal agent of the Federal Treasury, and that the State banks would enter into arrangements for that purpose, and do the business well!

Mr. B. said it was true that the Federal Government had since lost about a million and a half of dollars by State banks; but that loss took place in a season of universal embarrassment, growing out of a state of war and general stagnation of trade and commerce; a season which cannot be made the rule for judging State banks, without extending it to the Federal bank also; and then it would be fatal to that bank, for the United States lost about eleven millions of dollars in sustaining the present Federal bank in the same season of embarrassment, and saving that bank from sharing the general fate of the State institutions. This statement, Mr. B. said, was one of those facts which it was good to prove, and as the proof was in the documents of the Senate, he would use it, and extinguish at once this delusive and deceptive comparison between State banks and the Federal banks. Mr. B. said, that every body knew that the Federal bank was on the point of bankruptcy in the year 1819, and that, although sustained by an immense deposite of public moneys, stated by Mr. Cheves at eight millions of dollars, it would still have stopped payment in April, 1819, had it not been for the forbearance of the State banks, and the critical arrival of specie from Kentucky and Ohio. The price which it cost the United States to sustain it at that time, is found in the history of the three per cent. stock—that stock, the final payment of which the bank has lately caused to be deferred in contravention of the will and power of the Government. The history is this: In the year 1817, the amount of this three per cent. debt was sixteen millions and a quarter, and the selling price of it in market was a fraction over 60 cents in the dollar. It was evident that if the United States entered the market like any other purchaser, and bought this stock at its real value, for a stock bearing only three per cent. interest was really worth but little more than 50 per cent., there would be an immense saving, no less than the difference between the then market price and the full nominal value, which the Government would be obliged to pay, if it waited till all the other public debt was paid, and then had to take up the certificates in the hands of the holders, all of whom were assignees, and had bought the stock in market at a low rate, proportioned to its low interest. The Congress of 1817 was fully aware of this advantage, and as the public Treasury was then full to overflowing, it determined to purchase in this stock. On the 3d of March, 1817, an act was passed for that purpose, and the Commissioners of the Sinking Fund were directed to buy it in at a rate not exceeding 65 per cent. The deposites in the Bank of the United States, on that day, were about twelve millions of dollars; on the June following, they were sixteen millions; and the average monthly deposite, during the whole existence of the bank, has been $6,717,253. The commissioners began to execute the act. In the course of the year 1817, they bought in $2,693,092; in 1818, they bought $10,562, and, in 1819, they bought $158,964. These purchases were made at

63¾, 64, and 65 per cent., and the saving to the Government was 36¼, 36, and 35 cents in every dollar, amounting to near one million of dollars on the whole purchase. And there the purchases stopped. The deposites were necessary to sustain the Bank of the United States. No more of the three per cents. were then bought; the price afterwards rose above 65, and were finally paid, under President Jackson's administration, at par! About thirteen millions and a quarter of this stock had to be paid at par about the year 1832, which might have been purchased at 65 in 1817, 1818, and 1819. The loss to the Government was about $4,600,000, on the rise in the stock, and about $6,400,000 in the interest paid upon it. The aggregate is eleven millions! And this is the amount, said Mr. B., of the loss actually sustained by the United States in upholding this bank in that season of embarrassment in which so many of the State banks failed, and in which the Federal bank would have failed, if it had not been for the use of the public deposites. This was the loss on one head alone, Mr. B. said. How much the people had lost in consuming the time of Congress in debates about that bank; how much in printing for it; how much in using their money in electioneering against them; how much it might lose on the present stock, it was not for him to say: it was sufficient that he proved a loss of eleven millions in a single operation, as that would overbalance, by seven to one, the whole amount of the loss in the State banks.

Mr. B. said, that having shown that he stood upon Jeffersonian grounds, and upon safe ground, in recommending the State banks for places of deposite for the public moneys, he would make a few remarks, particularly applicable to the amendment which he had offered. That amendment was a copy of a bill agreed upon in the Committee of Ways and Means in the House of Representatives, for regulating the deposite of the public moneys in the State banks. It was a direct movement towards regulating, by law, the keeping of the public moneys. For six months the Union had been filled with a cry that the purse was in the hands of the President! that he had seized upon the Treasury! that he had all the public money in his own hands! that he was a usurper! a despot! possessing all power! wielding all authority! brandishing the sword in one hand, and clenching the public purse in the other! This, he said, had been the cry for six months; and unfounded as that cry was—and more unfounded could not be the baseless fabric of a vision—yet, it was charitable to suppose, that those who raised it would be willing to put an end to the evil, real or imaginary, of which they complained. Let them, then, adopt the amendment. If agreed to the principle, they can arrange the details. Let them adopt the amendment. Let them regulate by law, and by law of their own making, and then the lawless state of things of which they complain will immediately cease. If not, let them complain no more.

[Mr. BENTON was followed by Mr. CLAYTON, Mr. WRIGHT, and Mr. CLAY.]

Mr. SHEPLEY then rose and said—

Mr. President: It will, or will not, be proper to make the United States Bank the depository of the public money, as it shall have been found to have fulfilled its duty to the country, or to have violated it. It becomes necessary, then, to determine, before we adopt the resolution, that it has not been guilty of any misconduct; for it cannot be supposed that it ought to be strengthened and aided, by depositing the public money in it, if it has, in any degree, abused its trust. If it has aided and assisted to derange the moneyed concerns, and disturb the business operations of the country for the last few months, that would be cause sufficient to induce us to withhold our confidence. That the business operations have been greatly disturbed, no one denies; and no one will, I think, doubt that the United States Bank has been instrumental in producing that result, if he will but examine the facts, the undisputed facts, now before the country. Every great change in the loans made by banks, and in their circulation of notes, operates directly upon the business concerns of the community; and the more powerfully do sudden and great changes of this kind operate, as the business is transacted upon a credit, and not a cash system.

Sudden and great expansions of bank loans, and like sudden and great curtailments, must unavoidably produce great plenty, and then great scarcity of money. The effect of extending loans, is to induce men to enlarge their business—to engage in new business—to make contracts freely, and payable at longer periods in advance. And if loans are not thus extended beyond what can be safely permitted without a re-action, all may be well. But if a great change is soon made, and the loans are called in, the man of business is called upon to pay before his operations have come to maturity, before he has turned his property into cash; or, if his property is disposed of, it remains uncollected on notes or bills of exchange; and these cannot avail him, if the banks are diminishing their loans rapidly. Thus, his means are found not to be available; and money, by this operation, is greatly in demand, is difficult to be obtained, and ruinous sacrifices are the necessary consequence. Thus, the business transactions are disordered, and distress is produced, and ruin follows. In this state, if a general alarm can be produced, the effect of every evil influence is greatly increased; and it is not strange that distress is great and general. Such a scene we have passed through, if indeed we have passed entirely through it; and it is the part of wisdom to examine into the causes by which it has been produced. Has the bank greatly extended its loans, and greatly contracted them, and thus greatly contributed to produce the result which such a course necessarily brings upon us.

It appears from the report of the committee of the directors of the bank, that the loan of the bank to the business community, excluding the Government, was, in

January, 1831, - - -	$44,032,057 33
and that the same description of loans in May, 1832, was - - -	70,428,050 72
	$26,395,993 39

Showing an increase of loans, or extension of means to borrowers, of $26,395,993 39, in sixteen months.

It appears, by the report of the "Union Committee" of the city of New York, that, on the 1st of December, 1833, being the time of the meeting of Congress, the bank loan was $54,453,000, showing a diminution of the loan from May, 1832, of $15,975,050 72 in nineteen months; and it will be noticed that these results show an increase and diminution of loans, or, in other words, a fluctuation and change in the moneyed operations and business transactions of the community, of $42,370,000 in round numbers—in less than three years. The effect of such a course upon the value of property, has been most clearly and powerfully stated by a Senator from South Carolina, [Mr. CALHOUN,] as follows:

"If we turn our attention to the laws which govern the circulation, we shall find one of the most important to be that, as the circulation is decreased or increased, the rest of the property will, all other circumstances remaining the same, be decreased or increased in value exactly in the same proportion. To illustrate: If a community should have an aggregate amount of property of thirty-one millions of dollars, of which one million constitutes its currency; if that one million be reduced one-tenth part, that is to say, one hundred thousand dollars, the value of the rest will be reduced in like manner one-tenth part, that is, three millions of dollars. And here a very important fact discloses itself, which explains why the currency should be touched with such delicacy, and why

stability and uniformity are such essential qualities: I mean, that a small absolute reduction of the currency makes a great absolute reduction of the value of the entire property of the community, as we see in the case supposed, where a reduction of one hundred thousand dollars in the currency reduces the aggregate value of property three millions of dollars, a sum thirty times greater than the reduction of the currency. From this results an important consideration. If we suppose the entire currency to be in the hands of one portion of the community, and the property in the hands of the other portion, the former, by having the currency in their possession, might control the value of all the property of the community, and possess themselves of it at their pleasure. Take the case already selected; and suppose that those who hold the currency diminish it one-half by abstracting it from circulation; the effect of which would be to reduce the circulation to five hundred thousand dollars; the value of property would also be reduced one-half; that is, fifteen millions of dollars. Let the process be reversed, and the money abstracted gradually restored to circulation, and the value of the property would again be increased to thirty millions. It must be obvious, that by alternating these processes and purchasing at the point of the greatest depression, when the circulation is the least, and selling at the point of the greatest elevation, when it is the fullest, the supposed moneyed class, who could at pleasure increase or diminish the circulation, by abstracting or restoring it, might also at pleasure control the entire property of the country."

The same remarks which he makes in relation to the currency, are almost as applicable to the loans as to the notes circulated as a currency; because it is the increase of the moneyed power, or its domination, which thus operates upon fixed property. When he supposes the entire currency to be "in the hands of one portion of the community," and shows that it might "control the value of all the property," we have but to substitute the United States Bank for that "one portion;" and if it has the power "to destroy the State banks," and "to control the currency," as it claims to have, then can it "control the value of all the property." And it is too nearly true, to leave any one to doubt its dangerous character. The State banks are not to be feared, because they cannot combine and act as one, any more than all the tradesmen of any one trade can act as one, and thus control the prices of all the articles of that trade.

It is thus that the bank is shown to have the power not only to derange the business transactions of the community, but to have used her power for that purpose. The extension of its loans was to place it in a condition to have an increased power, which it could use by withdrawing it, to disturb the operations of business, and induce the people to cry out for relief by a re-charter of the bank.

The influence of the bank in this manner has a direct tendency to make every man's property insecure. By doubling the loan, the bank raises the value of property, and by causing a scarcity of money, by sudden and great curtailment, it lessens the value—prevents there being a demand for it, and causes a sacrifice of it—perhaps to pay the very debt which it encouraged the man to make to obtain it. No greater mischief can well befall a country, than to render property insecure and unsafe—and this the bank can bring about at pleasure—and so far as causing a fluctuation of forty-two millions of dollars in three years could produce such a result, it has been shown that it has done it.

Another cause has, no doubt, contributed to aid in occasioning the distresses of the country. As stated on a former occasion, the voice of alarm went out from this hall, and again and again was it returned and sent forth, and repeated in the newspapers, until confidence between man and man was destroyed, and every man became distrustful of his neighbor. Those who had debts due to them, even if they did not want the money, called for its payment, because they were unwilling longer to trust the debtor. Those who had money which they had no occasion to use, would neither loan it nor purchase property with it—because they were afraid of loss, or of a fall in price. Those who owned property were afraid to sell on a credit, lest the note should prove not to be good. Such is the natural influence of an alarm or panic; and when a reflecting people shall examine this matter, they will perceive, that this Senate has much to answer for in "sounding the alarm," at the very moment when the bank was pressing very heavily upon the business community by calling in its loans, and thus causing a double evil influence to operate upon it. A political influence may possibly be produced for a time by such a combination; but can it be supposed, that such a people as ours will not rise to throw off from it a power which can thus break up all its safeguards upon property—paralyze all its industry—and bring in ruin and distress at its pleasure? The people have yet the power to stay the hand of oppression, whether in the shape of a bank only, or as combined with an alarm for "the constitution and the laws," because an attempt is made to diminish its means of evil by taking the public money from it; and if they will not rouse themselves to the effort to throw off the burden, they must be content to bear it.

The Senator from South Carolina [Mr. CALHOUN] seems to regard the bank with favor, only because it acts as a regulator of the operations of the State banks; and the same merit is claimed for it by others—and if it does this, it might be entitled to the merit of one good act; for the mischiefs of a fluctuation in the loans and currency I have freely admitted—nay, I have asserted. But it remains to be proved, that it does act to regulate the State banks. If it regulates them, we should expect them to increase their loans in proportion as the United States Bank did, and to diminish as it diminished. It can act upon the State banks only by letting loose the reins, and by drawing them close again; and if its influence is ever seen in this manner, it will be seen to have acted powerfully during the last three years; for, during that time, its changes have been great and sudden.

For the purpose of ascertaining what its influence has been upon the State banks, and whether they are justly chargeable with having, in any degree, contributed to disturb the business of the country, by sudden changes in their business, I have, with the kind assistance of several gentlemen, obtained a statement of the capitals, loans, and circulations, of the State banks in five New England States, and also in the cities of New York and Philadelphia, for the last three years. This result I now exhibit, as follows:

Aggregate statement of the Banks in the State of Maine.

Years.		Capitals.	Loans.	Circulations.
June,	1831	1,855,000	2,486,884 15	766,530 00
"	1832	1,823,850	2,789,352 06	855,408 00
"	1833	2,440,000	3,732,583 68	1,158,350 00

Aggregate statement of the Banks in New Hampshire.

May,	1831	2,065,310	2,915,439 44	1,107,901 00
"	1832	2,176,422	3,216,159 70	1,128,091 50
"	1833	2,271,308	3,390,826 43	1,233,643 50

Aggregate statement of the Banks in Massachusetts.

October,	1831	21,439,800	36,040,760 76	7,739,317 00
August,	1832	24,520,200	38,889,727 24	7,122,856 00
October,	1833	28,236,250	45,261,008 09	7,889,110 67

Aggregate statement of the Banks in Rhode Island.

October,	1831	6,732,296	8,246,725 56	1,342,326 50
"	1832	7,112,683	8,552,693 51	1,203,044 50
"	1833	7,438,848	9,191,846 83	1,264,394 03

Aggregate statement of the Banks in Connecticut.

March,	1831	4,714,030	5,676,286 00	2,071,614 00
"	1832	5,007,100	6,622,540 00	2,386,192 00
"	1833	5,708,615	7,480,275 00	2,557,227 00

Aggregate statement of the Banks in the City of N. York.

January,	1832	18,755,000	34,117,000 00	12,005,000 00
"	1833	20,175,000	32,080,000 00	12,215,000 00
"	1834	22,730,000	46,496,000 00	15,402,000 00

Aggregate statement of the Banks in the City and County of Philadelphia. In the loans are included stocks held by the Banks.

November,	1831	9,433,800	13,083,361 18	4,401,297 29
"	1832	10,849,615	20,741,562 24	4,817,923 12
"	1833	12,587,850	23,134,261 08	5,284,515 73

It will be seen, from these statements, that there has been a small but gradual increase of the banking capital, and of the loans and circulations, in all these States and cities. As the increase of population and of business has called for more banking capital, the States have increased it, and the loans and notes circulated have nearly the same proportion as existed before the capitals were increased. There has been, in no State or city, any great and sudden extension of the loans upon the same capital, as there has in the United States Bank. There has been no great or sudden decrease in the loans or circulations. These institutions, all of them, have been conducted with a degree of moderation and regularity greatly creditable to them, and contrasting very favorably for them with the United States Bank. They certainly are not chargeable with having contributed to produce the rise and fall of property suddenly--nor have they deranged the moneyed operations of the country. Judging from facts, then, and not from theory, the United States Bank, instead of acting as a regulator of the State banks, has acted as the disturber of the moneyed and business operations of the community.

Expansion and contraction is chargeable upon it, not upon the State institutions. If any one is not satisfied that it has so acted--can any one doubt that it has power so to act—and that of course it is capable of bringing the dealings of our people, and their best interests, within its control, or making its influence felt in destroying the prosperity of those who refuse obedience to its will?

Another merit claimed for it, is that of equalizing the exchanges. And a distinguished member of the House [Mr. BINNEY] makes a "statement of the uses which the Bank of the United States has annually afforded, in various ways, to the people of the United States;" and among these uses is that "of making a total of domestic exchanges" (for the year 1832, as I understand him) $241,717,910. I pass for a moment from the extraordinary amount—to say, that if it has such a control over the domestic exchanges as to be enabled to regulate them, then it has such a control as to be enabled to derange them. The whole course of domestic exchange then, it holds within its power, to increase or diminish, regulate or disturb, at pleasure, and that without limitation or restriction of this power imposed by law. Is there nothing in this scene to induce reflecting merchants and men of business to pause before they prolong and perpetuate the existence of such a power unrestrained by any law? But the bank can make money plenty in the West, and scarce in the East—or the reverse—by loaning freely for a few months, or perhaps weeks, in one section of the country and by curtailing in another section. Suppose it to desire to obtain bills of exchange from the West upon the East—it has only to withhold all discounts at the West, except for bills on the East, and while it is doing this freely, discount any paper at the East, and thus induce acceptances merely on the credit of the drawer. When these bills become payable, it has only to require the payment, and discount only bills drawn in the East on the West or South—and thus changing the places of plenty and scarcity, it can multiply domestic bills to almost any amount, even when the demand for them from regular business operations is small.

Is it not interested to produce such a result? And what is its effects upon the people? Its interest to produce such a result is, that it gains, in addition to the discount or interest, the difference of exchange; and the same gentleman states, that "the amount of premiums on domestic exchange received by the bank for the same period, (one year,) was $217,249,560. Its interest, then, is promoted by this increase of domestic exchange; and it has the power to increase it; and it can do all this secretly, for none of these operations are seen even by the merchant, except the fact, that the bank cannot accommodate except on exchange bills.

Let any merchant, or reflecting man, now contemplate the fact, that $241,000,000 of domestic exchanges were made in 1832 by that bank, as stated; and then ask himself if the balances of the trade between the different sections of our country would, in one year, amount to that sum?

It is not the whole trade, but only the balances of the trade, that ordinarily pass in bills of exchange from one section of the country to another; and these do not all, or nearly all, pass through that bank; and the amount stated may not so readily be accounted for, as in concluding that the bank has pursued its own interest in taxing the business of the country in the mode supposed, or in some better mode, perhaps, ascertained from its own experience. If this be its interest and its course, then it can have no wish to keep the exchanges very low or very regular; and it may have as few merits in regulating exchange, as it has in regulating the State banks.

The fact that it did put the whole domestic exchanges into the hands of a committee, and kept its proceedings secret from even its own board of directors; and that it has lately refused to permit the committee of the House of Representatives to see the correspondence or examine into the proceedings of the exchange committee, authorizes the most unfavorable inferences to be drawn. And it is not difficult to understand, that much of the disorder in the exchanges of the country, which has been complained of as one of the causes of the distress, may be found first in the multiplication of bills of exchange, and then in breaking up all this class of paper, by refusing to receive them at all, or only at extravagant rates.

There must be an examination of the bank before the people will be satisfied, or ought to be satisfied, that, instead of merit, there have not been deep and lasting injuries inflicted upon them in the exchanges of the country.

Upon another topic I wish to say a few words. It is in relation to the settling up of the concerns of the bank. It has been stated by the Senator from Massachusetts, [Mr. WEBSTER,] that he is of opinion that the bank ought to call in its capital much faster than it does, if the charter is not to be renewed. And several of those, and some in high places, with whom I act, have regarded it as proper that the bank should prepare to wind up its concerns; and seem to suppose and to admit, that some distress must be occasioned by it. From this opinion I entirely dissent; if by a preparation to wind up its affairs, is meant any thing more than that of bringing its long loans into paper of the usual business term, and disposing of its real estate not needed, and bringing its whole property into common business paper. So much, in my judgment, should it do; nothing more.

The bank charter expires on the 3d day of March, 1836, but it exists for two years longer, or till the 3d of March, 1838, for the "liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed." If it proceeds to collect in its debts, it must loan again, or permit the amount thus collected to remain unemployed in its vaults. It cannot divide its capital amongst its stockholders, until its charter for business expires. It would be doing injustice to the stockholders to collect the capital and permit it to remain unemployed in its vaults till 1836, because they would lose the interest on the whole sum thus

unemployed. And it would be extremely oppressive and ruinous to the community to collect in the capital and lock it up from the stockholders and withdraw it from the active capital of the country. To do this is, for the time that it is locked up, the same in effect upon the business of the country as to destroy so many millions of its active capital. And when I hear it said that it will do this, I regard it as evidence, if it does do it, that its deliberate purpose is to distress the community and depress and injure its business, for the purpose of compelling the people to consent to yield to its power and give it a new charter. But why will not the same effect be necessarily produced if it delays the collection of its debts and the calling in of its capital till after 1836? It must then, it may be said, during two years, call in its capital, and it will be only putting off the evil day. But a moment's reflection is required to show that no injury, no distress need be produced in collecting all its capital in two years after 1836. And the reason is, that after 1836 it may distribute and pay out its capital to the stockholders as fast as it is collected. There will be then no occasion for locking up any portion of its capital—certainly only for a few days—only long enough after a portion is received, to give notice and to distribute it. It is perfectly well understood, that any amount of money may change hands in a country, and occasion no distress, no derangement of business; while a comparatively small amount withdrawn from employment, will have that effect. The reasons are so plain to every reflecting mind, that it is not necessary to enter upon their discussion. To collect the capital of the bank after 1836, and pay it over to the stockholders, is only to cause so many millions to change hands. The person or corporation which employs it is changed; but the money in the hands of the stockholders is employed or loaned, and does the same office which it did when the bank employed or loaned it.

All this is most familiarly known to those who manage the bank; and if they do at any time cause the capital or any part of it to be locked up and remain withdrawn from the stockholders and from business, it can be only from a wanton purpose of mischief. Let the people then keep in mind, that the coming distress which is threatened from this process, if it does come, is brought upon them designedly and unnecessarily, to compel them to obedience to the bank.

When complaint is made that the bank violates its trust, and refuses to disclose any of its proceedings, and refuses to be examined, it is asked, why a *scire facias* is not issued? Why do you not bring the bank into the court, and try out the question before a jury, whether it has violated its charter?

The answer is quite plain and easy. The reason is, that such a course will be productive of no practical good. A violation of the charter may take place without any fault, but that of negligence on the part of the bank. So the greatest mischiefs and abuses may exist, and yet there may be no technical and legal violation of the charter. If the charter were to be declared forfeited, it could not possibly be so determined, but a few months before it expires by law. And whether it has, or has not, violated the charter, does not afford us any light to legislate wisely for the benefit of the country. The question for us to consider, as legislators, is not whether there has been a technical violation of charter, but whether the bank has been an instrument of good or of evil to the country. We wish to be informed whether it has expended its money to corrupt the press; whether it has designedly deranged the business concerns, and brought distress and ruin upon us; whether it acts as a regulator or disturber of the exchanges, and of the loans, and circulations of the country; and whether it is now engaged in the same course in secret, and may be expected to continue it. None of these matters will be ascertained by a decision that the charter is, or is not violated, and it is therefore of comparatively little importance, and ought not to change any man's opinion as respects the mischiefs charged upon it.

To restore the public money to the bank, as the resolution proposes, unless the bank is to be re-chartered, would be without any object of practical good; and it must therefore be regarded as a declaration, that it ought to be re-chartered, and that it is expedient to do this; while the bank maintains a perfect secrecy over all its important proceedings; while it shuns the light, and keeps itself dark, and thus exhibits the usual evidences of guilt.

To legislate thus is, in my judgment, to declare that an institution which has power to destroy the State banks; to derange the business concerns of the country; to bring ruin and distress upon the people; to cause all their property and earnings to be held in uncertainty and insecurity, if held at all, should be continued, without any restraint being imposed upon it by law to prevent these evils. And it is to do this, after we have seen the danger, and experienced in our deep distress its mischievous power. To the people must be submitted the question, whether the bank shall shield itself in darkness, and put at defiance the legislative power of the people, and yet, by its oppressions, cause them to yield to its purposes, and thus enable it to rule the nation. To their decision, and theirs only, am I willing to submit this contest.

Mr. CLAY asked for the yeas and nays, which were ordered.

Mr. TIPTON, with permission, moved that the vote rejecting the bill for the relief of Mountjoy Baily, be reconsidered; and then laid the motion on the table.

Mr. FORSYTH (at half past five o'clock) moved that the Senate adjourn; but the motion was negatived, ayes 18, noes 23.

Some further remarks were made by Mr. BENTON and Mr. CLAYTON, when the question was taken on the amendment of Mr. BENTON, and decided as follows:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Linn, Morris, Robinson, Shepley, White, Wilkins, Wright.—14.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Leigh, Mangum, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Tyler, Waggaman, Webster.—31.

So the amendment was negatived.

Mr. BENTON moved to commit the resolutions to the Committee on Finance, with instructions to report an amendment, regulating the deposites of public money in the State banks.

On this amendment he asked the yeas and nays, which were ordered.

The question was then taken on the motion to amend, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Linn, Morris, Shepley, White, Wilkins, Wright.—13.

NAYS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Leigh, McKean, Mangum, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Tyler, Waggaman, Webster.—32.

Mr. FORSYTH then moved to divide the question on the resolutions, the two propositions being different in their character, so that a distinct vote might be taken on each.

This, Mr. CLAY assented to.

Mr. FORSYTH said, that as honorable gentlemen had expressed a great willingness that a *scire facias*, or other proceeding, should be instituted, with a view to inquire

into its proceedings, and to ascertain whether it had violated its charter, he would make a proposition, if he could obtain any encouragement from the opposite side, which should effect that object. He proposed to offer the following, as a substitute for the resolutions, to follow the word Resolved:

"That a *scire facias* be issued by the proper officer, to try immediately if the charter of the Bank of the United States has been forfeited:

"1st. Because the corporation has advanced money to a foreign Government, without being previously authorized to do so by act of Congress.

"2d. Because the whole power over the management of the institution has been placed, by resolution, in the hands of a few persons, and has not been exercised by the board of directors, as required by the charter.

"3d. Because the bank has failed to perform its duties under the pension laws, not having transmitted money placed in its possession to pay pensioners, when required by proper authority.

"4th. Because the corporation has refused, under various pretexts, to submit to an examination of its books and proceedings, by a committee of the House of Representatives of the United States, specially appointed for that purpose.

"5th. Because the money of the corporation had been loaned to individuals and expended in disseminating pamphlets and speeches throughout the United States, to influence popular elections, and to procure a renewal of its charter.

"6th and lastly, For any other causes operating as a forfeiture that can be established by evidence, in the belief of the district attorney of the United States whose duty it is to issue the said *scire facias*."

Mr. CLAY said, if the gentleman would bring forward a distinct proposition for issuing a *sire facias*, to try whether the bank has or has not violated its charter, he would give the gentleman a *carte blanche* to fill it up as he pleased. All he desired was to sustain the law and the constitution. But he could not take the resolution as a substitute for these resolutions.

Mr. WEBSTER signified his assent to this statement.

Mr. FORSYTH then made a few observations, explaining that he had not intended to press for a *scire facias*. He would not move it distinctly, but was willing to make it as a substitute. The issuing of a *scire facias* would be productive of much distress, and he desired to share the responsibility of the act with the gentlemen on the other side.

Mr. CLAYTON said, that whenever the gentleman from Georgia should present a distinct proposition for a *scire facias*, founded on the report of the committee of the House, he should have his vote. To send a *scire facias* not founded on the report of the committee, would lead to no result, as the court could not look at it.

Mr. FORSYTH admitted that the course indicated by the gentleman from Delaware was the regular one; but it was impracticable to have the previous report of a committee, when the bank would not permit any committee to examine the books. But would the gentleman agree to vote for this proposition as a substitute for the resolutions?

Mr. CLAYTON replied that there was a report of a committee, on which a *scire facias* might issue; or the President could of himself issue a *scire facias*.

Mr. FORSYTH admitted that the President had the right, but he could not advise the President on the subject, as he had no connexion with him.

Mr. CLAYTON then said, that if the gentleman would put his proposition in a form which would not interfere with these resolutions, and would take the whole responsibility, he should have his vote. But he must be understood as not giving, himself, any sanction that a *scire facias* could be issued, to cover any more ground than was embraced in the finding of a committee.

After a few words from Mr. FORSYTH in reply, both resolutions were ordered to be engrossed for a third reading.

The Senate then adjourned.

TUESDAY, JUNE 3.

HARRISBURG (PA.) MEMORIAL.

Mr. McKEAN said, a committee of thirty citizens, of the first respectability, from various sections of Pennsylvania, all of whom, he believed, were now in the lobby of the Senate, had honored him by putting into his charge a memorial to be presented to the Senate, signed by more than 200 delegates from the different counties of that State, who assembled at Harrisburg, the seat of Government, on the 27th ultimo, to consult as to the cause of public distress and mode of relief. And though, he said, a difference of political opinion, as well as on questions of abstract expediency, existed between a portion of the memorialists and himself, it was nevertheless his desire to represent them fairly; and it was no less his pride than his duty to say, that this convention comprised as much respectability, talent, and weight of public and private character, as any convention of men that had assembled any where within his knowledge, and whose experience entitled their opinions to the most respectful consideration.

He had been furnished with a statement showing the general, as well as political, complexion of the convention, and he took occasion to say, that the latter was corroborated by his own knowledge of the facts as stated. The whole number of delegates present was 209; of this number, 75 were original Jackson men, about 30 of whom supported General Jackson in 1832. Delegates were appointed from 48 counties, and delegates were in actual attendance from 44 counties, including the city of Philadelphia, accidents having prevented the attendance of the other four. He had been particularly instructed to say, that the entire proceedings had been distinguished for harmony, unanimity, and zeal, and the whole character of the convention furnished the strongest evidence of a great political change in Pennsylvania, and a growing opposition to the recent measures of the present administration of the General Government. The memorial was written with great force and ability, and condemns, *in toto*, the conduct of the Executive branch of the Government in reference to the bank; to which cause they ascribe all the present distress of the country, and ask Congress for relief.

Mr. McKEAN then presented the memorial, and moved that it be read, referred to the Committee on Finance, and printed, with the names.

The memorial having been read—

Mr. WEBSTER immediately rose, and addressed the Senate. Is this, sir, (said he,) the voice of Pennsylvania? That is a question of very great interest at the present moment. The whole country has a concern in it. Is this the voice of Pennsylvania? If this be her voice, then we may hope that the day of relief and of safety is approaching. If this be her voice, it is a voice of health, and of rescue. The work of relief will prosper, it will proceed, if her heart be in it, and her strong hand be put to it. Pennsylvania is one of those great central States, on whose determination, and on whose conduct, every thing in regard to the future condition of the country seems to hang. If this centre moves with intelligence, union, and patriotism, nothing can resist its force. For one, I believe that the sentiments expressed in this memorial are, to a very great extent, the sentiments of Pennsylvania. I believe this is her voice. The proofs, I think, are satisfactory. They come in numerous expressions of opinion,

in a thousand forms, from all parts of the State itself, and they may be gathered from the workings of public opinion, in other portions of the country. In this hall, and the other, I see evidence, if I mistake not, that those who know Pennsylvania best, believe her to entertain the opinions expressed in the paper which has now been read, and believe, also, that she will soon show herself in earnest in maintaining them. She has been an ardent friend and a steady supporter of the present Chief Magistrate. Among the very first to espouse his cause, from warm gratitude for his great services, a strong conviction of his honesty and patriotism, and a confiding trust in his ability to administer the Government, she has adhered faithfully to her attachment. Three times she has given him her vote for the Presidency, and she has not faltered in her support, heretofore, although there have been measures, touching her vital interests, in which nearly every one of her delegation here, and a vast majority of her own Legislature, have been constrained to differ from the President. She has seen and regretted what she thought errors; but she has remembered great services and great exploits, and has gone on with her characteristic steadiness. It is not wonderful that she should be slow and reluctant in withdrawing confidence where she had bestowed it in such bountiful measure. I would not suggest that, even now, Pennsylvania abates her personal kindness and regard for the Chief Magistrate who has been so often the man of her choice. No doubt she would desire to see him go through his career with success and honor; but I believe, sir, that her citizens perceive the true character and feel the disastrous effects of those measures which the administration has been recently led to adopt, and that they are convinced that it is their duty to oppose those measures, by every thing which belongs to their interest, and to their character, as Pennsylvanians. In all this, it is possible I may be deceived. The sentiment of Pennsylvania may be fixed the other way. My hopes, my earnest wishes, may mislead me; but I shall not give up these hopes while it is possible to retain them, because they are intimately connected with all the expectation which I cherish for a return of the prosperity of the country.

Mr. President, the immediate difficulty in our condition is to convince the friends of the administration here, and the President himself, that the country is either dissatisfied or distressed. The pertinacity with which men here cling to this "experiment," exceeds all former experience. They can see no proof of distress, they can hear no sounds of just complaint. All the excitement which exists in the country, they insist upon it, is produced by the bank, by panic-makers, by party politicians. All the memorials come, they say, from the President's enemies. If we stand up here to present the petitions of the people, and to press them on the attention of the Senate, we are called panic-makers! If we speak of the multitudes who flock together, at public meetings, to memorialize Congress, we are told they are all bank agents. Farmers, mechanics, laborers, traders, manufacturers, and merchants, come here, by hundreds of thousands, but we are told they are all but a few noisy political partisans. Sir, an end to this delusion must some time come. It cannot last forever; and, if any thing short of an overwhelming defeat at the ballot-boxes will ever convince the supporters of the present measures that the people are against them, they might be, in some degree, satisfied by the character of this convention at Harrisburg, the circumstances attending it, and the result of its proceedings. It was a convention consisting of two hundred and fifty delegates, coming from forty-four counties, out of fifty-two, which the State contains. These delegates assembled, sir, from places some of them three hundred miles apart, at a very busy season of the year, in obedience to the will of their constituents, for the purpose of consulting on the present state of things, and uniting to pray relief from Congress. I have the honor of knowing several of these gentlemen personally, and many others by reputation. The convention was not composed altogether of delegates from any one political party. Various parties, various descriptions of polical men, united in its proceedings.

It is known that there exists in Pennsylvania a large, active, and zealous anti-masonic party; and I see, among the members of the meeting, many distinguished names belonging to that party. These gentlemen came to the convention, not to lose their own distinct character, not to give up their own principles of association, but to signify that, in this crisis, and on the great questions which now agitate the whole country, they think as others think, and as Americans ought to think, and that they hold fast to the constitution and laws.

Sir, I am happy to say that I know no party or body of citizens in the country, whose principles and opinions, on all its leading interests, are more thoroughly sound and patriotic than those of the anti-masons of Pennsylvania. I know no gentlemen more worthy of trust, in every respect, than those who are placed in the public councils here by their influence and their votes. It is true that the party has a distinct object of its own, which it keeps constantly in sight, and which it pursues with steadiness and zeal; but it is equally true, that it shows itself, always, unwavering and steadfast in its attachment to the constitution, in its maintenance of the authority of law, in its love of liberty, and in its support of the great interests and true policy of the country.

The whigs, sir, were also represented in this convention, and it will be seen, by its proceedings, that they have avowed sentiments and principles worthy of their name. Nor are these all. It appears, also, from the memorial itself, that nearly one-third of the whole convention was composed of friends and supporters of the present Executive. Seventy-five Jackson men, as they have been called, are on the roll of members. Will not this striking fact produce its effect on gentlemen here? Will it not cause them to open their eyes to the progress of opinion, and their minds to the force of truth? You will observe, sir, that this convention did not call itself a whig convention, a national republican convention, nor an anti-masonic convention; but it called itself a "convention of delegates from the citizens of Pennsylvania opposed to Executive usurpation and abuse." It adopted a name, or used a description, broad enough to comprehend all those who, however they might differ in other things, united in the objects of this meeting. Now, sir, how is it possible, that so numerous and respectable a convention, thus composed of gentlemen belonging to distinct parties, and to different political associations, could be brought together, and be found adopting this memorial, with entire unanimity, if there were not some strong conviction, common to all; some general and concurring sense of public distress, and public danger?

Sir, they have acted wisely and patriotically; they have remembered that they have a common country, a common liberty, and, in times of danger, a common duty. They have felt that, whatever else they may be, they are yet all Americans, all Pennsylvanians, all lovers of liberty and the constitution. The administration is deceived, therefore, sir, the President himself is deceived, greatly, if he supposes this convention to have been assembled by the agency of the bank, by any mere party operation, or by any desire to create panic. Let us look to individuals, let us see who composed the convention, that we may judge the better of the weight due both to its declarations and its opinions.

I perceive, sir, that there was placed in its chair, a Washington county farmer, Joseph Lawrence; a man, sir, well known in this Capitol; a man of the simplest republican habits, and the sternest republican virtues; a

man who has served his fellow-citizens in distinguished public stations with much credit, and has gone back to the cultivation of his own farm with real Roman simplicity. Sir, all the banks in the world, and all the panic-makers and political partisans in the world, could not bring him over the Alleghany to Harrisburg, there to put his name to a paper containing these sentiments and these statements, unless he fully believed them all to be true.

In the preliminary arrangements of the meeting, and also in its subsequent proceedings, I observe that General Frick, of Northumberland, acted a conspicuous part. If I have been rightly informed, this gentleman has been a distinguished friend of the present Chief Magistrate, and has supported him and his measures, with ability, both in and out of the Legislature of Pennsylvania. Is it panic, is it party spleen, is it ill-will to the President, which brought this highly respectable gentleman, and others like him, to the convention? Certainly it is not. Nobody can believe it is. They were brought thither, and could only be brought thither, by that sense of duty which is stronger than personal preference; by that true love of country which places principles above men. Would they not stand by the President if they could? Popular as he still is, powerful as he is, would they not go on in their support of his measures, if insurmountable obstacles were not in the way?

There is another circumstance, sir, in the character of this convention, worthy of especial notice. Among its members were several who belong to that highly respectable portion of our fellow-citizens, the society of Friends. With one of them, a member of the committee who brings this memorial to Congress, a most worthy and respectable gentleman, I have the pleasure of some personal acquaintance. He is advancing far into age, and yet, sir, he never attended a political meeting in his whole life, until he went, with others of his society, last week, to Harrisburg! When, sir, were the society of Friends found to be political agitators, ambitious partisans, or panic-makers? When have they disturbed the community with false cries of public danger, or joined in any clamor against just and wise and constitutional government? Sir, if there be any political fault fairly imputable to the Friends, I think it is rather, if they will allow me to say so, that they are sometimes a little too indifferent about the exercise of their political rights; a little too ready to leave all matters respecting government in the hands of others. Not ambitious, usually, of honor or office, but peaceable and industrious, they desire only the safety of liberty, civil and religious, the security of property, and the protection of honest labor. All they ask of Government is, that it be wisely and safely administered. They are not desirous to interfere in its administration. Yet, sir, a crisis can move them; and they think a crisis now exists. They bow down to nothing human which raises its head higher than the constitution, or above the laws.

Such, sir, is the character, the composition, of this convention. I beseech gentlemen not to deceive either themselves or others, by referring all its proceedings to party influence and bank influence. Depend on it, sir, it had its origin, and owes its character, to a deep feeling of dissatisfaction with measures of Government, a conviction of much public distress, and an honest alarm at Executive claims of power. And depend on it, sir, if these and other admonitions are not taken in time, if nothing be done to quiet apprehension, and to relieve the country, the sentiments of this convention will become, and must become, more and more general among the people.

This memorial, Mr. President, declares, that the cherished policy of Pennsylvania, consisting of an encouragement of her manufactures, has become impracticable and delusive; that numerous establishments are closed, and others crippled; that the loss of property has been afflicting, and that the suspension of business deprives labor of wages, and of bread. Is this true? Is this representation fact or fiction? Have two hundred and fifty gentlemen been sent to Harrisburg, by their friends and neighbors, that they may raise a false cry, put statements upon paper which are not true, and send thirty of their own number to Washington, to impose on Congress with a pretended but false story of distress?

The memorial speaks of Pittsburg. It is now within a few days of twelve months since, for the first time, I visited that city, so interesting by its position, by its rapid growth, by the character of its inhabitants, and by the history of early occurrences in its neighborhood. It was then all animation, activity, and cheerfulness. If the smoke of numerous manufactories and work-shops somewhat darkened the air and obscured the view of the charming scenery around, it gave evidence, still, that occupations were prosperous, and that labor was well paid, and happy in its daily toil. Of thirty thousand inhabitants, it is said two-thirds of them owe their means of livelihood to manufactures; and it may be asked, with emphasis, and with alarm, unless activity be restored again to the loom and the forge, what is to become of this mass of human strength and industry, thus thrown out of employment? The memorial goes on to say, that the great staples of the State are without a market; that many of its mines are, more or less, abandoned; that the manufactures of iron and cotton have fallen off one-third; and the products of the field sell only at reduced prices, when they sell at all. "Turn where we will," say the memorialists, "your memorialists perceive one universal scene of present or impending ruin, depressing the energies and darkening the prospects of the citizen."

Now, sir, if these statements, put deliberately on paper by this convention, and brought hither by its committee, will not convince the administration and its friends of the fact of dissatisfaction and distress among the people, all effort to produce conviction must fail. We are, indeed, I fear, attempting a hopeless task. All fact and all reasoning seem to fall powerless on the unimpressible, impenetrable surface of party opinion. Every blow, however often repeated, rebounds from it as from the face of an anvil. Men have become so committed, they have so far stepped in already, all their hopes are so entirely pledged and staked on the success of this grand "experiment," that any change of purpose appears to be out of the question.

I can only repeat, therefore, sir, what I have so often said, that I entertain faint hopes of relief, till public opinion shall produce it, by some change of public agents. The authors of this experiment have made up their minds to share its fate, to float with it, if they can keep it above water, and to sink with it, if it must go down. They still cry out that all is well, all is safe, all is prosperous, all is glorious; and argument, experience, the importunity, even the supplications of the people, have no more influence than the idle wind.

Sir, I am happy to believe, as I do believe, that the citizens of the great State of Pennsylvania are awaking to a just sense of the condition of the country. Since all our fortunes are so much connected with her own; since all that she does, and all that she omits to do, may affect the happiness of every man, not only within her own limits, but in all the other States; it is natural that the whole country should regard her with interest. I doubt not, sir, she will examine the conduct of Government, and take counsel with her own thoughts, about the security of the constitution, and the preservation of the authority of the laws. I doubt not that she will well consider the present, and look to the future; and if she finds all well, and all safe, if she feels no evil, and perceives no danger, she will

repose in her accustomed tranquillity. But if she feels that evil, and great evil does exist, and if she sees that danger is before the country, it is not to be doubted that she will bring to the crisis her intelligence, her patriotism, and her power.

In acquiring the liberty which we enjoy, she had her full share, both of the sacrifice and the glory; and she knows that that rich possession is holden only on the condition of watchfulness and vigilance—God grants liberty only to those who love it, and are always ready to guard and defend it. In establishing our admirable constitution she bore a leading part, and contributed, to the councils which framed it, the wisdom of Franklin, and Morris, and Wilson. None can have a deeper stake in the preservation of this constitution than the citizens of Pennsylvania, and I verily believe that none are more truly attached to its true principles. It is natural, therefore, that those who think that high principles, or great interests, are in danger, should look to her for succor.

If, as this memorial alleges, the manufacturing industry is depressed and suffering, if it be discouraged, crippled, and threatened with ruin, who shall save it, if Pennsylvania shall not aid in its rescue? Where will it find support, if she abandon it? We have followed her lead, in fostering manufactures, and sustaining domestic industry, believing this to be a part of her settled policy, interwoven with her system, and that her purposes in regard to it were fixed and settled. I still think so; and, therefore, I cannot readily believe that she will approve measures which undo all that has been done, or counteract its good effect.

Above all, sir, I cannot believe that the political doctrines of the times can stand a chance for adoption in Pennsylvania. I cannot believe that men who have been educated in that school which has been called emphatically the democratic school, and who hold their political opinions in common with McKean, and Snyder, and William Findlay, will have a relish for the sentiments of the protest. When they are asked who ought to hold the public purse, I think they will not agree with the protest in their answer. Nor has it ever been taught for doctrine, in the school of which they are disciples, that the Executive power is the natural guardian of liberty, and that it is not for the representatives of the people, or the representatives of the States, to question its acts, or to proclaim its encroachments. Sir, Pennsylvania is deeply interested in that in which we are all interested, the welfare of the whole; and if she be true to herself, as I trust she will be, she cannot be false to the country.

Mr. President, we are approaching to the end of a long session, and we are likely to leave off where we began. We have done nothing, and I fear shall do nothing, for the relief of the people. The Government has nothing to propose which even its own friends will support. On what does it rely? A proposition is before the other House, which has been represented as the only scheme of the administration. It is a law for keeping the public treasures in the State banks. It was offered here, the other day, as you remember, sir, by way of amendment to a bill, and was rejected by more than two-thirds. It is put to rest here, nor is its sleep elsewhere likely to be disturbed.

The administration will not consent that the deposites be restored; it will not consent to give the present bank time to collect its debts and wind up its affairs, without distressing the people; it will not consent to prolong its existence a single day; it will not consent to any new bank; it will not suffer the public money to depart, in any way, from Executive control. It sees employment cut off, but it does nothing to restore it; it sees confidence destroyed, but it does nothing to revive it; it sees the revenue diminished, and dwindling, but it does nothing to improve it. And yet it would appear, that the administration is now desirous that Congress should adjourn and go home. For one, sir, I feel that Congress has not done its duty; it has not fulfilled the objects of the session; it has done nothing to relieve the country.

The responsibility, sir, must rest where it ought to rest: and we must prepare ourselves, as best we may, to account to the people for the disappointment of their just hopes, and the disastrous consequences of rash, unlawful, ill-advised measures of Government.

Mr. President, I hardly intended, when I rose, to occupy more than a moment of the time of the Senate. I know how many important subjects are upon the table. But this one subject—the general condition of the country—is so superior to all, it is of such overwhelming importance, that every thing else necessarily gives way to it. It has been so through the session; it will be so next session; and it will continue to be so, till the constitution shall be vindicated, the violated law redressed, the public treasures restored to their proper custody, and general confidence re-established. How soon this may be done, it remains with the people themselves to decide; but until it is done, and all done, we shall look in vain, either for an end to distraction in the public councils, or an end to embarrassment and suffering among the people.

Mr. FORSYTH said, he had no doubt that the distress of which the honorable Senator from Massachusetts had spoken, and which had produced this memorial from Harrisburg, would continue until the remedy which the gentleman had suggested was carried into effect—that was, until the agents of the people were changed. The honorable Senator had referred to this document as evidence to satisfy Congress, to whom it was addressed, that it spoke the sentiments of the great State of Pennsylvania. How, he (Mr. F.) would ask, did it differ—and he asked the honorable member with perfect frankness—from the memorial which had been presented to the Senate yesterday, and then laid upon the table? Did the gentleman admit that to be a true statement of the sentiments of the people of New Jersey? It was presented here as coming from all the people of New Jersey, of a particular party, assembled in convention. Well, how was it with the memorial now before the Senate? The memorialists said that, "in assembling together and adopting the present measures, they are obeying the instructions and uttering the voice of their suffering fellow-citizens of every section of this wide-spread commonwealth. Out of twenty-six congressional districts, twenty-five are represented in the convention."

Now, the impression intended to be made in Congress was, that the whole people of Pennsylvania, or of twenty-five congressional districts, had appointed delegates to take into consideration the present condition of the State. He would not say, because the statement was erroneous, that the authors of it intended to make a false impression. He would not impute any such motive to them. From the statement of the memorialists, one would be led to suppose, that they professed to represent the voice of Pennsylvania, not only of that portion of the people who believed that the President had usurped power, but also of those who entertained no such idea, and that they were all suffering from the recent act of the Executive.

As a memorial representing the voice of Pennsylvania, it was worth nothing. It was, however, worth as much as any other coming from 218 individuals, united together to produce a great party effect in and out of the State, and not a whit more. It was worth nothing more, except so far as the facts which it contained were true, and the deductions from the reasons were logical and just. He begged to call the attention of the gentleman to some facts, connected with the President's conduct, and which were set forth in this memorial:

"As other memorialists have been denied access to the Executive, we cannot hope for succor from the quarter

where we should otherwise most naturally have looked for it, to which we have undoubtedly ascribed the sufferings of our constituents. We, therefore, make our appeal directly to the Legislature."

"As other memorialists have been denied access to the President!" When, where, how? He had yet to learn that any body of citizens of the United States had ever united and sent a memorial to the President on the subject of their distresses, who had not been treated with proper respect. He knew well that individuals had been appointed in different portions of the country, beginning with the city of Philadelphia, to come here as a committee to present memorials to Congress; that these delegates, whose duty to their constituents was to present them to it alone, called on the President, not by the authority of those who sent them to Washington, but of their own good will and pleasure. They had a conversation with the Chief Magistrate, and he treated them with courtesy and respect; and they went back and mis-reported what he had said. That committee was followed up by another from some other place, who chose to act in like manner.

Now, with regard to the first memorial from Philadelphia, the committee by whom it was sent to this city, on their return, stated that they had performed their duty—had had a conversation with certain members of Congress, and that out of their respect for the President they called upon him to state what they knew about the distress of their constituents. Now, that was done without any authority from their constituents; it was a mere volunteer duty. Well, in those conversations, what occurred? Why, in the representations that were given of them, the Chief Magistrate was unjustly dealt by; many things having been asserted which were untrue; but, whether owing to misapprehension, or some other cause, injustice was done him. It was not his (Mr. F.'s) intention to enter into an examination as to the truth or falsehood of the assertions; but it was sufficient for him to state, that the representations were declared incorrect by the President. And what did the Chief Magistrate do? When other committees applied to him, what was his answer? He said, "Gentlemen, I cannot receive you as a committee; I have received several gentlemen in that character, and they have returned home and misrepresented what has taken place here. I will receive you with pleasure as individuals, but as a committee I cannot. If you have any thing to say on the part of those you represent, or for yourselves, let me have it in writing, and I will answer you in the same way." And this (said Mr. F.) is the vindication of the charge made against the Executive, by gentlemen, whose characters have been eulogized, and justly so, by the gentleman from Massachusetts. They had insinuated, from the past conduct of the President towards those who wished to have conversations with him, that he refused to receive memorials from his fellow-citizens, complaining of the public distress. Now, that was not the fact.

Suppose those thirty gentlemen, who had come here to represent the convention, were to apply to be heard at the bar of either House of Congress, in person, to detail the distress or suffering under which the people labor, and to give their views of the constitution and laws of the United States. They would be refused. The answer would be, "Our doors are open to you, but what you have got to say, let us have in writing." And, if they were to go back to the city of Harrisburg, and tell those whom they represented, that the Senate and the House of Representatives had refused to hear their representations of the distress existing, and of their views concerning the constitution and laws, would there be a man in this community who would not feel shocked at the injustice done the National Legislature? and at their audacity in returning to their constituents with such a statement? Now, if honorable Senators put the Chief Magistrate in the same situation, as he (Mr. F.) had supposed Congress to be in, there would then be made out a case exactly identical with that which he had been endeavoring to illustrate in regard to the President. The Executive, in the course which he had chosen to adopt, was actuated by just motives. He did not wish the public to be deceived as to his opinions.

Now, the object of these individuals, like all others who were representing the state of public affairs, was to have the distress removed, and a change effected in the public councils. Now, these movements were perfectly well understood; and it remained to be seen whether the same means which had been heretofore resorted to for like purposes, would effect the object in view. He trusted in God that Pennsylvania would repudiate any such attempts. He was sure the people would do what they thought right, and be guided by their own wisdom and councils, and for their own best interests. Should he anticipate what that would be? He could not. He thought he saw a light ahead, and that no change would take place; but if there were any, it would be favorable to those with whom he (Mr. F.) was united in the present condition of public affairs, and in favor of those now administering the Government.

Now, with respect to the Bank of the United States, he thought he saw in Pennsylvania indications that were not to be mistaken. In both branches of the Legislature of that State, the bank had been most popular, but now there was but one opinion entertained in regard to the re-charter of the institution, and that was against it. Indications of hostility towards it were visible in all parts of the State; and he could not perceive that the recent history of the bank, or of the Government and the bank, would either arrest or alter the change which has taken place. The people of Pennsylvania were unfavorable to the institution; and he could not think that it had become more popular by braving the representatives of the people, and resorting to the hollow pretexts which it had during the last twelve months. He could not believe that the bank would be justified or sustained by the people, when she set up pretensions at variance with all her past conduct, and asserted doctrines which were repudiated by those who had heretofore supported her. Now, he really could not suppose that the people of Pennsylvania, or any other portion of the United States, were so blind as not to perceive the great motives which, at this time, governed the action of the bank in the stand which it had taken against Congress. Its conduct had been sufficiently glaring to open the eyes of those in both Houses of Congress who had heretofore supported her. What a strange spectacle was now exhibited. What a change had taken place in all parts of the Union in regard to it. Some years ago it was thought that the Government had complete control over it—that the power of the Secretary of the Treasury was sufficient to correct any abuse—that the power of the President was ample enough to detect every criminality—and that the power of each House of Congress was sufficient to control or check any abuse of its power, whether of a political character or otherwise. But how stood the matter now? What power, heretofore claimed by the Government, or the separate branches of it, to speak more accurately, is retained, which is not now denied by the bank and its defenders?

In connexion with this subject, he begged to call the attention of the Senate to a very singular inconsistency in the proceedings of the board of directors.

In a recent attempt that had been made to examine the books and proceedings of the bank, for certain purposes indicated, the bank refused that investigation, upon two grounds. The grounds taken are, that no committee of either House of Congress has a right to examine the pro-

ceedings of the institution, except with a view to issue a *scire facias;* and, as a preliminary, that the bank has a right to demand a specification of the precise charges of violation so supposed to have taken place. In other words, the Senate or the House of Representatives must go with an indictment in their hands, before they will be allowed to ascertain the evidence on the different counts. A long and labored argument has been made by a portion of the committee who went to make the examination, in defence of the right of the bank. This defence asserts, that, of the resolutions under which they acted for the purpose of investigating the affairs of the bank, one was general in its character, the other particular, and confined to a violation of its duties. They assume that the bank had a right to refuse to show any of its proceedings, when the question is of a general nature, and assert that the charges must be specified. And yet, but a few days before, the following views were held by a portion of the committee:

"Whereas, this committee is now organized, and the directors of the bank have made known that they are prepared to submit their books for inspection—

"1. *Resolved*, That the committee take into consideration the several subjects referred to them, and that they proceed to inspect the books and examine the proceedings of the bank, as authorized by the charter, touching the matters referred to them, and in the order in which they are arranged by the House of Representatives, viz.

"1. The cause of the commercial embarrassment and distress complained of by numerous citizens of the United States, in sundry memorials which have been presented to Congress at the present session.

"2. Whether the charter of the bank has been violated.

"3. What corruptions and abuses have existed in its management; whether it has used its corporate powers or money to control the press, interfere in politics, or influence elections, and whether it has had any agency, through its management or money, in producing the existing pressure.

"2. *Resolved*, That in all examinations of witnesses, relative to charges of corruption, malpractice, or mismanagement, against the directors of the bank, the said directors be permitted to be present, and cross-examine the witnesses, by themselves, or those whom they may depute to represent them.

"To these resolutions, the following were offered as an amendment by Mr. Ellsworth, and accepted by Mr. Everett:

"*Resolved*, That the committee on behalf of the directors of the bank, be directed to submit to our inspection, at their banking-house, the books and papers of the institution, as they shall be respectively called for.

"*Resolved*, That, in taking testimony, the committee will proceed according to those general rules of evidence which are adopted in courts of judicial inquiry.

"The question being taken on Mr. Everett's substitute, with the amendment, those who voted in the affirmative were, Mr. Everett, Mr. Ellsworth; in the negative, Mr. Thomas, Mr. Mason, Mr. Muhlenberg, Mr. Mann, Mr. Lytle."

This was a proposition held by two individuals of the committee who afterwards agreed to the unjust pretensions of the bank, viz. that it was not bound to produce its books for examination, unless that examination was to be the foundation for a *scire facias*. And, under what circumstances was this change made? The charter of the bank contains a provision, that its books shall be, at all times, subject to an examination by a committee of Congress, and the committee went to Philadelphia with the most perfect expectation that the books would be submitted to them. But this bank assumed a position calling in question the honor of the House of Representatives, and of every member of the committee. They assumed that there was danger in submitting their books to this committee, because they were composed of a particular political party. He asked the Senator from Massachusetts if he believed that the people of Philadelphia, or New York, or of any corner of the Union, were so blind as not to understand the true reasons why the bank refused to permit this investigation? If they were so, they were much more so than they had proved themselves to be on ordinary occasions.

Mr. WEBSTER said, he did not perceive the particular applicability of the honorable member's remarks. He certainly should not suffer himself to be drawn into the discussion of matters pending between the bank and the House of Representatives. That was a subject not properly before the Senate, and he did not mean, therefore, to go into it. It was enough for him to say that the laws were open; that the case was made; and that, if it was the pleasure of the President to issue a *scire facias* against the bank, he could do so whenever he pleased. Why did he not do it? Why did not the gentleman from Georgia advise him to do it? The honorable gentleman from Georgia has given no such advice; he produced no such proposition yesterday; but, if he chose, and whenever he chose, he should have his (Mr. W.'s) vote for a *scire facias* immediately. Then what was the use of this tirade to-day—this incessant play of artillery against the bank? Gentlemen will not try the question in the forms of law, and yet they are continually charging the bank with violations of its charter. Mr. W. said he forbore any argument on the question between the House of Representatives and the bank, because it was a question not before the Senate. As to the argument of the gentleman, that the great contest is on the question of bank or no bank, Mr. W. said, this is the Alpha and Omega, the first and the last, the beginning and the end, of the whole argument of gentlemen on the other side. The question may turn on the subject of the bank, as it might turn on any other. But Mr. W. would not agree that the bank was a party to the great question now at issue. There were no parties to it but the people and their servants, and to the people he referred it. To them he left the proof of the proposition which he maintained, that the people are competent to self-government.

Mr. FORSYTH replied, that he had only to repeat what he had said yesterday, that he was not an adviser of the President of the United States. He would do his duty according to his opinions of what was right and proper. As to himself, Mr. F. said, he was not favorable to the issuing of a *scire facias*, because it would but aggravate the public distress. The bank would expire in twenty months, and all knew its power to protract a decision of the question until that period. The honorable gentleman from Massachusetts gave him great credit for foresight and political sagacity, and he was sorry he could not return the compliment to the honorable gentleman. He was a gentleman of very extended views, but heretofore he had been exceedingly unsuccessful in his predictions, at least since he (Mr. F.) had known him. Let us appeal to time, then, and rest confidently on the sagacity of those we appeal to. The honorable gentleman had said that the bank was complained of as a monster, that it was the constant theme of remark. Well, the memorial from the Pennsylvania convention concluded by praying relief by a restoration of the deposites to—the bank. They ask a re-charter of—the bank. And they prayed Congress to adopt measures to curb the Executive in his hostility to—what?—the bank. The bank, the bank, was the beginning and the end of the theme. But for the popularity and influence of the bank in Philadelphia, we never should have heard of this convention. The bank

was not a party to it—but did not every body know that it was a powerful party in the country? Did we not know that every body in the country who were enlisted on that side, were assailing the Executive for daring to touch its immaculate deposites? Honorable gentlemen might struggle to avoid it as a party, but they must adhere to it as a party, and rise or fall by it. And who were the master spirits who had managed this great concern? The managers of the bank, among whom was the distinguished gentleman whose name stands at the head of this committee, and who had always pursued the most incessant, he might say vindictive, hostility towards the Executive of the United States; an individual who was a candidate for the second office in the gift of the people, and in whose favor the bank had poured out its treasure in full stream.

Mr. CLAY said, the honorable Senator from Georgia [Mr. FORSYTH] had told them that he was no adviser of the President; he (Mr. C.) thought the honorable Senator was, at all events, a very prompt and ready defender of every Executive measure, and ought not to renounce his duty upon the present occasion, when the President's conduct, in neglecting to issue a *scire facias* against the bank, was called in question. The honorable Senator had also told the Senate that he was opposed to an inquiry into the conduct of the bank, by means of a *scire facias*, because of the delay and distress that might ensue from such a mode of procedure. What was the course of the honorable Senator yesterday? Why, when a proposition was before the Senate to repair the breach which had been made in the law, and to drag from the grasp of the Executive the deposites of the public money which he had seized and retained, in violation of the constitution, he (the honorable Senator from Georgia) proposed to offer as a substitute, a resolution for a *scire facias*. Suppose the honorable Senator's proposition had been adopted, would not the distress which he now spoke of as an excuse for opposing a *scire facias*, have then ensued? Certainly it would. But this contradictory conduct was nothing extraordinary. Any thing, any thing you please, only let us continue to hold fast the public treasure, was the feeling of gentlemen. But this was nothing new. History and experience instructed us but too afflictingly, that this was the usual course of supreme power. Some state necessity, real or imaginary—some conspiracy—some anonymous letters—some odious institution or corporation, was marked out to inflame the minds of the people—whilst power, silently, secretly, and securely, grasped unlimited authority. Bank or no bank! said Mr. C. Have we not told the honorable Senator from Georgia, over and over again, that the question is not bank or no bank, but constitution or no constitution. But the honorable Senator has said, that our object is to procure a change of agents. Yes! it is so. But what is the question on the other side—with the party to which the honorable Senator belongs, and with the heads of that party? Power, place, the glitter of office, high honors and rewards—do these considerations never enter into the contemplation of the pure patriots on the opposite side? Is it not their object to hold on to the public money, and to get as much more of it as they can? We do struggle for a change—not of men, but of principles. We desire agents who will listen to the recital of the distresses of their fellow-citizens, and endeavor to relieve them. Mr. C., in continuation, recommended gentlemen to take warning as to the state of public feeling, from the opposite and mixed character of the people who united in sending memorials to Congress. When Napoleon struck at the liberties of Europe, all the nations of Europe combined to put him down; and if the honorable Senator from Georgia now saw a similar combination—saw masons and anti-masons—persons of the most opposite character, uniting in these memorials—what was the inference he ought to draw from such a state of things? Was it not an indication that some great and alarming danger menaced the liberties of the country, when men of this description forgot their feelings and ordinary habits, and came forward unanimously to defend the constitution and laws of their ancestors? He (Mr. C.) rejoiced to see this. Let the laws be restored, and then let those who have seen the distress produced by the late measures of Government, say who should be their future agents—to whom should hereafter be confided the destinies of this great country.

Mr. C. said he should not have risen had he not felt it his duty to vindicate the convention from whom this memorial came, and the committee who had brought it, from the remarks which had been made respecting them by the Senator from Georgia. Of the convention, he would say, from the knowledge he had of the members who composed it, that there had been no assembly in this country which contained more intelligence, purity, and patriotism. With respect to the committee, every individual member of it would vie with the honorable Senator from Georgia in all the qualities either of the head or heart, in all attainments whether of the tongue or pen. Their superiors were not to be found any where. But the honorable Senator from Georgia objected to the members of the convention, that they represented themselves as declaring the opinions of the whole people of Pennsylvania. Why, the very description and preamble of the meeting to which the Senator from Georgia had alluded, showed that they did not wish so to represent themselves. They stated that they represented only a portion of the people of Pennsylvania; that portion which was opposed to Executive usurpation.

Mr. FORSYTH said the honorable Senator from Kentucky was confounding the memorial with the description of the meeting at the head of the paper which he (Mr. F.) had read. This description had not been sent with the memorial: the latter only was before the Senate, and in that he conceived that the memorialists represented themselves as declaring the opinions of the whole people of Pennsylvania.

Mr. CLAY. Well, the heading or description was published in the same pamphlet with the memorial, and clearly proved that the memorialists only intended to represent themselves as the delegates of that portion of the inhabitants of the State of Pennsylvania who were opposed to the Executive measures. The present convention was also charged by the Senator from Georgia with having misrepresented the President, by saying that he (the President) had refused access to memorialists. Let the Senate look at the fact: a committee from the city of Baltimore had an interview with the President, and communicated the language which passed at that interview. Well, the President is said to have affirmed that those individuals misrepresented him. Now, allowing that the President had made this declaration, how did the matter stand, on the mere ground of evidence? Did not the Senator from Georgia manifest his eagerness to defend the President, by his total disregard of all the rules of evidence in this case? Admit that the President had said the Baltimore committee had misrepresented him, the evidence was in the proportion of thirty to one against him. But no denial of the statement of the committee had ever emanated directly and clearly from the President. All the information of this kind which the public possessed was obtained from a newspaper. The honorable Senator from Georgia would have to revert to the Globe; a journal of which he had not spoken in the kindest terms. But even admitting that the President had made the denial, what would be the result of any rule of evidence applied to the matter? The declaration of thirty respectable individuals stood on record in opposition to the President. Any man who would compare the statement of the Baltimore committee with the statements made by

other committees who had visited the President, would come from the investigation with the full conviction that the President had used the language which had been attributed to him. He (the President) was in such a rage, too, upon these occasions; talked so much about the "monster," "Spanish inquisitions," and the "deserts of Arabia;" had evinced such unbridled passion, that it was impossible he could correctly remember what had fallen from him. But was the President justified in refusing to receive all other committees because the Baltimore committee had offended him? One committee offended him, and he refuses to receive all others. Was this conduct defensible by any rule of justice? Because one person violates your confidence, are you to blame or mistrust the whole human race?

One committee, Mr. C. said, had misstated the President, according to the denial of the official gazette, and the President, therefore, said to all the committees, Because you have misstated me, if you have any thing to present, you must do it on paper. Mr. C. dared say, that the committees would not venture to present on paper any thing they might desire to say; it would place them in the predicament of the Commissioners at Ghent, whose communications on paper were first sent to London, to be examined, and they received no answer till they returned from London to Ghent. The object of the committees was personal intercourse with the President, and the committees might have been afraid of not obtaining, in fact, the views of the President, but those of a cabal.

According to all the laws of justice, the President should not thus have closed his doors, and denied free access, according to the practice even of monarchs. In one instance he had denied this privilege even to the officers of the corporation of one of our principal cities. When had his British majesty ever refused such an interview to the city of London? And why was it denied in this case? Because the Baltimore committee had misrepresented the language of the President, contrary to all usage and practice, he had denied the right of others to see the President. Mr. C. considered the case of the two branches of Congress, which the gentleman from Georgia had adduced, as not at all parallel. They were collective bodies; the President was not a plurality, and he had been in the practice of receiving the people in the east room, which Mr. C. had been told, though he had not seen it, was furnished and decorated in eastern splendor and magnificence. This was the house of the people, where they were to have free access and intercourse; and he thought the President's shutting the doors, and telling them, Gentlemen, if you have any thing to say, put it on paper, was in violation of the example and practice of every other President, who never would have denied admittance to a respectable committee, representing hundreds and thousands, who came to tell of the overthrow of their hopes and the derangement and ruin of their business by measures of Government. The committees, therefore, had a right to an interview, and Mr. C. saw with satisfaction that the committee from Philadelphia had scorned a condition, which would have been accepted by none but slaves, from a man whom they had elevated to the highest post, from which he, like an eastern monarch, prescribed the terms on which they were to approach him.

The honorable member from Georgia had followed the example of the President, (in regard to the proceedings of Legislatures and of the House!) he had ransacked the files of the House, and had brought forward a report which was not officially before the Senate; but, like the Senator from Massachusetts, Mr. C. would not now discuss this subject. The House, when investigating the affairs of the bank, might have done it by a joint resolution; but they had chosen their own manner, and, after it had been declared that all connexion between the Government and the bank was at an end, they wanted an investigation. For what? One had been made but twelve months before, by the House, and one by an agent of the President, and he had reported that all relations with the bank should cease. Yet the House had sent a committee to Philadelphia, who wanted the books of the bank brought to a tavern, and it was now recommended to the House to punish the recreants. If a majority of the Senate should carry a resolution to bring Nicholas Biddle and his assistants to their bar, to answer for their contumacy, Mr. C. would vote against the illegal proceeding, but, like Nicholas Biddle, he would sit in his seat and look on, "calm as a summer's morning," and see what the House would do with these gentlemen. All Mr. C. would now say, was, that this was an affair of the House of Representatives, and he hoped they would get out of it as well as they could.

Mr. C. had said again and again, and he would repeat, that the bank was nothing in comparison with the question pending in the resolutions on the table. The great object was, to restore the laws, to bring the constitution into force and operation; to give to the laws such vigor that they could not be obstructed by the Executive. But if the gentleman from Georgia desired it, Mr. C. would go in favor either of a committee of investigation or a *scire facias;* and if he was in favor of either one or the other, let it be carried, and let us hear no more about it.

It was true, Mr. C. said, that he thought a bank indispensable to the financial operations of the Government; and what was the crime in this? Out of the forty-five years during which the Government had been in operation, for forty years there had been a Bank of the United States; and for the five years during which it had not existed, there had been immense disorder and embarrassment in the pecuniary affairs of the country, and so it would have continued but for the agency of a bank. Out of forty who voted for the last war, twenty-eight voted for the bank; and as soon as the bank went fairly into operation, the pecuniary difficulties disappeared, and a sound and safe currency followed, such as had not been surpassed in any country on the globe.

Mr. C. and his friends went by experience; the gentlemen on the other side were for trying—it was impossible to say what; it was not a bank, but fifty banks, selected and set in operation at the very moment of the outcry that the bank was a monster. Mr. C. would not say what was the design of the President; it was sufficient for him to say what was the tendency and inevitable effect of his course. He had denounced the institution; had proclaimed to the people that it was dangerous to liberty; that it had corrupted and bribed its partisans. Were the two Houses of Congress in favor of a bank? then the two Houses were corrupt; the President had said that Congress was so corrupted, that he apprehended a majority of two-thirds would be against him, and recharter the bank. But now, when the House was opposed to a bank, they were a spotless representative body; they were against the bank, but the Senate was in favor; then they were corrupt. Yes, and every body that ventured to think with the long list of illustrious statesmen which this country had produced, that a bank was necessary, was paid by the bank. He hoped the people would see into it; and perceive that the question was a question of constitution or no constitution, of liberty or no liberty, of a well-balanced Government, or of the Executive engrossing the whole power of the Government.

Mr. BROWN said it was not without some surprise he had heard gentlemen who seemed to approve the course of the bank, assert their willingness for an investigation into its conduct. How little did this declaration, made at

this late period, comport with their acts in the early part of the present session. It would be remembered that the honorable Senator from Missouri [Mr. BENTON] had, at an early period of the present session, introduced a resolution in the Senate, proposing an examination into the conduct of the bank; but where then was the zeal of honorable gentlemen for an investigation? They had had an ample opportunity for its manifestation on that occasion; but the Journals of the Senate would show that the resolution to which he alluded did not meet even the usual treatment required by parliamentary courtesy. A motion for indefinite postponement was made against it, by a Senator in opposition, he believed on the day after its introduction, which was carried chiefly by the votes of those in opposition to the administration. Honorable Senators in opposition had, with an air of triumph, asked why a *scire facias* had not been resorted to against the bank; and had defied the friends of the administration to resort to a judicial inquiry into its acts.

Mr. B. said he thought it would be difficult to suggest any course which would receive the sanction of those who defended the bank. To elude inquiry, and to defeat investigation, seemed to be a primary object. The course of the bank most clearly indicated that no mode of investigation was acceptable to that institution. It had been objected by it, that the Executive had no right, through the Government directors, to obtain information of its situation. The cry of Executive tyranny had been raised on that occasion, and the Executive charged with having invaded the sanctity of private accounts. The House of Representatives had passed resolutions authorizing a committee of that body to investigate the condition and affairs of that institution. This mode of inquiry, the right to which is explicitly given in the charter, and which has, on two other occasions, been acquiesced in by the bank, without the slightest objection, so far as he was informed, had encountered obstacles from the president and directors, in the recent attempt to investigate its affairs, which went effectually to destroy the powers of Congress to examine into its acts, and was tantamount to a declaration of entire independence on that branch of the Government. Thus it was most apparent that no mode by which the bank is to be brought to justice will prove acceptable to its friends: and when it had been said that a *scire facias* was the proper remedy, he was forcibly reminded of the story of a criminal offender, who, when suffering the penalty of the law from the hands of the officer of justice, thought one blow too high and another too low. The report of the Government directors was thought to be an outrage by the friends of the bank. An examination into its affairs by the committee was suddenly discovered to be another great outrage; and now, a *scire facias* is said to be the only true and proper remedy. If, sir, said Mr. B., this course had been resorted to by the President, or by Congress, the same clamor about hostility against the bank, and an arbitrary invasion of its rights, would, no doubt, have been heard, which has almost deafened the ear of the public for the last six months. Mr. B. considered this as a mere subterfuge, which was intended to shelter the bank from the indignation of an insulted people.

Mr. B. said the honorable gentleman from Kentucky [Mr. CLAY] had alleged, in justification of the political alliance which was formed of such heterogeneous materials, against the administration, the example of the allied powers of Europe, who had united their arms, to effect the overthrow of Napoleon. It was true, said Mr. B., that the paper system of Great Britain had, no doubt, a powerful agency in conducting the allies to Paris; but he trusted that the unconquerable spirit of the freemen of this country would prevent the Bank of the United States from carrying the great political allies, now struggling for ascendency, in triumph to the American Capitol. The vigorous spirit of republican freemen was not so easy of conquest as the subjects of old and decayed monarchies. The power of the Holy Alliance in Europe had been constantly exerted to smother and crush the spirit of freemen. It was a name of evil omen, and should warn the people of the United States against alliances, either holy or unholy.

The honorable gentleman had censured, in most unmeasured terms, the President of the United States, for having declined any further interviews with committees. He believed that no Chief Magistrate in this country had been more accessible to his fellow-citizens, or had, in his personal intercourse, shown more courtesy and respect, than the present President of the United States. The resolution which he had formed, to receive communications from committees only in writing, no doubt grew out of the great injustice with which he had been treated in the reports of some of those committees. Mr. B. sincerely believed, that the conversations of the President had been greatly misrepresented in some of the instances to which he had alluded. In more tranquil times than the present, party prejudices were but too apt to influence the opinions and actions of men, and at this period of unprecedented party excitement, that individual would stand but little chance of having justice done him, whose opinions were promulgated to the world by political opponents, colored by all their party prejudices, and liable to all the distortions which enmity and bitterness so well understood the use of.

The memorial, said Mr. B., described the distress in the State of Pennsylvania as pervading every branch of industry, which was attributed to the removal of the public moneys from the Bank of the United States. He did not doubt that some of those who composed the committee charged by the convention with bringing hither the memorial, were distressed. That portion of them who were stockholders, as he was informed some of them were, felt, no doubt, a great repugnance to the discontinuance of an institution which had yielded them large profits, and by the re-charter of which their stock would have risen greatly in value. Avarice submits, most reluctantly, to the discontinuance of its accustomed profits, and to the extinction of its hopes for the enhanced value of its stocks. Ambition, on the other hand, surrenders with keen pain, and only when compelled, the great political lever which this powerful corporation furnishes. Mr. B. was not sufficiently informed of the present condition of the people of Pennsylvania to give an opinion as to the extent of the distress which the memorial represented as existing in that wealthy and respectable commonwealth, but he thought it by no means a necessary consequence, that all its great interests were distressed, because those who happened to be interested in the Bank of the United States might so imagine it, or so represent it. He, on the contrary, heartily subscribed to the sentiment expressed by Mr. Rush, a distinguished citizen of that State, at a public meeting held not long since in Philadelphia, that it is a libel on the free people and republican institutions of this country, to say that they are indebted for their prosperity to the Bank of the United States; but that the causes of their happiness and prosperity are to be found in our excellent system of government, in the enterprise and industry of its citizens, and in the abundant and varied resources of our country.

Mr. B. said that the honorable gentleman from Massachusetts had most earnestly invoked the citizens of Pennsylvania to look to their interests, and to unite in producing a change in the measures of the administration. Mr. B. said, that the invocation of the honorable gentleman was not, he presumed, at all necessary to induce the people of that State to take proper care of their own interests. They had always shown their entire compe-

tency to do so, the most signal proofs of which were to be found in looking at their present condition.

Mr. B. said, that the conduct of the bank had, for the last two or three years, been marked by a series of measures and bold pretensions, so hostile to a republican form of Government, that to submit to its demands, and to restore the public moneys to its keeping, would be to acknowledge its superiority, and become a lasting subject of national reproach. It had boldly thrown itself into the party contests of the day, and thereby contributed to pollute the purity of our free system of government. It had, as he most sincerely believed, done much to inflict distress upon the country, to compel its citizens to come into its measures. It had disregarded an express provision in its charter, and closed its doors against the investigation ordered by the representatives of the people. After having thus boldly contemned the authority of the representatives of the people, and, through them, the people themselves, he should deem it as humiliating to the nation to yield to their demands, and replace the public moneys in their custody, as he should consider it unworthy the national spirit to yield to an invading enemy who demanded the submission of the country.

Mr. WEBSTER said, he hoped that the gentlemen who had come here with this memorial from the convention would take notice what was the course of the argument used here on the other side; and that it would be known over all the mountains, up all the streams, and along all the valleys of Pennsylvania, that it is the opinion of the Senator from Georgia that, but for the bank and its corruptions and its management, this convention would never have met at Harrisburg.

Mr. FORSYTH hoped so too. One word in reply to the Senator from Kentucky, [Mr. CLAY.] He (Mr. F.) had been said to be a thorough-going defender of the Executive. He begged here, in open Senate, to deny that such was the case. He was not a thorough-going defender of all Executive measures, and he appealed to the past knowledge of the Senate for the truth of this assertion. He had often had occasion, however, and doubtless should have again, to defend the President against the Senator from Kentucky and others. He should continue to do so, perfectly conscious that his motives, like those of others, were liable to be assailed by persons who could not do him justice. They all knew that their motives were subject to be attacked by some as improper, and over-rated in the contrary way by others. More than justice was done them by their friends, and less than justice by their enemies. He did not intend to impeach the private character, intelligence, or patriotism of the gentlemen composing this committee; the defence offered, therefore, by the Senator from Kentucky, [Mr. CLAY,] was uncalled for and unnecessary. He (Mr. F.) had a great respect for some of these gentlemen, personally, but none for their political opinions. Their political opinions were fair game, and against these opinions he had directed his shaft. With regard to the proposal of the Senator from Kentucky to form a committee of the Senate to inquire into the conduct of the bank, he begged to ask, if the Senator was prepared to go fairly into the length and depth of the proceedings of that institution. They all knew that a committee of the Senate, to act consistently, must act in favor of the bank. In relation to what he (Mr. F.) said yesterday about a *scire facias*, and which had been alluded to this morning by the Senator from Kentucky, he must say that he had expressly declared, that he would not take the responsibility attendant upon such a procedure; he had said, that he would vote for a *scire facias*, if gentlemen on the other side would be answerable for the distress and delay that might ensue. The Senator from Kentucky had asked if he (Mr. F.) and others were not contending for the possession of power? Yes, they were contending that power should remain where the people had placed it at the late election: they contended that those in whose hands power now was, had done nothing to forfeit the confidence of the people. What (Mr. F. continued) induced a man to come here but ambition? He came to make himself known as deserving confidence, and he sought to obtain higher confidence. There was no harm in this. It was the blessing of this country that no man could obtain a high office by any thing but merit. He, and those with him, had no affectation of concealment in this respect; what they did, they did for their own glory, and that of their country; that their names might be known, and that the blessings of posterity might rest upon their memory.

The Senator from Kentucky said he had told them over and over again, that the question was not one of bank or no bank, but of broken law: but he concluded his observations by dilating upon the necessity and importance of the bank. After bringing the usual charges—reprobating the conduct of the President—eulogizing the committee, and paying them many merited compliments, he concluded with the old subject, viz. bank! bank! bank! Did it not occur to the honorable Senator from Kentucky, that he was deceiving himself when he so repeatedly said the question was not one of bank or no bank? Would the people be deceived on this point? The question invariably resolves itself into "the bank." Appeals were made to the opinions of Washington, Adams, Monroe, and Madison, in support of the bank. The Senator from Kentucky did the President injustice when he said that memorialists had been denied access to the President. He (Mr. F.) denied that memorials had ever been sent to the President. Committees had been sent with memorials to Congress; they had come here and performed their duty, and had afterwards, of their own free will, gone to the President, had had conversations with him, and then returned to those who sent them, and said to the latter individuals, "You have been treated with disrespect." The President had never refused to receive memorialists. The Senator from Kentucky had said that the King of Great Britain would never have dared to refuse a deputation from the citizens of London. Now, what had been the conduct of the King of Great Britain, upon a late occasion, to the citizens of London? A formal meeting is held; the result is put in writing, and is presented by the memorialists; the King receives them, and turns them away, referring the whole matter to one of his deputies. What is the conduct of the President of the United States? He received the individuals alluded to as his fellow-citizens, but told them he would not have what he said conveyed to his countrymen in a distorted form; if, therefore, they wished an interview with him officially, he requested that their communications might be made in writing, in order that no erroneous statement might go abroad.

He (Mr. F.) was not aware that he had ever spoken against the Globe in the manner alluded to by the Senator from Kentucky. He was free to confess that he did not like that journal; but it was a sheet of fair paper compared with other journals. The Senator from Kentucky had said that the evidence was thirty to one against the President, that he had not been misrepresented by the Baltimore committee. He (Mr. F.) felt himself called upon to state, that several members of that committee had had conversations with members of Congress here, and afterwards misrepresented them.

Mr. CHAMBERS said, only one charge of the kind had been made against the committee; and that was in the case of Mr. McKIM, of the other House.

Mr. FORSYTH continued. The honorable Senator from Kentucky had talked about eastern magnificence, and had said that the President had refused to receive his suffering fellow-citizens. Now, what was the fact? This haughty eastern despot had asked his fellow-citizens to

come and see him at his house; but had said, "If you wish to communicate with me officially, send me what you like in writing, and I will give you a frank answer." What would an eastern despot have done with individuals who came to pay him respect in the way that these individuals did? Why, the bowstring or the sabre would very speedily have been in use, and the committee would never have gone back to make their report. What would a violent man have done in this case? He would not have acted as the President has acted; he would not have treated the members of the committee with the greatest possible personal kindness and respect; he would have repelled them; and if the matter had been between man and man, he (the President) would have done this, or such was the temper of the man.

Mr. CLAY did not recollect that he had ever found the gentleman [Mr. FORSYTH] acting with that (Mr. C.'s) side of the House; he did not recollect it, except that in one instance he was with them in the support of the Executive, at the last session. But whatever was urged on Mr. C.'s side of the House, in behalf of the law and constitution, was referred by the gentleman from Georgia to the bank. How often had the honorable member expressed the opinion that the bank was indispensable? [Mr. FORSYTH said, Not indispensable.] Necessary, then, said Mr. C. The difference between them was, that he thought the bank necessary, but always acted against it, while Mr. C.'s side thought it necessary, and voted in favor of it.

As to the representations of committees of the conversations with the President, one honorable member from Baltimore had sustained the President in his denial of their correctness. But he was only one out of a considerable number; and as it was established by incontestable evidence that the President used the language ascribed to him, and as all this was opposed by but one individual, the truth must be considered as existing on that side. If rumor spoke the truth, there was a particular committee [name not heard; probably the New Jersey Jackson committee] whom the President not only received and entertained, but treated them to the best the white house could afford. When memorials were presented in favor of the President, there was no difficulty.

The memorial was referred to the Committee on Finance.

On motion of Mr. BENTON, his resolution proposing an amendment of the constitution on the subject of the election of President and Vice President, was taken up, and referred to the select committee appointed on the resolutions of Mr. BIBB.

ADJOURNMENT OF CONGRESS.

The joint resolution from the House, on the subject of the day of adjournment, fixing on the 30th of June, was taken up.

Mr. PRESTON moved to lay the resolution on the table for a week or two, until it could be ascertained whether certain important business, now unacted on, shall be completed.

Mr. BROWN asked for the yeas and nays; which were ordered.

The question was then taken, and decided in the negative, as follows:

YEAS.—Messrs. Benton, Bibb, Chambers, Clay, Clayton, Ewing, Grundy, Hendricks, Kent, Naudain, Porter, Robbins, Silsbee, Tyler, Waggaman, Webster, White.—17.

NAYS.—Messrs. Bell, Black, Brown, Calhoun, Forsyth, Frelinghuysen, Hill, Kane, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Poindexter, Prentiss, Preston, Robinson, Shepley, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Wilkins, Wright.—30.

Mr. CLAY then moved to postpone the consideration of the resolution until Monday next. He did not wish to see the Senate tied up so as not to be able to continue the session a little longer, in case it should be necessary.

Mr. BROWN asked for the yeas and nays, which were ordered.

After a few remarks from Mr. GRUNDY, Mr. BIBB, and Mr. PORTER, in favor of the motion, the question was taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Benton, Bibb, Chambers, Clay, Ewing, Grundy, Hendricks, Kane, Kent, Knight, Mangum, Moore, Naudain, Poindexter, Porter, Preston, Robbins, Silsbee, Southard, Sprague, Tomlinson, Tyler, Waggaman, Webster, White.—25.

NAYS.—Messrs. Bell, Black, Brown, Calhoun, Clayton, Forsyth, Frelinghuysen, Hill, King of Alabama, King of Georgia, Leigh, Linn, McKean, Morris, Prentiss, Robinson, Shepley, Smith, Swift, Tipton, Wilkins, Wright.—22.

So the consideration of the resolution was postponed.

RESTORATION OF THE DEPOSITES.

The first joint resolution offered by Mr. CLAY, declaring the reasons of the Secretary of the Treasury for the removal of the deposites to be unsatisfactory and insufficient, was taken up on its passage.

The yeas and nays being ordered, the question was taken, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, King of Georgia, Knight, Leigh, Mangum, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—29.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, Linn, McKean, Morris, Robinson, Shepley, Tipton, White, Wilkins, Wright.—16.

So the first resolution was passed.

The second resolution was then taken up, directing the restoration of the deposites to the United States Bank after the first day of July next.

Mr. FORSYTH moved to postpone the consideration of this resolution until to-morrow.

Mr. CLAY having assented,

The question on this resolution was postponed until to-morrow.

UNITED STATES MARINE CORPS.

The bill for the better organization of the Marine Corps, coming up on its passage, was passed by the following vote:

YEAS.—Messrs. Bell, Bibb, Black, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kane, Kent, Linn, Mangum, Poindexter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Webster, Wilkins, Wright.—25.

NAYS.—Messrs. Brown, Forsyth, Grundy, Hill, King of Georgia, McKean, Morris, Moore, Robinson, Shepley, Tipton, White.—12.

After going through with several other bills,

The Senate adjourned.

WEDNESDAY, JUNE 4.

RESTORATION OF THE DEPOSITES.

The resolution of Mr. CLAY, requiring the public deposites to be made in the Bank of the United States and its branches after the 1st July next, was taken up.

Mr. FORSYTH moved, that when the question upon the adoption of this resolution should be taken, that it should be by yeas and nays; which were ordered.

Mr. FORSYTH, who was entitled to the floor, rose and said, that he had intended to have addressed the Senate upon this subject, but that he had thrown out yesterday

many of the points he had in contemplation to make, and as his colleague [Mr. KING] had expressed a wish to make some remarks upon the subject, he would yield the floor to him.

Mr. KING then rose and said, that he did not wish to interfere with what he had no doubt was the general wish of Senators, to take the question on the remaining resolution without protracted debate. But, as it was possible it might be supposed by some, that the vote which he felt it his duty to give on this resolution, would be inconsistent with the vote which he had given on a previous occasion, he wished to make a few remarks for the purpose of reconciling the vote which he should now give, with the one he had given on the occasion referred to.

My opinion, said Mr. K., on the first resolution, a vote upon which was taken on yesterday, is well known, and has been now twice expressed in the Senate. He believed, he said, (and so had voted,) that the removal of the public money from the Bank of the United States, by the Secretary of the Treasury, at the time the act was done, was impolitic and inexpedient, and calculated to produce, or rather to induce, a great deal of mischief, and not calculated to secure any one desirable end. He said the motives of the President, and Secretary, had not been very generally questioned, and it was therefore unnecessary that either he or others should undertake to defend them. The motives of the President were plain. The President thought the bank a powerful and corrupt institution, inconsistent with the character of our institutions, and, as he states, even dangerous to liberty itself. However this might be, the object of the President was to destroy it. This was the end proposed. The means by which he proposed to accomplish this, to him, desirable object, were the exercise of his veto power, and the removal of the deposites. The President had discovered that the Bank of the United States, in the year 1832, had extended its loans and accommodations to an amount altogether unprecedented in the history of the institution; and he thought, from some indications, that it was intended by the direction to make such sudden and extensive contractions of the loans and accommodations of the bank, as to produce a degree of distress in the community, that would extort from the people of the United States a re-charter of the institution.

This, said Mr. K., would have been defeating his object; and this was what he intended to prevent. The President thought, by removing the deposites, to cripple the powers of the institution in the first place; and in the second place, he expected to afford such aid to the State banks as would enable them to relieve the mercantile community from at least a portion of that distress which he apprehended it was the design of the bank to inflict upon it. Without dwelling, however, said Mr. K., longer upon the motives of the President, I will only add, that I think the end did not justify the means. In fact, he thought the means employed most eminently calculated to defeat the end which was proposed to be effected by them. He therefore had thought, and twice voted, that however pure the motive, the reasons of the Secretary for the removal of the deposites were unsatisfactory and insufficient.

But, said Mr. K., does it follow, as a necessary consequence, that all those who believe the reasons for the removal at the time the act was done unsatisfactory and insufficient, should feel themselves called on by claims of consistency now to vote for their restoration? He thought not. It was perfectly true, he said, that all those who took the same view of the subject with the honorable Senator from Kentucky, and believed that the constitution had been broken, that the laws had been violated, and that the chartered rights of the bank had been ravished from it, were perfectly consistent—in fact, imperatively called on to vote a restoration of the deposites, whatever might be their opinion of the restoration as a measure of expediency; for with this view a restoration was due to a broken constitution, to the violated laws, nay, sir, said Mr. K., due to the bank, for the bank had private rights as well as individuals, which should be respected.

But, said Mr. K., not believing myself that either law or constitution has been violated or that any right of the bank has been touched, that the bank did not agree in the 16th section of its charter to submit to the discretion of the Secretary, I feel myself at liberty to look at the question purely as one of expediency, and not to vote for the restoration, unless I should think that the public good requires it.

He said that the difference of opinion between himself and others, on the constitutional point, arose, he thought, from a natural propensity in man to deny the existence of power, where, in their view, it had been improperly exercised; charging usurpation where there has been, at most, only abuse. Between these, said Mr. K., we should carefully distinguish, or we strike at the root of all government. For it should, he said, be assumed as the basis of all reasoning on the subject of government, that power must be lodged somewhere. And whenever power was given, an abuse of it was an inseparable incident. Show me a Government, said Mr. K., that has no power to do evil, and I will show you one that has no power to do good.

Power, he said, in different governments, differed more in degree, than in its nature, for the time being. In despotisms, he said, the power was unlimited. In this case, there could be no usurpation; there could only be an abuse of power, and there was no responsibility for that.

In constitutional monarchies, he said, the only limitation of power is by restriction upon the prerogative of the prince, who is supposed to be the original source of all power, but who, on a demand of the people, has consented to divide the power with them. To take England as the example, (which was said to be the freest constitutional monarchy on earth,) this would be found the only restriction; for even there, when Government acted as a unit, there was no limitation on its power. Parliament united, was omnipotent, and might take away the right of the citizen without redress; and even for a usurpation of power, on the part of the prince, he was not constitutionally responsible, as he could do no wrong—though in some cases the act might be avoided by a resort to the judiciary. Not to multiply examples and distinctions, said Mr. K., let us come at once to our own Government. Here our great security against power consists:

1st. In a limitation upon the powers of Government itself. The people have not consented to part with the whole of their power, but have limited the delegation by a written constitution; and the acts of the Government, if unauthorized, may be annulled by law, at the instance of the humblest individual in the community. And the second, and most important security, consists in the responsibility of the agent, and the limited term of his office. If he be guilty of a criminal usurpation, or abuse of power, he may be criminally punished, either by indictment or by impeachment, according to the forms prescribed by the constitution. If he abuse or misuse power, but not sufficiently to be reached in either of these modes, the evil is only temporary, as it can be peaceably cured by election. With these restrictions, he said, no great danger was to be apprehended from the exercise of power; and we should be careful to recollect, that whilst we are hastily forcing constructions to ruin an administration, we may break up a constitution.

After these general views, said Mr. K., let us see why the President should have power over subordinate Executive officers. This power, he said, resulted from the very nature and object of appointing a chief Executive officer. The sole object in establishing such a grade, was

to have one head, in whom superior confidence was placed, to preside over the whole, and see the department properly administered, and the laws faithfully executed. The theory is, and it is generally well sustained by practice, that the higher the office and honor, the greater the confidence which may be placed in the incumbent. Is not the President of the United States, inquired Mr. K., who is elected by a majority of the people of the Union, with his high honors and emoluments, and with the high responsibility of his station, entitled to more confidence than the subordinate officers, frequently obscure individuals, only selected for their expertness in a particular branch of business? They, if they were independent, might easily yield to temptation; but he could have no sufficient inducement to forfeit the high confidence reposed in him. Mr. K. said he would take the occasion to say, that he would like to see the constitution altered, so as to require confirmation by the Senate of removals from the higher offices. But he had no doubt the construction of the constitution, as it is, was properly settled.

To show the propriety, said Mr. K., of giving the President the power of removal as an incident to his superintending duties in the recess of Congress, let us illustrate by a few supposed cases. Let us suppose, said Mr. K., that the Bank of the United States had actually been, as the President once thought it, not only a corrupt, but a bankrupt institution. Suppose the President had been satisfied that the institution was making arrangements to enrich the stockholders by swindling the community, a process by no means rare in the history of banking institutions in this country. In short, suppose the ten millions of public deposites had actually been in danger of being lost for want of immediate attention, and Mr. Duane, being interested for friends, or even bribed by the bank, had refused to remove the deposites, and the President refusing to remove him, the public money had been lost. What, then, would have been the language of the President's enemies? In vain would he have pleaded constitutional scruples; he would have been told that the power was plainly incident to his superintending control over the Executive department, and he and his friends would have been completely silenced by reference to a settlement of the question so early as the year 1789, and the uniform practice of the Executive ever since. And in vain would Mr. Duane, in the case supposed, have attempted to justify himself by insisting that he could not remove "until a *scire facias*" had first issued to bring the bank to trial. He would have been referred to the 16th section of the charter, which gives him unlimited discretionary power to remove the public money from the bank, whenever he thinks proper to do so. In such case, then, the President, for not removing the Secretary, and the Secretary for not removing the deposites, would have been (very properly) universally denounced, and would have had no plausible defence. Again, said Mr. K., suppose Mr. Duane had determined on removing the deposites, and the President, knowing that the deposites were safe—that the bank was doing its duty to the Government—and that the removal would produce all that distress which it is insisted has actually followed—and to prevent the removal of the deposites, the President had removed the Secretary, would any friend to the bank have ever thought of complaining of this act as a violation of the constitution, and an unlawful control over the public money? He presumed not.

Again, said Mr. K., after supposing cases somewhat as they have been, with such changes of position as were necessary for illustration, let us look forward to things as they may be. It has been stated by the honorable Senator from Kentucky, that "Jacksonism was tumbling in by the acre, like the banks of the Mississippi," and would soon be entirely ingulfed. In fact, it had been since (he believed) pronounced dead by the honorable member, and he had taken "the responsibility" "of driving the last nail in the coffin." If this be true, said Mr. K., (and he would not dispute testimony so respectable,) nothing remains to be done but to have it decently buried; and then follows the succession. And he said he knew of no citizen in the United States who would fill the vacant seat with more credit to himself, or honor to the country, than his honorable friend from Kentucky. Suppose, then, he should be elevated to the Presidential chair, and the first misfortune of the new administration should be to get a man of Mr. Taney's principles as Secretary of the Treasury, who should insist, as his first act, to remove the deposites from the Bank of the United States. For although by the last will and testament of "Jacksonism," it would be willed, doubtless, that there should be no bank, yet, under such a successor, he took it for granted, the will would be broken, the bank resuscitated, and the deposites restored. In such a case, he thought he might safely assume that the honorable Senator, notwithstanding even his speeches on this subject, would promptly remove the Secretary to prevent a measure which he would judge to be fraught with so much mischief; or, if he should feel too strongly committed by expressed opinions, he would at once see so strongly the necessity of the power, as to ask for a change in the constitution. In fine, said Mr. K., the power does exist, and ought not to be modified further than I have hinted. And if it exists, the worst enemies of the measure, as one of expediency, should insist on nothing further than an abuse or misuse of power.

But, said Mr. K., who are these gentlemen who all at once have become so tender on the subject of power, and what the character of the parties to which they belong? Respectable, he would admit; patriotic, he would admit; friends to their country, he would admit; perfectly honest, he would admit; but still, it would be seen that whether the fragments of this modern mosaic combination, now arrayed against the administration, and denying the President even the necessary power to administer the Government, were collected from the North or the South, the East or the West, their whole history, with few exceptions, disclosed to us that they had always been the advocates of strong government and political power. His friends, he said, from the South, (turning to the Carolina Senators,) seemed to look at him as though they thought he ought to make an exception in their favor. He said he had the warmest sympathies with his Southern neighbors, acted with them here on many questions, and hoped to continue to do so, but, he said, he could not make the exception they would doubtless require. On the contrary, he said, he was reluctantly compelled to place the party to which they belonged in the front ranks among the advocates of political power and strong government. The whole history of the party proved it. The prominent men of that party were formerly known as the leading advocates of increasing and encroaching power in the Federal Government, and were habitually reaching and grasping for increased power and energy in the Federal head. And had they changed by embracing the doctrines they now professed? They had, he said, but it was only letting go one hold to get a stronger one. Instead of one grand, independent, consolidated Government, with sovereign powers, they proposed to multiply political power and patronage in the land, by having twenty-four, precisely of the same character. It was the rights of the Federal Government on the one hand, and the rights of the States on the other; neither, in their various extremes, paying especial regard to the rights of the citizen. While his friends, the national republicans of the North, would say, give us one grand, united, consolidated Government, with power to swallow up all the rights and privileges of the States. Stop, stop, say my friends from Carolina, you don't understand the true philosophy of government; you are especially ignorant of the beauties of our system. Give us twenty-four independent sovereignties, each with the

amazing capacity of swallowing up, at pleasure, the whole of the other twenty-three. The honorable Senator from Massachusetts would say, perhaps, If you wish our Federal Government to last out all time, place it upon a broad and steady foundation, resting upon its twenty-four pillars—the States—but with full self-existent power to keep the whole in equal subjection. Nonsense, say my honorable friends of the South, if you wish to witness the steady strength of each State, and a union of the whole that in its strength will stand up forever, capsize the Government of the Union, place it in the steady position of an inverted cone, and admire it standing on its little end. He did not propose to discuss or decide upon the merits of the two systems, and only referred to them to show that those who sanctioned them, though opposed to each other, were equally the advocates of power. But he thought philosophy was on the side of the honorable Senator from Massachusetts; for he would have looked upon it as more feasible for the whale to swallow Jonah, than for Jonah to swallow the whale.

But, said Mr. K., this is theory. What has been the practice of the political parties of which I speak, and who are now charging and declaiming against power? Do my friends of the South, said he, require me to prove this grasping spirit on their present friends of the North, by any acts in the political course of the latter? He presumed no such proof would ever be required. If so, he would refer them to their own speeches, writings, and votes, or those of their party, *passim*, for a period at least ever since 1828. From this copious source, he could prove the people of the North almost any thing but democrats and gentlemen. And is any proof required, said Mr. K., against my friends of the South, that they will make a vigorous use of power when they have it? If so, said he, look to the present condition of the Union party of South Carolina; and to this proof, said Mr. K., I cannot refer with so much levity. What is the condition of the minority in this respectable State, when we properly estimate the rights of opinion in this country? Why, sir, said Mr. K., the noble and persecuted spirits of Ireland, tortured with their tests, and tormented with their taxes, who despairingly hug their chains, and invoke the spirits of an Emmet or Grattan—the patriot Pole who in exile shivers in the frosts of Siberia, or who, more fortunately, escaped the triple fangs of European tyranny, and now humbly sues before us for a solitary home in the uncultivated wilds of your Western wilderness—is not more completely the victim of an iron-hearted and unfeeling despotism, than is, at this moment, the Union party of South Carolina. Sir, said Mr. K., what is tyranny in this country, or what can tyranny be here, until the character of our people changes, but a tyranny over the mind?—a denial of equal political rights, with an exaction of equal political duties? No odious restraints upon the personal liberty of the citizen would be attempted or tolerated. What, then, are the alternatives presented to as patriotic a body of men as our country holds? Sir, it is perjury, degradation and exclusion from office, exile, or bloody rebellion; to the latter of which they seem inclined to resort, rather than submit to the hard conditions imposed on them by their countrymen. Sir, let me not be misunderstood. It is with the kindest feelings that I refer to these matters of history. He intended, he said, to cast no reflections on the character or patriotism of the very respectable party who were in the majority in the State he had referred to. He believed the great body of that party as pure and as patriotic as any party in this country. He only referred to this fact, among others, to prove the truth of a principle which was universal in its operation. That was, that political parties never objected to the use of power, when power was in their own hands. The majority in Carolina had, no doubt, acted with good intentions, but had acted hastily, and with an over-zeal, to enforce their favorite doctrines. They (in connexion with the Southern people) believed themselves oppressed by Federal legislation; and, thinking they had discovered a remedy, they were determined to enforce it, without sufficient regard to the opinions of their fellow-citizens opposed to them. He hoped he would be understood on this point, and that his motives, in referring to neither party, would be mistaken; for, in fact, he thought much better of each of these parties than they had been generally in the habit of thinking of each other. He did not think the Carolina nullifiers traitors, or tories, as they have been so often called in other sections of the Union. Nor did he think the inhabitants of New England "highway robbers," "swindling pedlers," "avaricious aristocrats," "cowardly New England weavers," as they had been so frequently called by their Southern brethren, to prove that they were unfit for political communion with the chivalric spirits of that section. No, sir, said Mr. K. So far from this, I have ever considered the population of New England as one of the most noble race of men that inhabit any portion of the earth's surface, with but few equals, and no superiors. Brave, patriotic, industrious, frugal, ingenious, and enterprising, they possess in their national character all the good qualities by which the good citizen is usually estimated. And, said Mr. K., the people of this country should never forget that they owe a debt of gratitude to this portion of their fellow-citizens, which trifling offences should never be allowed to cancel. Sir, said he, did they not rock the cradle of liberty on our continent? Did they not stir the first embers of the Revolution? Do they not now tread the classic soil of American independence? Did they not pour out their blood like water, and their treasure like trash, in securing to us the inestimable privileges which we now enjoy? And, in short, does not impartial history, here and elsewhere, present the New England States as one of the brightest clusters in the American constellation? Yes, sir, said he; and Southern magnanimity should acknowledge, that whilst Georgia, his own respectable State, in its infancy and weakness, was crushed in a few weeks, by the weight of British power; whilst the respectable State of South Carolina, now so threatening in her power, weakened by internal divisions, was compelled, in a single summer, to yield in the same unequal combat, and again take the oath of allegiance to King George the Third; when the great and populous Middle States were wavering and vacillating; these devoted "yankees," these "New England weavers," boldly stood up in solid column, with unbroken ranks, and unbroken spirits, breasted the whole power of Britain, and like the noble lion, when pierced in deadly conflict, gained fresh vigor at every wound. The enemy could make impression every where else, but they never could make any serious impression there.

Sir, said Mr. K., I am a Southern man, but no fear of offending the sectional jealousies of my constituents will ever deter me from doing justice to every portion of our country. Yes, sir, let us all do full justice to the citizens of every part of the confederacy as a people. But when the present combination against the democratic republicans claim, as a party, all the virtue, all the patriotism, all affection for the constitution, and set themselves up as the sole enemies to encroaching power, they throw confusion into all history, and contradict the understanding of every reading man in the community.

He did not object, however, to this modern union of opposite parties, whatever the motive or the object. He anticipated much good from it. He hoped the parties would become much better acquainted, and learn that the North could do without the South, as well as the South could do without the North; and that neither will do well without a union with the other.

He said he was glad that the opposition had assumed the name of whigs. He was sorry to see the materials of

the party so closely examined; and the name, when applied to them, so much laughed at, and so universally ridiculed—for, said he, I also anticipate much good to the country from their adoption of this name; for, said he, if it be true, as some one has said, that "men are likely to become the scoundrels we call them," especially when they submit to the name, it seemed to him that by a much stronger principle, or rather by a stronger operation of the same principle, men might be expected to reach some of those virtues which are associated with a name they have assumed. In fact, said he, I have history to encourage me in this hope; for, during the four reigns which succeeded the revolution of England, the real old genuine church-and-state, Divine-right, passive-obedience tories of England, became so accustomed to oppose in act and feeling, every exercise of power by a party whom they thought unworthy to rule, that they were insensibly converted by a false position; and being duped by their own hypocrisy, many of them became the most violent liberals in England; and their families so remain up to this day. May we not hope for some such result here? May we not hope that our *quasi* whigs may become real whigs; and by habitual hostility to the exercise of power by those who now hold it, that they may be led, by habit and a feeling of consistency, to make less use of it when it falls into their own hands? He thought so.

He said, however, that he must say to his friends, the new whigs, that they would only be taken on trial, and he hoped they would begin in good earnest to establish their new claims, and prove the sincerity of their professions. He said, as the good Catholic must believe in real presence, use the cross in baptism, the ring in marriage, &c., and make good use of the breviary and the missal, so the true whig should oppose the encroachments of power in all the departments of Government, study economy in the administration of the Government, and pay some little attention to the provisions of the constitution. He said, if there were abuses in the Executive department, (and it was likely there might be some,) let them be corrected. He would co-operate for that purpose. But let us not direct the whole of our attention to the Executive, when we know that the origin of the most of the abuses we have to encounter is traced to our own department. I wish our new friends, then, said Mr. K., to show the purity of their faith by putting their shoulders to the wheel in good earnest, to assist us in bringing back the constitution to its original purity, and in restoring the Government to that simple machine which was intended by our ancestors.

Sir, said Mr. K., I beg pardon for what may seem a digression. A fleeting thought which passed me, and which I intended only to use briefly for the purposes of illustration, has led me on to the consumption of triple the time I intended to employ upon the whole subject. I only rose to reconcile my vote upon the second, with my vote upon the first resolution. My object has been to prove that there has been no violation of the constitution, so as to call on us to vote upon this other than as a question of pure expediency. The object of my digressive illustrations and references has been to prove, that those who are foremost in denying the existence, and denouncing the exercise of an Executive power, plain, and settled by long construction, have no peculiar claims to attention upon that subject. As he had unintentionally consumed so much time, he would cut short to a conclusion. He could do so with the more propriety, as the Senator from New York had fully anticipated him, and to whose arguments he referred.

He said, then, there being no violation of the constitution, the question was one of expediency. Was it then expedient to restore the deposites, unless the bank was to be re-chartered? He thought not. If there were any hope of a re-charter, he would vote for the restoration. But all hope of re-charter was at an end. No one, he believed, even insisted on it as a probability. If so, he would beg them to recollect, that the enemies of the bank were not to be numbered by the friends of the administration. He asked the Senate to look to the vote in the House. He said it was known that there was a large and respectable party in the country—the State rights men, "the real marble columns," Austerlitz guards, of eighteen years training in this war against the bank, who had always been the firm allies of the President in this contest, however they differed with him on other subjects. They had, to be sure, he said, like the Saxon regiments at Leipsic, (he believed it was,) gone over to the enemy, and turned their artillery against the President, on the deposite question. But that was only because the old man charged bayonets a little too soon. On the great and final battle between President Jackson and President Biddle, they will be obliged to recognise their old alliance, and assist the "old hero" in getting out of a scrape which they have contributed so largely to get him into. That they would do this, was shown by their votes in the House on a resolution against re-charter. He said there was another circumstance in the history of the bank, that he did not think would favor its prospects before the people. He said the bank had lately refused to submit to an examination under a resolution of the House. He had not read the report of the majority, but had only read the report of the minority. He had been so astonished at hearing the pretence on which the bank based the refusal, that he thought he would examine and see what could be said in defence of it: and he said he had read the report of the minority, and was very much pleased with it. It was a beautiful piece of composition, contained many beautiful extracts from English works, many handsome sentences and round-turned periods. On the whole, it was a most excellent performance, but had well-nigh made him a convert to the truth of a saying of the celebrated Abbé de Pradt, that "language was given to man to conceal his thoughts with." He said the only mistake of the minority consisted in placing on one page of their report, that clause in the charter which authorizes the examination, and to which the reader may sometimes refer.

He said, he thought the resolution to examine the bank a useless one; and the resolution reported by the majority of the committee, summoning the directors to answer for contempt, he thought equally useless; and he hoped it would not pass. But the power of either House to examine the bank, and proceedings of the bank, was unquestionable, and heretofore unquestioned. Sir, what a spectacle of party infatuation have we now exhibited. This resolution passed the House by a majority of perhaps three-fourths. It had been debated for several months, every inch of ground disputed, and it never occurred to any member, or any body in or out of Congress, that the power did not exist in the House to pass such a resolution. And, moreover, it is a power frequently heretofore submitted to. Yet, so soon as the pleasure of the bank is known, a flood of light bursts upon the land, and members are now expected to censure their own presumption, for voting for a resolution now for the first time ascertained to be unauthorized.

He said it had been frequently stated that administration men were "collared." This might be so with some, in one sense. But it seemed to him, if administration men wore a collar, that many bank men are not only collared, but yoked, harnessed, hitched, and blindfolded.

Sir, said he, I would not do the bank injustice; but I think it has been unfortunately advised in this case. The power given to examine, was only to make clear a right to which the Government would seem to have a claim, upon common law principles. The Government is both a principal and partner; and, in either character, should

have the right of free inspection. It was a partner, he said, to the extent of $7,000,000; and generally a principal or depositor to the amount of ten millions, (though at present of only three or four millions;) and should have free access to the books and proceedings, not only as a corrective, but as a preventive privilege.

The committee should not have been required to state what had been done—for to ascertain this was the object of the examination, and to limit the search to breaches of the charter, was to deny all the benefits of the privilege; there might be a thousand facts ascertained by an examination, not amounting to a breach of charter, that would justify the Government in taking care of its interests, by withdrawing its funds. For instance, said he, it might be making large loans to insolvent persons, or otherwise rendering itself bankrupt by bad management, which would make it advisable for the Government to take care of its interests. There was no reasonable pretext for the refusal then, and the people would look upon it as an additional evidence of the arrogance of the bank.

He did not believe any thing of importance to the Government would have been found, had the examination taken place. It was very probably true that the account for printing and distributing political tracts and speeches was large, and the account for loans to members of Congress and public printers was, perhaps, as had been stated, a frightful one, not only in amount, but in the terms of the loans—not being such as was usual with any other class of customers. But it was doubtless abundantly solvent, and he would do it the justice to say, that it had faithfully performed its duties as financial agent to Government, and from 1819 to 1832, he did not believe there was a banking institution in the world that banked upon sounder principles, and if it had let politics alone, all would have been well.

After a few other remarks, the object of which was to prove that the charter would not be renewed, he said he was bound to conclude that there was no prospect of a re-charter, and he could see no earthly reason for a restoration, unless there was to be a re-charter of the institution. He briefly gave his reasons for this opinion, and stated that a paper currency was shocked by the slightest touch—that to return the deposites now and remove them again in two years, would only keep the currency in a feverish and fluctuating state, and renew the distresses which had in some measure passed by, as trade was fast adjusting itself to the new state of things. He concluded by summing up the reasons of his vote on the resolution. 1st. He did not believe that the constitution had been violated, or any absolute right of the bank taken away, and therefore, he felt at liberty to vote on the question as one of expediency. 2d. He did not believe it expedient to restore the deposites unless the bank was to be re-chartered. 3d. He did not believe there was a hope of re-charter, and therefore, should vote against the resolution to restore.

[When Mr. KING had concluded, Mr. PRESTON and Mr. FORSYTH made a few remarks, of which notes have not been preserved.]

Mr. BENTON thought it due to the occasion to reply particularly to the defiance, so ostentatiously thrown out by the Senators who so warmly defended the course of the bank in resisting the inquiry ordered by the House of Representatives. The United States were invited, defied, and dared, to sue out a *scire facias* against the bank; and pledges were given for a prompt trial and victorious issue, for the bank. Mr. B. declined to accept these defiances, and would not examine into the authority upon which these pledges for prompt trial were given, nor the grounds on which these confident calculations of bank victory were predicated. He meant to stand upon the words of the charter, and the rights of Congress, to try issues with the bank, upon an inspection of its own books, without being put off to the law's delay, and the glorious uncertainties of forensic issues. At the time of granting the charter, the Government had reserved the right of searching for violations of charter in the books of the bank itself; and it was not to be tolerated now, that these books should be closed upon it, and a challenge thrown down to go off to law, and try issues before judges and juries. Mr. B. would not inquire into the reasons which might make it preferable to the bank to try issues before judges and juries, instead of trying them by her own books, and the oaths of her own directors. There might be reasons for such a preference; there doubtless were reasons for it; he would not inquire into them; he rested upon the position that Congress had a right to ascertain the conduct of the bank by looking into the books of the bank, and extracting testimony from the bosoms of the directors; and he would never consent to compromise, or abandon that right. Neither the special pleading or stern refusal of the directors, nor the lofty tone of victory and defiance assumed here, could draw him off from that position. He stood upon the charter, and would not descend from that high eminence to pursue the bank into court, however clamorous or importunate that bank might be, until an inspection of the books, and an examination of the directors, had first been obtained.

It was in vain, said Mr. B., for the United States Bank to challenge the United States Government into a court of law. It was a flight—an absolute hegira—from all real, all practical, all useful investigation; for on a *scire facias* nothing could be tried but mere technical violations of charter, fettered by rules of evidence, and cramped with lawyer-like distinctions between the infractions which amount to forfeiture, and those which do not; between the infractions which result from *abuser*, *non-user*, and *misuser*. Abuses, malpractices, corruptions, oppressions, favoritism, could not be examined under a *scire facias*. The great inquiry, standing at the head of all the subjects of examination prescribed by the House of Representatives—that of the commercial embarrassments, and the bank's share in producing them—would be shut out from investigation on the trial of a *scire facias*. So would all the political loans, all the electioneering expenditures, and all the manœuvres to exclude the Government directors from a knowledge and a share in the transaction of the business of the bank. None of these things could be examined in a court, because they are abuses of the charter, and not violations of the charter; so that this challenge to go into court, is, in reality, an absolute flight from all that part of the investigation in which the country is most interested, and which it most loudly demands.

Mr. B. said, that he had been one of the first to come forward with a public opposition to the renewal of the United States Bank charter. He came forward upon general principles, applicable to all Federal banks, and without the slightest reference to the good or bad conduct of this institution. His first speeches were still extant, and would warrant him in saying that his opposition was general, not particular—directed against the nature of the institution, not its acts—and free from every insinuation to the prejudice of its directors. He knew nothing to the prejudice of these functionaries at that time; and brought forward his whole opposition upon the basis that the affairs of the bank had been fairly and prudently managed; but that the institution was of a nature that ought not to be tolerated in a republic, nor even in a limited monarchy—that it had too much power over the property of the people, and the liberty of the people—and that its capacity to do some good was immeasurably overbalanced by its inherent tendency, and unrestrainable proclivity, to perpetrate great mischief. These were his original grounds of opposition to this institution; and he referred to them to show that his feelings were national, and not personal; that he was acting as a Senator, and

not as an individual; and that, in subsequently arraigning the conduct of the institution, he was acting upon a development of facts which was not foreseen, and availing himself of arguments which the misconduct of the directors had put into his hands.

Mr. B. said that in all the allegations of misconduct which he had brought against this bank, he had avoided generalities, and confined himself to particulars, giving, not only the specification, but the evidence upon which the allegation rested. He meant to pursue the same course in future, and would now point out some additional reasons for withholding all confidence and favor from this bank, and showing that this resolution ought not to be adopted. What he should say was bottomed upon the memorial addressed to Congress by the late Government directors, and he would confine himself to the points which had not been dilated upon before; not that he did not see these points, but that it had not entered into his head to suppose that the bank would refuse to permit the issues to be tried by its own books and its own oaths, which had been made up between the two sets of directors—those of the Government, and those of the stockholders—and upon these issues he meant to rest the acquittal or condemnation of the bank. The Senate would recollect, Mr. B. said, that the late Government directors, under the sanction of their names, and upon their responsibility as gentlemen and as officers, had made many and grave charges against the bank, and offered to prove them by the books of the institution itself—that their memorial was contradicted by a formal and elaborate publication, under the authority of the board, and that he himself, at an early period of the session, had moved a resolution for the purpose of trying the truth of the issues thus made up between the two sets of directors. The Senate did not agree to that mode of trying these issues; nor was any trial of them had; but a course was adopted by the Senate which implied the charges of the Government directors to be false, or frivolous; for these directors were rejected, and denounced as spies, and resolutions of honor and confidence were adopted in reference to the bank. Mr. B. thought it due to the Government directors that the truth of their charges should have been tried before they were rejected; and also thought it due to the country that the bank should be cleared of these charges before it received new proofs of honor and confidence. The Senate did not think so; and now, that it was proposed actually to give back the public moneys to the keeping of this institution, when it had refused to submit to the investigation ordered by the House of Representatives, he must be excused for detaining the Senate while he went over the heads of those charges, which, if true, deprives the institution of all claims to confidence, and shows it to be a mere engine of politics, favoritism, and oppression, worked by a single hand, in violation of its charter, and in contempt of its own board of passive directors, as well as of the Government which created it.

The first point to which Mr. B. invoked the attention of the Senate, was the manner in which the late reduction of the business of the bank was conducted; and he read passages from the memorial of the Government directors, to show that the reduction was conducted with wanton partiality, and open breach of the charter; that it was confined to particular portions of the country; that it was exerted at particular times; favoring some classes of debtors, and oppressing others; and that the whole business was given up to the committee on the offices—a committee appointed by the president, and of which he was a member—and which was specially exempted from reporting their proceedings to the board of directors. It appeared from these readings that the Government directors had endeavored to mitigate the severity and injustice of the curtailment, by offering a resolution to have it conducted on principles of equality and uniformity, which would not only make the reduction gradual and gentle, but make it operate fairly and equally on all parts of the country, and on all classes of debtors. This, the board utterly refused to do! and boldly persevered in its wanton, partial, and oppressive mode of curtailment! Mr. B. then read the following sentences from the memorial of the directors: "It is of course impossible for us to know by what principles of policy the committee have been governed. Its proceedings are secret, and we can only ascertain at intervals, some of the results to which they lead. We attribute to them the excessive curtailment in the business of the institution, which has been so sudden and oppressive, and which was not necessary either to the extent to which it has been carried, or in the manner in which it has been made to bear on the community." Here, said Mr. B., is a specific charge, of the most serious nature, made against the bank. It charges them with conduct which is, in the first place, a violation of the charter; for, by the charter, the business of the institution is to be transacted by twenty-five directors, five of whom are to be appointed by the Government: these directors are to act at a board, at which every director has a right to be present, and at which seven, at least, must be present before their acts become lawful. Yet the proper business of this board—the immense business of curtailing a debt of sixty-four millions, and by which communities have been convulsed, and individuals ruined—is given up to a secret committee of three, with authority to act as they pleased, to report nothing to the board, and to keep the Government directors in utter ignorance of what they did. The proceedings of this committee, thus illegally vested with the whole power of the twenty-five directors, next claimed a moment of attention; but as these proceedings were secret, but little could be known about them. Enough, however, was discovered to establish the fact of the grossest partiality and favoritism, both as to sections of country, and classes of debtors. The whole region south of the Potomac was exempted from the pressure; and whether that exemption implied a compliment, or the reverse, to that region, he would not undertake to say. At New Orleans a heavy pressure was made; and the wickedness and wantonness of that pressure was well proved by the fact that the mother bank brought off $800,000 in specie from her branch in that city, in the last days of February or first days of March! At St. Louis, a curtailment was ordered upon a comparatively trifling debt of about $400,000, while a broker in Philadelphia, a Mr. Thomas Biddle, was exempted from any reduction on a loan of a million, at about five per cent.! This was a sample of the manner, Mr. B. said, in which the curtailment was carried on, and the pressure produced; yet the community are to be told by the whole party of the bank, that the President is the author of the distress! and all attempts to ascertain the truth from the bank's own books, and the testimony of the directors, are to be resisted and refused.

Mr. B. said there was a parallel complaint against the Bank of England, a few years ago, for the commercial distress which took place in the year 1825. The bank was charged with having contributed to produce the panic and distress;* a committee of thirty-two members was ap-

* The following remarks from Mr. Easthope were worthy of a member of Parliament, and deserve to be known and remembered by every American at the present time:

"On the occurrence of the panic in 1825, the House might recollect a great diversity of opinion as to the extent to which that unfortunate event was attributable to the Bank of England, prevailed. He thought it was of paramount importance clearly to understand what part the bank had taken in the affair—for, according to that, the opinion of Parliament ought to be guided as to the degree of trust which could be fairly reposed in the bank. The Parliament was called upon to make a very serious, and a very important decision, as to the renewal of the

pointed to examine into the truth of the charge; and no proposition to renew the charter would be listened to in Parliament until the charge was fully examined. The committee was composed upon parliamentary principles, a majority consisting of the enemies of the bank; every gentleman being put upon it who joined in the accusation. The bank submitted to the investigation, although there was no clause in the charter to require it. The committee reported, unanimously, that every assistance had been given by the directors; all their books freely laid open, and every question promptly and candidly answered. Such was the conduct of the Bank of England. What a contrast to the late conduct of the Bank of the United States! And until the authority of Congress was vindicated —until the insurgent bank was reduced—and until it submitted to the same test of its guilt, or innocence, which the Bank of England submitted to, he should resist every proposition to treat it with respect or confidence; and might, eventually, feel it to be his duty to move to repeal its charter.

Another great breach of the charter, and palpable abuse, was in the manner in which the branch banks were governed. The late Government directors had communicated this abuse to Congress. By the charter, the branches were to be under local boards, subject to the general regulations of the parent board: but all this was reversed in practice; and the local boards were made the instruments of a subaltern committee—that is to say, of the president of the bank himself—and governed by secret instructions from this committee; and thus, the branch banks became passive engines, to be worked by the president of the bank, in any scheme of policy which he might choose to direct. To sustain this allegation, Mr. B. read the following statement from the late Government directors to Congress:

"The correspondence that must pass between the bank and its offices, cannot but be extensive and important. Letters are occasionally read from the presidents and cashiers of the branches, but they appear to be merely the reports which are made at stated periods. Those which are written from the bank, and which, of course, contain directions affecting its whole operations, are never submitted to the board, either before or after they are sent! Indeed, it is notorious that the directors of the bank frequently hear of the operations of the distant offices, through public rumor, or information from those places, before any is communicated to them at the board. It is not in the recollection of either of us that the instructions, at any time, by the president to the branches, during the last year, have ever been submitted to the board!"

Having read this extract, Mr. B. called upon the Senate to recollect, that the Government directors were wholly excluded from these committees, which did the business of the bank; that the old rule which assigned the directors in rotation, a month at a time, to these committees, had been first violated and then repealed, and the appointment of the committees put into the hands of the president alone, he himself always being one of them. The whole twenty-four branches, then, are under the exclusive and secret management of the president. Not only the Government directors, but the whole board were excluded, not only from the management of the concerns of the branches, but even from a knowledge of what was done in them! And it was by this means that the branches were made, last winter, to play their part in the great drama of oppression and alarm, which, for several months, agitated and afflicted the country. The statement made by the Government directors is appalling, that they only hear of what is done at the branches through public rumor; and that none of the instructions sent to the branches during the last year, had been submitted to the board! Mr. B. demanded if it was possible that Congress could suffer the trade, commerce, property, and whole moneyed concerns of four-and-twenty States, to lie at the mercy, and to be governed by the secret orders of one single man in Philadelphia; when, by the terms of the charter, a board of twenty-five directors, five of them appointed by the Government, could alone exercise the vast and important powers of governing these branches? Here was a clear case in which the board was superseded, and set aside—the charter trampled under foot—the Government directors treated as nonentities—and the trade, commerce, property, and currency of twenty-four sovereign States, subjected to the despotic and secret control of one man. Is this a national bank, or the bank of one man?

The next instance of systematic breach of the charter in transacting business without the knowledge of the board of directors, was in conducting all that branch of business which came under the idea of foreign correspondence. The immensity of this business, Mr. B. said, might readily be comprehended from recollecting that the large transaction of the three per cent. public debt, in which the orders of the Government were frustrated by the bank two years ago, was a part of this business; and that the whole of it was conducted by one of those subaltern committees. The late Government directors, at page nineteen of their memorial to Congress, expressly state, that the very existence of this foreign correspondence is scarcely known to them! "It is never seen on the table, or in the room, where the board meets. The letter-books containing the various instructions and orders from the institution, as given by the president, are never submitted for their inspection." And the Government directors say of this foreign correspondence, precisely what they had said of the correspondence with the branch banks—that it is not in their recollection that what was done in the course of the last year, on this head, had ever been submitted to the board.

Mr. B. read from the memorial of the Government directors to establish the two points, first, that the board was superseded by a subaltern committee, and that the Government directors were excluded from a knowledge and participation of what was done. The following were the passages read:

"In a word, from the moment we took our seats at the board, we have seen that the real business is not there transacted, nor its real authority there exercised; that there exists, beyond its control, a power that can be, and is, exerted, promptly, secretly, and efficiently, from one end of the country to the other; that the just instrumentality of the directors has been curtailed, either by the mode of operation gradually introduced, or by positive regulations, from time to time prescribed; and that their duties must be inadequately performed, if they are willing to remain passive instruments under a system, instead of asserting their rights as representative agents charged with an important and highly responsible trust."

Mr. B. read another extract from the memorial of the same directors, which he said was entitled to peculiar consideration at this moment, when the committee of the House of Representatives had been denied extracts and copies from the books of the bank; and the directors had refused to testify: it was to show that extracts and directorial information were freely given to editors of newspapers favorable to the bank, while denied to Congress! denied to the President of the United States! denied to the Government directors! and these directors stigmatized as spies for communicating to the President what they could find out! The following was the passage read by Mr. B. for this purpose:

---

charter; and until that decision was made, the affairs of the bank ought to be considered, in every sense of the word, public. He conceived the public mind ought to be enabled, by the possession of every information, to approach the question of re-charter with that degree of consideration which its importance so well merited."

"It is notorious that the editors of newspapers, under their (the bank) patronage, obtain and publish, with no permission of the board known to us, facts in regard to its proceedings, accounts, and expenditures, which they admit have been obtained by information in and out of bank, and by inspection of the documents it possesses."

Mr. B. said, that this paragraph completed the list of the misdeeds of the bank which he proposed at this time to bring to the notice of the Senate. He had not dwelt upon these points heretofore. Often as he had spoken against the United States Bank, and much as he had said against it, he had left these points untouched; because he had expected an investigation which would test the truth of the great and heavy charges which the Government directors, in the most formal and responsible manner, had brought against the institution. That investigation has been attempted, and has been baffled! The House of Representatives are repulsed from the doors of the bank; while the editors of newspapers, in the confidence of the bank, have information of its proceedings, accounts, and expenditures, and inspect its documents! and all this without the knowledge or action of the board!

Mr. B. said that the Government directors had made out a case against the bank, which showed the institution to be unworthy, not only of confidence, but of existence; and which must stand for true until disproved. The case comprehends, with specifications and allegations to sustain it, first, a direct charge against the bank for producing the distresses and embarrassments of the last winter; next, a direct charge for violating the charter in transacting the great business of the bank in subaltern committees, without the knowledge or sanction of the board; thirdly, a direct charge for excluding the Government directors from a participation and knowledge of the business of the institution; and, fourthly, with giving to editors of newspapers, for publication, the information of its proceedings which is denied to a committee of Congress, and to the President of the United States. And, after making these charges, the Government directors expressly refer to the books of the bank to prove what they say, and offer to abide the issue of an inspection. The bank refuses to abide this issue! It repulses the committee which is sent to make the inspection, and the directors refuse to answer a word. Under these circumstances, and for these causes alone, if all others were got over, he, Mr. B., should utterly refuse to restore to them the keeping of the public moneys.

Mr. McKEAN said he would say a word before the vote was taken. After all that had been said, both in and out of Congress, about distress, for six months, this was the first and only opportunity afforded to any Senator to vote for a proposition savoring of relief; and without having changed his opinions in the least in reference to the whole subject, he intended to vote for this resolution, not because he believed it would produce essential relief, but because a vast majority of his constituents who had spoken on the subject, had complained of deep distress, and express a confident belief that a restoration of the deposites will grant relief. This had not been confined alone to the opponents of the administration. He considered it a question of sheer expediency, and one which he presumed many of his constituents could judge of more correctly than himself, and he did not feel himself at liberty to oppose their will.

The question was then taken on the passage of the resolution, and decided as follows:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Leigh, McKean, Mangum, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—28.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, Morris, Robinson, Shepley, Tipton, White, Wilkins, Wright.—16.

So the resolutions were both passed, and sent to the House of Representatives for concurrence.

The Senate then proceeded to consider, in Committee of the Whole, the bill to settle and establish the northern boundary line of Ohio.

The bill was explained by Mr. CLAYTON, and, after a few remarks from Mr. KANE, who wished for more time for consideration, the Senate adjourned.

THURSDAY, JUNE 5.

SCOTT COUNTY (KY.) MEMORIAL.

Mr. CLAY presented the proceedings of a large and respectable meeting of the citizens of Scott county, Kentucky, consisting of a preamble and resolutions, relating to the claims of Executive power recently asserted by the President of the United States. The resolutions, Mr. C. said, denounce in bold, though respectful terms, (as respectful as the nature of the subject will permit,) the claims of extraordinary power asserted by the Chief Magistrate, which they conceive calculated to convert the Government of this country into a practical monarchy, though in an elective form. They consider the protest as a connecting link in the chain of Executive assumptions of unauthorized power, which they have found such just cause to condemn: they consider it altogether unwarranted by any thing to be seen in our institutions, and that the President had no more right to protest against the resolutions of the Senate than he had to protest against the decisions of the Judiciary of the United States.

The resolutions also expressed sentiments favorable to the Bank of the United States. He would not (Mr. C. said) ask for the reading of these proceedings, but would content himself with a motion for printing, and for the usual reference. While up, however, he would again take occasion to remark, that it is now more than twelve months since we had a Secretary of the Treasury appointed in the constitutional form, by the President, by and with the advice and consent of the Senate, and that six months of the session had now passed without the Senate's receiving the nomination of the gentleman who acts as Secretary of the Treasury.

The proceedings and resolutions were then referred, and ordered to be printed.

MEETING OF CONGRESS.

Mr. POINDEXTER, in pursuance of notice given yesterday, asked and obtained leave, and introduced a bill providing for the meeting of the next session of Congress prior to the first Monday in December next; which was read, and ordered to a second reading. The bill was then, on motion of Mr. P., read the second time by its title, and made the special order for Monday next.

COMPENSATION TO VOLUNTEERS.

Mr. TIPTON moved to suspend all the previous orders, and take up the bill granting compensation to the volunteers and militia who had lost horses, wagons, &c. in the late Indian war with Black Hawk; which was agreed to.

After some conversation between Mr. TIPTON and Mr. POINDEXTER,

Mr. ROBINSON, in reply to Mr. POINDEXTER, said: The reasons for the passage of this bill would be perfectly obvious, when it was recollected that the law of 1816, and all subsequent laws upon the same subject, had a limitation, prescribing the time within which the claims were required to be presented. [He here cited the several limitations.] During the time prescribed, many claimants were prevented, from various causes, from presenting for examination and payment, claims clearly allowable and just. The losses sustained during the war with the

Indians in 1832, on the frontiers of Illinois and Michigan Territory, are almost wholly unprovided for. True, a law was passed at the last session, intending to make provision for their payment; but under the construction, as given to that law by the Third Auditor, the law was, in a very great degree, rendered nugatory—a construction which he would not, at this time, stop to examine; but which was such as to require the actual death of the horse to be proved. To make such proof, in the major part of the cases, was utterly impossible, both from the nature of the service and the character of the losses. The service was chiefly in a frontier country, and part of the time as much as two hundred miles beyond the outer settlements; without roads, without any bridges, causeways, or any other of the ordinary facilities for the passage of the innumerable rivers and swamps over or rather through which they had to pass; the former deep, wide, and often swimming; the latter boggy and miry, very extensive, and of the most difficult and dangerous passage. The service was a very hard one, occasionally making forced marches, almost, if not wholly, unparalleled; and that, too, without any forage whatever—during a whole three months' tour of service, not the first feed for the horses was furnished by the United States. The consequence was, they were turned loose to graze, and this, too, with the approbation of the officers; indeed, it could not be otherwise, for there was no other possible means of subsisting them. It often so happened that the rider was dismounted and separated from his horse. Now, it cannot but be obvious to every one, that the losses, under these circumstances, must have been very many, and without the slightest fault or negligence on the part of any one, and to make proof of the actual death wholly without the range of possibility. Where the loss happened in battle, it is not even in all cases possible to adduce such proof as is required under the rules adopted in the examination and allowance of these claims. Cases are in existence, and such have been presented and disallowed, where the owner or rider was killed in battle, his horse wholly lost and never afterwards heard of; but no proof is or can be had of the actual death of the horse; yet, the injury is as great, and the justness of the claim no less than if such proof was at hand and actually made. Under the construction as given by the officer charged with the administration of the law of last session, not one case in twenty of losses will be paid for, judging from the few which have been allowed, and the many which have been rejected. Why, sir, in many cases where horses have been found, since the termination of the campaign, they have been claimed for the United States, and taken and disposed of as such, and the owner unable, under any law now in force, to get his just due. I hope the necessity of such a law as the one under consideration, with these explanations, and the report accompanying the bill, will be so apparent to all as to secure its speedy passage.

On motion of Mr. CALHOUN, the bill was laid upon the table, and made the special order for Friday week.

NAMES OF PENSIONERS.

On motion of Mr. PRESTON, the Senate proceeded to the consideration of the following resolution, as amended, submitted by him some days ago:

Resolved, That the Secretary of War report to the Senate a statement showing the names of the several pensioners who are now, or may have been heretofore, placed on the pension rolls, designating their rank, annual allowance, the sums which they have severally received, the laws under which their pensions have been granted, State or Continental line in which they served, the date when placed upon the roll, their ages, and the States and counties in which they severally reside; also, the names of the pension agents who have received compensation as such, and the amount of such compensation, and the act under which it was allowed, the names of the clerks who are and have been employed in the pension office, and the sums paid them as compensation, with a statement of the aggregate sums paid in each State, and an aggregate statement of the whole sum disbursed on account of pensions; and that he be also directed to report to the Senate the regulations adopted at the War Department, relating to the proofs necessary to entitle claimants to the benefit of the act of 7th June, 1832.

Mr. FORSYTH said, the Senator from South Carolina, by looking at the peculiar requisitions contained in this resolution, would be satisfied that they could not be complied with before the next session of Congress. By next session, the Department, with extra assistance, and at the expense of some $1,000 or $1,500, might be able to furnish the information required. The resolution called for the names of all the pensioners in the United States, their rank, the amount paid them, the laws under which they were paid, their agents, when they (the pensioners) were placed on the pension roll, the county in which they resided, &c. Now, many of these questions might be answered by reference to the certificates; but many others, on the contrary, could not be replied to, without reference being made to the original papers. Mr. F. went on to describe the further difficulties attendant upon the investigation, and said it would be necessary to look over all the papers of the Department. He believed some inquiry as to the amount of pensions paid to the different States would be found useful; information, also, as to the actual condition of the pensioners, was necessary to prevent fraud. Pension money was frequently sent for a year or two after the pensioner had ceased to exist. He (Mr. F.) was happy to say that the suggestion of the honorable Senator from South Carolina, in relation to the publication of a list of pensioners at the respective court-houses, had, in effect, already been acted upon. No person had lately been placed upon the pension roll, who had not previously gone into court and presented his claims to be made a pensioner. The only exceptions which had been made to this rule, were in cases where the health of the individual would not permit him to attend. There was another consideration. If this paper were sent to the War Department, the documents connected with it must be printed, and he believed the expense, in this respect, would be greater than the object to be obtained justified. He had before him a book published by the House of Representatives, containing a list of pensioners, their rank, and the county in which they resided. This book contained 672 pages. The information called for would occupy a much larger space, and would be attended with an additional proportion of expense. Suppose the expense, however, were only three times as much as that of the book to which he had alluded, (and this was a very low calculation,) the cost of printing would be at least between six and seven thousand dollars. He (Mr. F.) thought it would be $10,000. He did not make these observations for the purpose of diverting the Senator from South Carolina from his object; on the contrary, he thought that some inquiry upon this subject was highly necessary. If the honorable Senator would indicate any committee to which he wished the question referred, he (Mr. F.) would vote for such reference. If the Senator, however, was not prepared to indicate any particular committee, he (Mr. F.) would move to refer it to the Committee on the Contingent Fund.

Mr. PRESTON said he would not have presented the resolution which is now before the Senate, had he not deeply considered the subject, and came to the conclusion that there was no better mode of effecting the object he had in view, than the one which he had adopted. When the subject was before the Senate the other day, he had understood his proposition as being generally concurred in. The present call was exclusively for informa-

tion, and, if it were complied with, the Senate would very speedily be able to discover if any frauds had been practised in relation to the pension fund. The possession of the documents which he had called for, would alone enable them to do this; he therefore adhered to his proposition. It was very desirable that the information called for should be obtained, as the only efficient remedy which could be applied was the publication of that information in an authentic form, at the different court-houses. He must be permitted, however, to remark, that the question of publication was not now before the Senate; the present call was, as he had before said, only for information. He could not help thinking though, the object was worth the expense. This (the expense) would not be so great either, as was supposed by the honorable Senator from Georgia. He (Mr. P.) was prepared to say, that if the work contained 40,000 names, 10,000 copies of it might be printed for $4,000; not more than 2,000 copies, however, would be required for the purposes he had designated. He would go more at large into this point, but he repeated that the question of printing and distribution was not now under consideration; the present call was for information, and all, he believed, were willing to admit that information was highly necessary in connexion with the subject. He would not have introduced this proposition at all, if the expenses of the pension fund had been, in the slightest degree, diminished; but instead of that, they were increasing at the rate of 23½ per cent. yearly. Difficulties were accumulating upon their hands, and it was highly requisite that the subject should be inquired into. After information had been obtained, the action of a committee might become necessary, and he should not then hesitate to call for it. Mr. P. concluded by expressing his intention, at the proper time, to introduce a resolution relative to the printing and distribution of the information for which he had called.

Mr. BELL made a few remarks in reply to the statement made the other day by the Senator from South Carolina, [Mr. PRESTON,] that the duration of human life was longer in the South than in the North. Mr. B. contended, that, notwithstanding the appearances, the contrary was the case.

Mr. EWING moved to lay the resolution on the table, for the purpose of proceeding to the unfinished business.

Mr. PRESTON (Mr. EWING's motion being withdrawn) said, he wished for no further discussion; but he would make an explanation. The gentleman [Mr. BELL] had said, people lived longer in New Hampshire than in South Carolina. Mr. P. congratulated him, if it was so; but when he (Mr. P.) mooted the question of longevity, he spoke of extreme longevity; and there were 14 persons in South Carolina above 100 years old, and only 3 in New Hampshire. Mr. P. thought the resolution had already lain too long on the table.

Mr. FORSYTH moved to refer it to the Judiciary Committee; which was negatived by a vote of 18 to 12.

The resolution was then adopted.

NORTHERN BOUNDARY OF OHIO.

The bill establishing the northern boundary line of the State of Ohio, was taken up.

Mr. POINDEXTER moved that the bill be laid upon the table, and made the special order of the day for Thursday next. This motion having been withdrawn—

Mr. CLAYTON, who reported the bill, rose in explanation of its details.

Mr. EWING spoke at length in favor of the bill.

Mr. TIPTON rose and addressed the Chair as follows:

Mr. President: I confess that I was not a little surprised to hear the honorable Senator from Ohio say that Michigan had no rights here. I contend that she has rights, and regret that those rights have not an abler advocate on this floor than I am. My object in rising, is to say a few words against the passage of this bill, and I flatter myself that I shall be able to show to the Senate and to the country, that Ohio has no well-founded claim to take from Michigan that part of her territory demanded by the bill on your table. Michigan was put in possession of this tract of country many years ago, by the Congress of the United States. She has organized her counties, erected her court-houses and other public buildings, and made all her local arrangements over the territory now in dispute; and it would be unjust to take it from her. I will show what the action of Congress has been at various periods, by reading the laws and resolutions upon that subject.

If I could have consulted my own wishes, I would have deferred the settlement of this question of boundary between the State of Ohio and the Michigan Territory, until Michigan had been admitted into the Union as an independent State, and had an opportunity of being represented on this floor by two of her own citizens. But, since both the Legislature and the delegation in Congress from Ohio, are pressing this question upon us, and believing it within the competency of Congress to settle it, I hope that we shall decide the dispute with an eye to the dispensation of equal justice between the parties, and put it at rest forever.

I contend, said Mr. T., that Congress, the guardian of the Territories, had the power to divide that part of the Northwestern Territory that lies north of a line due east and west through the southern bend or extreme of lake Michigan, into one or two States, or to attach it to any other State, as the public interest might require; and in the exercise of her sound discretion over that Territory, Congress did extend the State of Indiana ten miles, and the State of Illinois half a degree north of that line. This was done because the public convenience required that it should be so attached, to give these States harbors on the lakes, and the navigation of them also.

The State of Virginia, in 1786, modified her act of cession, to give Congress this discretionary power; and that Congress possesses the power cannot be doubted.

In the Senate, the sovereign States are equally represented; the least State has as great a representation here as the largest. On this body the weaker States, therefore, must rely for protection against the encroachments of their more powerful neighbors; and, relying on the justice of the Senate, they need not fear the result.

Michigan, with a population of between 50,000 and 60,000 souls, has no voice on this floor; she has, it is true, a delegate in the other House, with a right to debate but not to vote in settling questions where she is interested. Ohio has a population of more than a million of souls, with two Senators here and nineteen Representatives in the other House of Congress. This is fearful odds arrayed against the Territory, and demanding of Congress to reduce it, by adding to the great State of Ohio, already too powerful for the peace of her less powerful neighbors; but she trusts her case to the justice of the Senate, and need not dread the decision.

I concur in that part of the report made by the honorable chairman of the Judiciary Committee, that asserts the power of Congress to settle this question. I contend that this is not wholly a question of law, but also a question of political expediency, and that it is neither expedient nor proper to extend the jurisdiction of Ohio north of a line drawn due east from the southern extreme of lake Michigan to lake Erie, and believing this, I protest against it, in behalf of the people of Michigan, as being uncalled for by the public interest, inexpedient, and unjust.

To satisfy the Senate that the law is against Ohio, I will read the second section of an act of Congress, approved 30th April, 1802, entitled "An act to enable the people of the eastern division of the territory northwest of the river Ohio, to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States." It is as follows:

"That the said State shall consist of all the territory included within the following bounds, to wit: Bounded on the east by the Pennsylvania line, on the south by the Ohio river, to the mouth of the great Miami river, on the west by the line drawn due north from the mouth of the great Miami aforesaid, and on the north by an east and west line drawn through the southerly extreme of lake Michigan, running east, after intersecting the due north line aforesaid from the mouth of the great Miami, until it shall intersect lake Erie or the territorial line, and thence with the same through lake Erie to the Pennsylvania line aforesaid: provided, that Congress shall be at liberty at any time hereafter, either to attach all the territory lying east of the line to be drawn due north from the mouth of the Miami aforesaid to the territorial line, and north of an east and west line drawn through the southerly extreme of lake Michigan, running east as aforesaid to lake Erie, to the aforesaid State, or dispose of it otherwise, in conformity to the fifth article of compact between the original States and the people and States to be formed in the territory northwest of the river Ohio."

By this law Congress reserved the right either to attach this territory to the State of Ohio, or to make such other disposition of it as the public interest may require. All the people living within the limits prescribed by this act were authorized to form for themselves a constitution and State government. No one living beyond the bounds prescribed by this law had a right to take part in forming a constitution for Ohio. The people residing in one portion of this country, could not form a constitution for those residing elsewhere, nor could a territory, not included within the limits laid down by this act, be embraced within the State of Ohio, without the assent of Congress. Hear what the Ohio convention said upon this subject. Sixth section seventh article constitution of Ohio:

"That the limits and boundaries of this State be ascertained, it is declared that they are as hereafter mentioned; that is to say: bounded on the east by the Pennsylvania line; on the south by the Ohio river, to the mouth of the great Miami river; on the west, by the line drawn due north from the mouth of the great Miami aforesaid; and on the north, by an east and west line drawn through the southerly extreme of lake Michigan, running east, after intersecting the due north line aforesaid from the mouth of the great Miami, until it shall intersect lake Erie or the territorial line, and thence with the same through lake Erie to the Pennsylvania line aforesaid: provided always, and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of lake Michigan should extend so far south, that a line drawn due east from it should not intersect lake Erie, or if it should intersect the said lake Erie east of the mouth of the Miami river of the lake, then, and in that case, with the assent of the Congress of the United States, the northern boundary of this State shall be established by, and extending to a direct line, running from the southern extremity of lake Michigan to the most northerly cape of the Miami bay, after intersecting the due north line from the mouth of the great Miami river as aforesaid, thence northeast to the territorial line, and by the said territorial line to the Pennsylvania line."

I hope the Senate will bear in mind, that the line to be drawn east from the southern bend or extreme of lake Michigan to lake Erie or to the territorial line of the United States, was the basis for the northern boundary of Ohio. The southern bend of lake Michigan was the permanent controlling point to govern in establishing the line of demarcation between Ohio and the State to be formed north of it. The Canada or territorial line of the United States was a collateral, not material point. It is immaterial for all practical purposes, whether the northern boundary of Ohio intersects the Canada line or not. It being an open space of water in lake Erie, no permanent demarcation can be made to distinguish this line; nor is it at this day so distinctly known, that we can determine whether the line drawn east from lake Michigan will intersect the Canada line or not. Some affirm that it does—others doubt it.

The constitution of Ohio was transmitted to the seat of Government by Mr. Worthington, who was appointed special agent for that purpose; he had been a member of the convention that formed the constitution, was one of her first Senators in Congress, and afterwards Governor of that State. The constitution was referred, in the House of Representatives, to a committee, of which Mr. Randolph, of Virginia, was chairman. This committee was directed to examine it, and report their opinion thereon, to the House. It was as follows:

"Mr. Randolph, from the committee to which was referred a letter from Edward Tiffin, president of the convention of the State of Ohio, and a letter from Thomas Worthington, special agent of the said State, enclosing the constitution thereof, together with sundry propositions in addition to, and in modification of those contained in the act entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes,' made the following report:

"The provision contained in the sixth section of the seventh article of the constitution of the State of Ohio, respecting the northern boundary of that State, depending on a fact not yet ascertained, and not being submitted in the shape of the other propositions from the convention to Congress, the committee have thought it unnecessary to take it at this time into consideration."

Mr. Randolph's report proves that the proposition made by the Ohio convention to embrace more territory within the limits of that State, was not sanctioned by the Congress of that day; and that was the proper time to attach this territory, if ever it ought to have been done. The country was then a wilderness. Michigan, as a Territory, did not exist. The whole Northwestern Territory then included it, and being at the disposal of Congress, Michigan was stricken off from it. But the case is different now. The territorial government of Michigan has been organized; she has, in legal phrase, been put in possession of the disputed territory by the Congress of the United States, and has been exercising jurisdiction and acts of ownership over it ever since the late war, a period of near twenty years.

Mr. Worthington, one of the first Senators in Congress from Ohio, presented to the Senate the petition of Joseph Harrison and others, inhabitants of the northern portion of the Northwestern Territory, praying Congress to divide that territory and organize Michigan. Their petition was referred to a committee, of which Mr. Worthington was chairman. The committee reported a bill to organize Michigan, and to give the assent of Congress to the proposition contained in the sixth section of the seventh article of the constitution of Ohio. This bill was amended by striking out all that related to giving the assent of Congress to that proposition of the Ohio constitution.

The bill, thus amended, became a law on the 11th of February, 1805, organizing the Michigan Territory, and establishing, as its southern boundary, a line drawn due east from the southern bend of lake Michigan to lake Erie, agreeably to the provisions of the act of Congress of the 30th of April, 1802, admitting Ohio into the Union. Could there be stronger evidence that the Congress of that day did not deem it expedient to give Ohio what she was then and still is claiming? And in the further developments of the advantages of the country, no new reason for granting her request has presented itself.

Again: Let us see what Mr. Morrow, the first Repre-

sentative in Congress from Ohio, said upon this subject. I find that he thought the assent of Congress was necessary to the proposition contained in the sixth section of the seventh article of the constitution of Ohio. Mr. Morrow introduced into the House of Representatives, in the session of 1811–12, the following:

"*Resolved*, That a committee be appointed to inquire into the expediency of confirming the northern boundary of the State of Ohio, as designated by the constitution of that State, and of providing by law for the actual survey of the western boundary line of the said State, and that they report by bill or otherwise."

Here, sir, was a distinct proposition to Congress to establish the line between Ohio and Michigan, agreeably to the proposition in the constitution of Ohio. And here, again, Ohio was met by a denial of her request. A law passed, not calculated to suit the views and wishes of Mr. Morrow, of which I will read a section. It was passed on the 20th of May, 1812:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the surveyor general, under the direction of the President of the United States be, and he is hereby, authorized and required (as soon as the consent of the Indians can be obtained) to cause to be surveyed, marked, and designated, so much of the western and northern boundaries of the State of Ohio, which have not already been ascertained, as divides said State from the Territories of Indiana and Michigan, agreeably to the boundaries established by the act entitled 'An act to enable the people of the eastern division of the territory northwest of the river Ohio to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and for other purposes,' passed on the 30th of April, 1802, and to cause to be made a plat or plan of so much of the boundary line as runs from the southerly extreme of lake Michigan to lake Erie, particularly noticing the place where the said line intersects the margin of said lake, and to return the same, when made, to Congress."

The survey of the northern boundary of Ohio, authorized by this law, was not completed until the year 1818, owing to the Indian war that intervened; and when this survey was made, in strict conformity to the several acts of Congress, of 30th April, 1802, 11th February, 1805, and 20th May, 1812, providing for organizing the State of Ohio and the Michigan Territory, the people of that Territory had strong grounds to hope that the question of boundary was finally settled. But, sir, it was not suffered to rest here. Mr. Brush, a Representative in Congress from Ohio, in February, 1820, introduced the following resolution:

"*Resolved*, That a committee be appointed to inquire into the expediency of providing, by law, for surveying, marking, and permanently establishing the northern boundary of the State of Ohio, beginning at a point north of the most northerly cape of the Miami bay, running thence due west, to the intersection of the west line of said State."

Mr. Brush was not content to take what they now ask. He wanted to run a line due west from the north cape of Miami bay to the west line of the State.

This resolution, however, the House refused to consider, although frequently urged upon their attention by the mover, and Mr. Beecher, one of his colleagues.

Mr. Woodbridge, then the delegate from Michigan, was more fortunate. Seeing that the House refused to consider Mr. Beecher's resolution, he submitted the following:

"*Resolved*, That the line heretofore caused to be surveyed, marked, and designated, from the southern extreme of lake Michigan due east, in pursuance of the provisions of an act entitled 'An act to authorize the President of the United States to ascertain and designate certain boundaries,' passed 20th May, 1812, so far as the same extends due east from the western boundary of the State of Ohio, be, and remain, the established boundary between the said State and the Michigan Territory."

This resolution was referred to the Committee on Public Lands, of which Mr. Anderson, of Kentucky, was chairman; and after being discussed before the committee by the delegate from the Territory, and the members from Ohio, it was reported to the House by Mr. Anderson without amendment, and it is believed would have passed, but for want of time before the close of the session of Congress.

The same subject has been frequently urged upon the attention of Congress by Mr. Beecher, Mr. Vinton, and now by the honorable Senator, [Mr. EWING,] asking us to do what Congress has refused for thirty years. I would ask, is it just for us to strike from Michigan four or five hundred square miles of territory, over which she has exercised jurisdiction for many years, and thereby reduce three of her most respectable counties, both as to territory and population, Monroe, Lenawee, and Hillsdale; thereby lessening her prospects of being admitted into the Union for years to come?

A line drawn due east from the southern bend of lake Michigan to lake Erie, crosses the Maumee river about eight miles south of the north cape of the Maumee bay, and about three miles from the foot of the rapids of this river. At the foot of the rapids, on the west side of the river, is situate the town of Maumee. On the east side, and nearly opposite, is Perrysburg. At the former place, the United States engineers have located the termination of the Wabash and Erie canal, and to this point vessels navigating the lakes can ascend. Here the trans-shipment from lake vessels to canal boats will be made. To establish these facts, I refer to the official surveys of the United States engineers, and to a report from the board of canal commissioners of Ohio; and as confirmation of it, I will read from an Ohio paper, that, I am sure, will be good authority with the Senator from Ohio. The Miami of the Lake, a paper published at Perrysburg, dated the 10th of last month, says:

"*Our River.*—As there are misconceptions, and, doubtless, misrepresentations also, in regard to the depth of water from this place to the lake, we publish an extract from the report of the canal commissioners, made to the Legislature of Ohio in 1824, on the subject. We only add, that this report corresponds with the opinion now entertained by most of our river pilots.

"Soundings were taken of the Maumee river, and bay, from the foot of the rapids to Turtle island, off the north cape of the bay. At the point where it is proposed to erect the dam suggested, there is rock bottom, with 6½ feet water. Below this rock this water increases, in a short distance, to 8 and 9 feet depth. At a point between that and Swan creek, a mile above Grassy point, about 8 feet water was found, and on the bar in the bay 8.25 to 9 feet.

"It is sufficient for us to add, that the rock bar above-mentioned, as having on it 6½ feet water, is the shoalest water up to Perrysburg, and Port Miami, and that when the soundings were taken, as above, the river was low."

The same paper says: "We neglected to notice, that the steamboat General Brady some time since commenced her regular trips between Detroit and this place."

I have on my desk an extract from the notes of Col. Stansbery, the United States engineer who located the Wabash and Erie canal, and took the soundings on the bars in the river and bay below Maumee and Perrysburg. These notes corroborate the report of the canal commissioners of Ohio, and show that there is above eight feet of water on all the bars but one, and estimate the cost of removing that bar at $1,500. Seven feet water is, in my opinion, sufficient for the schooners and steamboats that navigate the lakes.

Both the Senators from Ohio and Delaware say that Ohio should own the termination of her canal. I trust I have shown that she now owns it. The canal never will be extended below Maumee. Does Ohio want the head of steamboat and sloop navigation? She now has it. Does she claim the extensive water power created by the construction of the Wabash, Miami, and Erie canals round the rapids of the Maumee river? She now owns it. And I am at a loss to see what Ohio is contending for, unless it be to increase her power, that is already overshadowing her sister States in the valley of the Mississippi. Ohio embraces within her limits near forty thousand square miles. That it is capable of sustaining an immense population, is abundantly proved by her late census.

The Michigan Territory embraces but about 31,000 square miles. Ten thousand of this is not habitable, it being hemlock flats. Michigan will always be a third or fourth rate State in point of population, even including all her present territory within the peninsula. Congress put her in possession of this country, and has defended her against Ohio for 30 years. I contend, therefore, that the Territory has a vested right, by occupancy, which we should not disturb at this late day. By reducing Michigan to add to Ohio, we but make the weak weaker, and the strong stronger. To what other tribunal should the Territory look with such confident hope of protection against encroachment, as to the Senate of the United States?

The Senator from Ohio has told us that if Ohio owns Swan creek, she will build up a town there, and blight the prospects of Monroe. This blighting influence of her power, is one of the evils that I complain of. A town, or rather two towns, Port Lawrence and Vestula, are now growing up near Swan creek, in the Territory. The Legislative Council has, I am informed, chartered a company to construct a railroad from one of these towns westward, over the peninsula, to lake Michigan. The stock has been taken, and surveys are now in progress to locate the road. We have passed a bill through the Senate appropriating money to open a road from Vestula westward to the Indiana State line. And are all these works now to be surrendered up to Ohio? I hope not, sir.

To the State that I have in part the honor to represent here, it is immaterial how this question is settled, if we can have it finally adjusted, and go on harmoniously with our neighbors for the improvement of our country and the happiness of the people.

I should not have obtruded myself upon the notice of the Senate if any other Senator had thought proper to defend the rights of the Michigan Territory; but I could not sit silently by and see what I think an act of injustice done to the people of Michigan, who are not represented here by her own citizens.

For the purpose of ascertaining whether the Senate are determined to settle this question at this time, I move that the further consideration of this subject be indefinitely postponed.

Mr. LEIGH argued at considerable length against the postponement, and in favor of the bill, contending that it was a question of political expediency, that this matter should be settled in favor of the State of Ohio.

Some further conversation occurred between Messrs. TIPTON, LEIGH, and CLAYTON, when the question was taken by yeas and nays, and decided as follows:

YEAS.—Messrs. Benton, Black, Brown, Grundy, Hill, King of Alabama, McKean, Swift, Tipton.—9.

NAYS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kane, Kent, Knight, Leigh, Linn, Mangum, Morris, Naudain, Poindexter, Porter, Prentiss, Robbins, Robinson, Shepley, Smith, Southard, Sprague, Tomlinson, Waggaman, Webster, White.—30.

So the Senate refused to postpone the bill indefinitely.

Mr. TIPTON then offered an amendment, changing the boundary line between Ohio and Michigan; which was negatived.

The bill was then ordered to be engrossed, and read a third time.

AMENDMENT TO THE CONSTITUTION.

Mr. BIBB, from the special committee on an amendment of the constitution, reported a substitute for the two amendments proposed by Messrs. BIBB and BENTON.

On motion of Mr. SHEPLEY,

The Senate adjourned.

FRIDAY, JUNE 6.

The Senate was occupied the whole of this day in the consideration of bills, among which came up the bill for establishing the

TERRITORIAL GOVERNMENT OF WISCONSIN.

On the motion, by Mr. POINDEXTER, to lay this bill on the table—

Mr. TIPTON said: The honorable Senator from Mississippi is misinformed as regards the extent, situation, and population of the territory intended to constitute the State of Michigan and Territory of Wisconsin. The country called Michigan Proper is the peninsula between lakes Erie and Michigan, and is of suitable extent and population at this time to form a State.

The bill now before us provides for organizing the country between lake Michigan and the Mississippi river, (now forming part of the Michigan Territory,) and the country between the Mississippi and Missouri rivers, extending up the Missouri river to the Whitheath river, into the Territorial government of Wisconsin. This territory must have ten thousand inhabitants at this time, and will soon form two large States. Near 3,000 inhabitants have located themselves on the west bank of the Mississippi river, north of the State of Missouri, in the vicinity of Debuque's mines, on lands lately purchased from the Sacs and Fox Indians. These people have petitioned us to extend the laws over them. Their petition lies on your table; and when the Secretary reads it, to let honorable Senators see what the petitioners pray for, I have no objection to lay this bill on the table until the Senate can act on the bill authorizing the people of the eastern division of Michigan to form a constitution and State government.

The bill was then again laid on the table.

PRIVATEER ROGER.

The bill for the relief of the owners and crew of the late privateer Roger, late Roger Quarles, master, was then taken up.

Mr. TYLER argued that interest was justly due, inasmuch as Government used the money for the purpose of prosecuting the war, and was, at that time, borrowing money at eight per cent., whereas six per cent. only was asked by that bill.

Mr. BIBB explained the law in cases of prize money. The prize is usually sold by judicial authority, and proceeds placed in a bank or other safe keeping, until the prize be declared by law to be good prize; but in that case no interest was ever sought. In this case the duties were ordered into the Treasury until adjudication should be declared, and the amount of duty paid. On adjudication, the holder of the money was not liable to pay interest.

Mr. SHEPLEY also contended against interest.

On the question being put, the bill was negatived.

FLORIDA CANALS.

Mr. KING, of Alabama, moved that the bill for making certain canals in Florida be taken up.

Mr. KING moved to strike out the whole of the bill after the enacting clause, and insert an amendment appropriating two thousand dollars, for the purpose of making a survey.

Mr. TIPTON opposed the amendment. The bill, as it stood at present, gave to the companies what they asked for; and he did not see the necessity of giving them more. The proposed works were indisputably necessary. He had no objection to recommit the bill.

The CHAIR said the bill was now on its third reading, and no amendment could be made without unanimous consent.

Mr. KING, of Alabama, showed the necessity and propriety of the survey.

Mr. SOUTHARD was satisfied that the bill had better be entirely lost, unless accompanied with the amendment proposed. Congress ought to have some estimate of the expense. It was highly important to the Territory and to the country. He wished the bill to lie on the table.

Mr. TIPTON was opposed to the course which was proposed; was opposed to appropriating more for this purpose than all the land they asked for would amount to.

Mr. KING, of Alabama, said, as the bill now was, it was altogether indefinite. The bill did not say where the land to be selected lay.

Mr. MOORE moved that the bill be recommitted.

On motion of Mr. KING, of Alabama, the bill was laid on the table.

On motion of Mr. MOORE, the Senate adjourned.

SATURDAY, JUNE 7.

CLAIMS ON FRANCE.

The CHAIR communicated a report from the commissioners under the act to carry into effect the late treaty with France, made in compliance with the resolution of the 22d ult., showing a list of all the claims which have been presented to them, together with the amount of principal and interest claimed by the memorialists in each case, and the aggregate amount, arranging into classes those which have been recognised as falling within the treaty, those which have been suspended, and those which have been rejected.

General Recapitulation.

Amount of list marked A, comprehending "claims recognised as within the treaty"—		
Principal,	17,065,917 36	
Interest,	24,574,920 99	
		41,640,838 35
Amount of list marked B, comprehending "claims rejected" by the board—		
Principal,	618,258 72	
Interest,	1,001,579 12	
		1,619,837 84
Amount of list marked C, comprehending "claims" suspended—		
Principal,	3,272,325 94	
Interest,	5,301,168 02	
		8,573,493 96
Total amount of claims presented, principal and interest, - -		$51,834,170 15

The report having been read—

Mr. SPRAGUE said, this was a document of much importance at the present time, especially in connexion with the recent refusal of the French Chamber of Deputies to make the appropriation for carrying into effect the late treaty. That refusal, as he verily believed, had been occasioned by the publication of the correspondence of our late minister to France, Mr. Rives, with our Secretary of State. Read his letter of July 8, 1831, transmitted with the treaty. You will find there very strong representations of great advantages attained by that treaty. I should not be disposed to censure a minister for presenting the offspring of his labors in the best garb. But here is an exaggeration which transcends all bounds. He boasts that he had obtained from France a sum of money "amply sufficient to satisfy all the just claims our citizens of every description comprehended within the scope of the negotiation." He specifies and depreciates particular clauses, by saying that Mr. Gallatin had expressed an opinion that there could be no expectation that indemnity will ever be obtained. He proceeds to undervalue all these claims, declaring that Crawford, and Gallatin, and Brown, his predecessors, in letters never published, but intrusted to him, had in former years "regarded this whole subject as almost entirely hopeless;" that the difficulties had since increased; that they had been "prosecuted in vain for the last twenty years, and a large portion, if not the whole, of which has been considered as desperate." And then repeats that he had obtained "a sum sufficient, in all probability, to pay every cent justly due, and nearly treble the amount pronounced to be due by the commission charged with their examination here." In the amount justly due is included principal and interest. This is apparent, and will be rendered still more clear by referring to his letter of 29th of June, 1831. Having thus obtained from the French a sum sufficient to pay every cent justly due, principal and interest, of every description of claim, he proceeds to boast that he had induced the French Government to release claims against us, by our paying about thirty per cent. only—less than one-third of the amount. He says that the treaty "extinguished claims of French subjects against the United States, to the amount of near five millions of francs, by a stipulation to pay a million and a half."

I will show the Senate directly that the statements made in this letter are grossly erroneous; that it ought never to have been written, but, if written, most assuredly it should have remained in the secret recesses of the State Department. What are we to think of an administration which necessarily gives publicity to such a communication; which, for no end or object of public interest, but only for self-glorification, publishes it to the world, makes it known to the French minister here, and to his Government at home? Can it be doubted that that publication caused the refusal of the French Chamber to make the appropriation? Their debates show that it was known to the members. It was objected, that we had obtained too much; that one-half of the amount stipulated would fully indemnify our citizens; that the treaty ought not to be carried into effect, because it was unequal, and we had obtained undue advantages. Has not the difficulty which has occurred been occasioned by the wanton and unfounded boasting of our own Executive? I say unfounded; and the document just read abundantly proves it. What is the sum stipulated by the treaty? Five millions. What is the amount of the claims which have been presented to the board of commissioners appointed to adjudicate upon them under the treaty? Fifty-one millions eight hundred and thirty-four thousand dollars. Of this sum, the board, pursuant to rules established and promulgated before any difficulty was anticipated, have actually admitted memorials as *prima facie* good, to the amount of forty-one millions six hundred and forty thousand dollars; of which, seventeen millions and sixty-five thousand dollars is principal, and twenty-four millions five hundred and seventy-four thousand dollars interest. And the board have rejected memorials to the amount of one million six hundred and nineteen thousand dollars; of which, six hundred and eighteen thousand dollars is principal, and one million and one thousand dollars interest. And there have been suspended, for future

consideration, and future adjudication, memorials to the amount of eight millions five hundred and seventy-three thousand dollars; of which, three millions two hundred and seventy-two thousand dollars is principal, and five millions three hundred and one thousand dollars is interest.

If these suspended cases shall be allowed, it will make the amount claimed by memorials, admitted and accepted, to exceed fifty millions; that is, ten times the amount of the indemnity. If we make the most liberal deductions, and cut down the amount one-half, still it will be five times the amount provided by the treaty, and our merchants will receive but twenty per cent.—one-fifth part of their just due. So much for our own claims. And now, sir, as to those of the French.

Mr. Rives, by the publication of his letters to the administration, makes it matter of boast, that we are released from claims nominally amounting to near five millions of francs, by the payment of one million and a half. But Mr. Rives himself admits that he has no knowledge whatever of any of the claims, except that of the heirs of the Baron Beaumarchais. He has no other than the mere statement of the French minister to him. Would any public minister pay a single dollar upon claims of which he knew nothing, upon which he had no instructions or information whatever! Then as to the Beaumarchais claim, it is an old acquaintance in the Halls of Congress, and has there been repeatedly decided, after investigation, to be utterly unfounded. It arose from a transaction during our Revolution; and Mr. Rives, in stating its amount, calculates interest from that time. He states the claim to be more than three millions and a half of francs, of which one million only is principal, and more than two and a half millions are interest. The sum which he stipulated to pay was a million and a half of francs, equal to the whole principal, and fifty per cent. more, of this antiquated and often-rejected Beaumarchais claim, while our own merchants will not receive one-half, if they do one-third or one-fourth, of the principal of their just claims, without interest. Sir, let the administration cease to boast of this trumpeted diplomatic achievement. Let them acknowledge the plain truth, that for the sake of a final adjustment, they have sacrificed the just and righteous claims of our merchants to an immense amount, to at least tens of millions, while they have paid France liberally for doubtful pretensions. Let them state the truth, that the treaty is far more advantageous to France than to the United States—and there will be no difficulty in their carrying it into immediate effect. They will then be tenacious of the treaty, and the relief it affords them from our strong and irresistible claims. If this treaty is not executed, our merchants will be remitted to their original rights, and, I trust, will not, unless upon some conjuncture of circumstances more extraordinary than has yet arisen, ever again be so sacrificed, and cut down to so small a fraction of their honest, well-founded claims.

This treaty does not do justice to the United States and its citizens. The obtaining it is no matter of congratulation or self-satisfaction. It may be best to accept and acquiesce in it, as a matter of expediency, rather than attempt to coerce justice by a resort to a war of commercial regulations, or, what is worse, a war of arms. But it should be known and understood that it is only upon this ground of expedieney, to prevent hostility, to preserve amicable and friendly relations, that we could acquiesce in such enormous pecuniary sacrifices of our just and irresistible claims. The French Government should be disabused of the error into which they have been led; they should be given to understand, that, instead of our having made a hard and over-reaching bargain, we have made even extravagant concessions, and accepted of less than one-fourth part of our well-founded, clear, and indisputable demands. Instead of reproaching us for our supposed unfairness, she should be enabled to appreciate our extraordinary concessions and sacrifices.

The report was ordered to be printed.

INTEREST TO STATES FOR ADVANCES.

The bill providing for the final settlement of the claims of States for interest on advances to the United States during the last war was considered.

Mr. SILSBEE offered, as an amendment, to insert after the word "refunded," in the fifth line, "or which may be refunded." Mr. S.'s object was understood to be to prevent the payment of interest on any sums but those which might be hereafter refunded. The amendment was carried. After a discussion in which Messrs. CHAMBERS, PRESTON, CLAY, BLACK, and others took part, the question upon the engrossment and third reading was taken by ayes and noes, and resulted in the affirmative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, Leigh, McKean, Naudain, Porter, Prentiss, Robbins, Shepley, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Webster, Wilkins.—24.

NAYS.—Messrs. Benton, Bibb, Black, Calhoun, Grundy, Hill, King of Alabama, King of Georgia, Mangum, Moore, Morris, Preston, Robinson, Tallmadge, Tipton, White, Wright.—17.

The remainder of the day was spent in the consideration of bills, till the Senate adjourned.

MONDAY, JUNE 9.

RHODE ISLAND RESOLUTIONS.

Mr. ROBBINS presented the resolutions from the General Assembly of the State of Rhode Island, remonstrating against the measures of the Executive in relation to the Bank of the United States and the Finances, and expressing it as their opinion that the best interests of the country require that the public deposites be restored to the bank.

On presenting the above proceedings, Mr. ROBBINS said: These resolutions come from the representatives of the people of Rhode Island; a people illustrious throughout their history, from the purchase and settlement of their country, down to the present day, for their devotion to liberty, both civil and religious. At a time when the whole world of Christendom held religious intolerance of what was deemed to be heresy to be a Christian duty, and when that duty was every where enforced by the civil arm and the penal code, that people had the novel merit of establishing for themselves religious liberty; they began with it; they founded their civil polity upon it; they made it a chartered right. It was called in their charter an experiment, as being a new and untried thing in the then Christian world. Though the banners of religious toleration, for the protection of religious liberty, have since been displayed elsewhere, and almost every where else, more or less, it was in Rhode Island where they were first displayed to the Christian world. There that sacred liberty first plumed her infant and new-born wings; and there she still spreads them over that people. There, though sects abound, and each has its own bond of union, and own mode of worship, yet all are on a footing of perfect equality, and all live in harmony with all. Sectarian creed has no connexion there with state politics, and never has been known to enter into their party and political contests. No sect there has ever acted as a political party. To be of this creed or of that creed in religion, is never mentioned there as a recommendation of, or an objection to, a candidate for public appointment; it is only his moral or his civil merits that are ever canvassed by the electors. For religion is there held to be the communion of the spirit with that great Being who is the Father of

spirits; to be a personal concern between the conscience and its God; in which the magistrate has no right to intermeddle, and of which no other individual has a right to make himself the judge or censor.

As to civil liberty, they prize it as the parent and nurse of all the manly virtues, as the source and the guarantee of all the means of improving and perfecting the social condition of man. There its spirit burns; its elevating sentiment and its chivalrous bearing have ever marked their history. Though another place has been denominated the cradle of liberty, yet what has been received as the first overt act of the revolutionary war, namely, the destruction of the teas in Boston, was anticipated by the burning of the Gaspee in the waters of Narraganset bay. Prompt at the call and in the cause of freedom, Rhode Island poured out like water, both her blood and her treasure, to maintain the revolutionary struggle. Of all the States, she was the largest creditor to the Union, in proportion to her territory and population; a fact attested by the final settlement of her accounts with the Union. Her Hopkins and her Ellery, whose names you see appended to the Declaration of Independence, were not more examples, though great examples, than heralds, of the high and ardent spirit which animated her people to the contest. With her well-appointed and gallant bands, she sent forth her Greene to fight the battles of freedom —a name second only to that of Washington in the rolls of revolutionary fame. As afterwards, in the second war of independence, as it has been called, she sent forth her Perry to crown the glories of that war, by his heroic achievement on lake Erie; displaying there the same superiority in battle, of fleet against fleet, as was displayed on the ocean, of ship against ship, by our gallant navy. The youthful, the amiable, the heroic, but the hapless Perry! to be extinguished in the bloom of life and of fame! and of such fame! It is as if a new-born star, just risen above the horizon in the heavens, and beginning to shed its glories on the earth, had suddenly started from its sphere, and disappeared, forever lost to the world.

Who could believe that such a people, when, as at the present crisis, the question is between the constitution and the laws (which are but another name for liberty) on the one side, and arbitrary power, as claimed by the Executive, on the other; that such a people could array themselves on the side of the latter, and rally to the standard of despotism, though unfurled by the hero of New Orleans, or by a thousand heroes of New Orleans? Knowing this people as I did, I knew this to be impossible. Hence, I told the honorable gentleman from Georgia, [Mr. FORSYTH,] when on a late occasion I was presenting a memorial from the people of that State, in answer to his question (jeeringly put, as I thought) "What has been the result of your late election?" that it had been a triumph to the cause of the memorialists. If he doubted the fact then, (and he did seem to doubt,) he will not now, after he has heard these resolutions read. The representatives of that people, returned by that election, have passed these resolutions by an overwhelming vote; putting their seal of reprobation upon these high-handed, these unwarranted and unwarrantable proceedings of the Executive. Here let honor be done to whom honor is due. It is grateful to see so many of the Jackson members of that body sacrificing their party ties to their patriotic duties. It was in them a magnanimous act of patriotic duty. They have indeed nobly vindicated their hereditary title to the free-born spirit of their patriot fathers. No less was to be expected of their intelligence and patriotism. For it was impossible for them not to see that the principles avowed by the Executive were, in theory, a despotism; and, acted upon as he has acted upon them, not to see they were a despotism in fact; not to see that they would be false to themselves and their own rights; false to their country and her liberties; false to the claims of a suffering community, suffering from despotic misrule; false to the dead, to the living, and to the unborn, longer to uphold him (the Executive) in his arbitrary, his lawless, and his ruinous career. With them despotism is no less despotism, no less to be detested and resisted, because it is wielded by one who had been the object of their political idolatry.

It has been said that we are in the midst of a revolution; that is, that we are in our transit from freedom to despotism; but this is not so, for that revolution is completed; that transition has been made; and we are now, at this moment, living under a despotism. This is indeed no new state of things to this country, just now brought upon us; for, from the beginning of this dynasty, the present Executive has practically asserted and exerted despotic power as his Executive prerogative; though he had never theoretically and formally proclaimed it to us, and through us to the nation, to be his Executive prerogative, till he sent us his late message, denominated a protest—that is, a formal manifesto of despotism, as the Executive prerogative. But, from the beginning, he has claimed powers, and exercised powers, which involved, by their necessary consequences, the same despotism. From the beginning, he has claimed the power of interpreting all laws, including the fundamental law, the constitution itself, coupled with the power of coercing their execution, according to his own interpretation. What is this but the very abstract and manual of all despotism? Admit him to do this, and there can be no law, no constitution, different from his own will. He claims the right to interpret the laws as incidental to his duty of taking care that they be faithfully executed, and he claims it as his duty to see them executed according to his interpretation, (such was his principle and proceeding, in the case of the Indian treaties; such has been his principle and proceeding in the case of the United States Bank;) and to coerce the execution of the laws according to his own interpretation, he claims the power of dismissing at will all the officers of the law, and of appointing such as will execute the law according to his will. Now, I would fain know (if any gentleman here can inform me,) how freedom can consist with the power of interpreting the laws and the power of executing the laws, united in the same person; or how that union of powers differs from despotism? It is precisely the definition of despotism as given by Montesquieu, and by all the eminent professors of constitutional learning from his day down to our own. Why, in all our State constitutions, why, in the constitution of the United States, have the two powers been so studiously separated, and assigned to different departments? Pecisely because the union of the two in the same department was incompatible with freedom.

I have said that the protest was a manifesto of despotism, asserting for the Executive all the powers of Government. Is it not so? What one power does it leave independent of the control of the Executive? Not one. But it is said that the supplement to the protest, called an explanation, is a disclaimer of these high Executive pretensions. Does it disclaim his claim to be the interpreter of all the laws, including the constitution? No. Does it disclaim his claim to coerce the execution of all the laws according to his interpretation of them? No. Does it disclaim his claim to dismiss every officer of the law at his will, and to appoint such as will be instruments in his hands to execute the law according to his will? No. Not one of these claims is disclaimed by this supplement. The truth is, that nothing in the protest is disclaimed by the supplement—nothing. It professes, indeed, to explain away one claim of power set up in the protest; but it does no such thing; it only disguises that claim by a different form of words, but as really asserts the claim as the protest asserted it.

The protest claimed for the Executive the custody of

the public treasure; the supplement disclaims this claim, but with an exception that covers this claim entirely. The exception is this: "I disclaim the custody of the public treasure, unless (mark it) unless the trustee of that treasure be an officer under the constitution and law, and be appointed by me and the Senate; then, in that case, I claim the custody, as I claim the control of that officer." Now, that trustee always has been, and always will be, such an officer. All the difference, then, between the protest and the supplement is, that the protest claims the custody of the public treasure for the Executive directly, and the supplement claims the custody of it for him indirectly. It is probable enough that the protest only meant this indirect control, and, so far, it may be an explanation, if that can be called an explanation which darkens the matter to be explained. This document, then, is a manifesto of despotism, asserting for the Executive all the powers of Government; and the supplement, instead of being a *retraxit* of the claim, is but the re-assertion of the claim in a more fraudulent form.

But this document, after all, does nothing more, I repeat, than to imbody the principles, and their necessary consequences, on which the present Executive has all along acted, and to claim for them the authority of the constitution. It would be an affront to the American understanding to offer to show, by a detailed process of argument, that such is not the American constitution; that the powers claimed by the Executive are not powers conferred upon the Executive by the constitution; in a word, that the Government, established by the constitution, is not a despotism.

Yet, there are not wanting those who contend that the manifesto is a true exposition of the constitution. It is astonishing to me that, in this free country, there should be found men of intelligence and reflection, to contend, in effect, that our constitution—supposed to be the freest on earth; the one in which liberty was the best guarded—had laid its foundations in tyranny; that tyranny was its genuine fruit; and the Executive, to be true to the constitution, must be a despot. And what is still more astonishing to me, is the expectation, which seems to be indulged by these gentlemen, that the people, as arbiters of this question, will decide in favor of this doctrine—in favor of this constitutional despotism.

There have been in all countries at times, and in some countries at all times, apologists and defenders of despotism; but then it has always been when and where the physical force of the country, on the side of despotism, has been such, that the innate desire of freedom, on the other, was too powerless to contend with that force. But when, before, in the history of free nations, (if it shall be so now,) have a free people, with liberty on one hand, and despotism on the other, set before their eyes for their free choice of either, chosen despotism of preference? chosen lavery of preference, and to drink of its bitter waters? The annals of all time will be ransacked in vain, I venture to say, to find another instance.

I have only to add, in conclusion, that we have one obligation at least, to the protest, namely, that, disdaining all disguises, it openly proposes to the people of this country a despotism for their government; a naked, an undisguised despotism. Without pretending to answer for others, I will undertake to answer for the people of Rhode Island, without any fear of being disavowed by them, that they will not accede to the proposal.

The resolutions were then laid on the table and ordered to be printed.

MEMORIAL OF SETH PITTS.

Mr. SHEPLEY said he had a distress memorial, signed by a single individual, which he desired should be read. The memorial was signed by Seth Pitts, a soldier of the Revolution, who stated that he did not wish to die until he had atoned for an error that he was forced into, without knowing what he was about; and requested that his name might be erased from a memorial sent to the Senate. He had signed a petition, urging Congress to have the deposites restored, and the bank re-chartered, when, in truth, he was opposed to the corporation, thought the Secretary of the Treasury right, in the direction that his duty admonished him to give in removing the public funds from the bank; and felt it to be his duty to correct an error, which would relieve him from a load of sin, which would be burdensome to carry across Jordon.

The memorial was referred to the Committee on Finance, and ordered to be printed.

REPORTS ON THE POST OFFICE.

Mr. EWING, from the Committee on the Post Office and Post Roads, who had been charged, by resolution of March last, with the task of investigating the condition and transactions of the Department, with power to send for persons and papers, made a report, which was read by Mr. EWING, occuping an hour and fifty-five minutes.

The report concludes with the following resolutions:

1. *Resolved*, That it is proved and admitted that large sums of money have been borrowed at different banks, by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void.

2. *Resolved*, That several reports of the Postmaster General contain statements which, in subsequent papers, he admits to be erroneous; that others, especially those of the 18th of April, 1832, and the 3d of March, 1834, are inconsistent with each other; and that, therefore, reliance cannot be placed on the truth and accuracy of the communications made by the Department.

3. *Resolved*, That it is fully proved that a practice prevails in the Post Office Department of granting contracts on bids which vary from the advertisements, and of changing and altering contracts in material respects after they have been accepted, and that this practice prevents all fair competition among persons wishing to make contracts, is calculated to give undue advantage to favorites, and is in violation of law.

4. *Resolved*, That it appears that an individual who made a contract for the transportation of the mail, was required to give it up for no other reason than that it might be given to another, desirous of having it, and that the act of the Department, in requiring such surrender and in effecting the transfer, was illegal and unjust.

5. *Resolved*, That it appears that the proposal for carrying the mail on the route from Chicago to Green bay, was withheld from advertisement; that the contract therefor was given in another name, but really and truly to one of the clerks in the Department; that the compensation proposed in the bid was raised without any increase of service; and that the transaction is a direct breach of law.

6. *Resolved*, That extra allowances have been granted to contractors without any increase of duty or service on their part, and that in other cases extra allowances have been made which are unreasonable, extravagant, and out of all proportion with the increase of service.

7. *Resolved*, That the Postmaster General has established steamboat lines, for the transportation of the mail, by private contract, at an enormous expense, and without authority of law.

8. *Resolved*, That the public credit has been pledged for the benefit of individual contractors, and that contractors have been solicited and induced to aid, with their personal credit, the business of the Department; and that all such transactions are unjustifiable and improper.

9. *Resolved*, That it does appear that mail lines have been established to run more frequently than once a day, at a very heavy expense, where no adequate public object required such provision.

10. *Resolved*, That pecuniary transactions of a very irregular nature are proved to have taken place between the contractors and some of the chief officers of the Post Office Department.

11. *Resolved*, That the Post Office Department is now deeply in debt; its affairs in disorder; its accounts and reports irregular and unsatisfactory; that it is justly the subject of public complaint, and demands a radical reform.

12. *Resolved*, That the incidental expenses and secret service money of the Department have increased, are increasing, and ought to be diminished.

13. *Resolved*, That it does appear that an agreement was entered into between two companies of mail contractors, the express object of which was to put down competition in the transportation of passengers in their respective mail routes; that said agreement was drawn by an officer of the Department, and entered into at his pressing instance, and that it was sanctioned by the Postmaster General; and that such agreement, so sanctioned, is an interference with the honest pursuits of the free citizens of these United States; that it tends to establish an odious and oppressive monopoly, and is an unjust invasion of private rights.

14th. *Resolved*, That it does appear that mail contractors have received large extra allowances, and have, about the time of receiving such allowances, become the proprietors or contractors of newspaper presses of a partisan character. It also appears, that a newspaper editor, in the State of New Hampshire, is a contractor for carrying the mail on numerous routes, "with paper privilege," and that every such act or artifice, tending to unite the press with the Post Office Department, is a dangerous abuse, and ought to be corrected.

The report having been read—

Mr. GRUNDY said he held in his hand a paper containing the views of the minority of the committee, consisting of himself and the Senator from Illinois, which he asked might be received and read to the Senate. The paper, he said, though treating on precisely the same subjects as those in the report just read, yet differed from it in some very material respects; and he believed that every Senator would be better able to understand the whole subject by reading both documents together, than either of them separately.

Mr. EWING said that, in making up the report, the majority, as soon as they ascertained there was a difference of opinion in the committee, carefully informed the minority of all the subjects they intended to consider, without giving them the language of the report. This, he believed, was consonant with the general usage, and was enough to enable the chairmain, one of the minority, to make a statement of their views on the same subjects embraced in the report, and not for the purpose of enabling him to make a counter report in answer to it. He assured the Senate that the only object of the committee was to arrive at the truth, and this object, he believed, could be best attained by an examination of the statement of the views of the minority. It was therefore the desire of the committee that this paper be received and read.

Mr. GRUNDY wished to add only one word before taking the question. The member from Ohio [Mr. EWING] was correct in saying that the majority of the committee had submitted to him all the subjects they intended to consider in their report, with the exception, however, of the cases of two or three contractors, which he found treated of in the report, and which he did not now recollect. These cases might have been submitted to him, but if they were, he had forgotten them.

The question was then taken, and the statement of the minority was received and read. The reading occupied the same time as the majority report.

Mr. EWING then moved the printing of the reports, which he desired to have done as early as possible, in order that an early day might be fixed for the consideration of the resolutions. To-morrow he would move to append certain papers to the reports.

Mr. GRUNDY asked to have the bill which he had reported appended as an amendment; which was agreed to.

Mr. FORSYTH asked if it was intended to do any thing with the subject during this session.

Mr. GRUNDY said there was a bill which had been reported, and referred to a committee, and was now on the table. Some amendments would be necessary to this bill, and he thought the committee could agree to make the necessary amendments, without sending it to the committee.

Mr. EWING said he had thought of referring the bill, but was restrained by the same consideration. There was a clause necessary to be introduced, to prevent a clerk from being a contractor.

Mr. FORSYTH said, there seemed to be an agreement as to the necessity of legislative action, and he wished that might not be delayed until the reports should be printed.

After a few words from Mr. PORTER and Mr. GRUNDY, the reports were ordered to be printed.

Mr. SOUTHARD said that these reports presented matter of unusual interest to the public. They exhibited, perhaps, more misconduct and mal-administration than was ever known to exist in any department of any Government. He did not mean to enter into any discussion on the subject of the misconduct which was exhibited by these reports, and which showed the insolvency of one of the Departments of the Government, to the amount of more than $800,000, which was, of itself, enough to show the necessity of circulating them as widely as possible. He was perfectly aware that the minority committee did not go to that extent; but it struck him as a singular circumstance, that that minority should have discovered an insolvency to the amount of something less than $300,000; when the head of the Department should have asked for the sum of $450,000, saying that he could not get along without it. But that fact alone, with others which were exhibited, were of such a character, that he felt desirous there should be a large number of extra copies printed. He would therefore move that 15,000 extra copies of the reports and documents should be printed.

Mr. FORSYTH said all that he wished to know was, what would be the expense of printing this additional number of the two reports?

Mr. SPRAGUE said he would venture to say that the expense would not exceed that of one of the extra allowances of the Department; and if one of these could be saved, there would be economy in ordering the printing.

Mr. GRUNDY said he must state to the Senate all he knew on the subject. He did not know what the amount of the extra printing would be, but he could say, that one of these documents was as long as either of the reports. The printing of the greater part of them would, in his opinion, be of no manner of use for the purposes of distribution merely. One document contained the length of every post route, of which there were about two thousand, and would make a large book of itself.

Mr. EWING said that for the use of the Senate all the documents must necessarily be printed, together with both reports. For the purposes, however, of distribution for public information, there were many documents that it would be unnecessary to print. He suggested, therefore, that the chairman, or the committee, should se-

lect such documents as were proper for distribution, and that the question be taken on the printing them only. By this means much printing would be saved.

Mr. MANGUM moved to amend the motion by inserting thirty thousand.

Mr. SOUTHARD accepted the modification.

Mr. FORSYTH said he believed the chief complaint against the Post Office Department was for a wanton waste of the public money. Would the Senate follow that example, by ordering such unnecessary printing? Was the Senate aware that the printing of the present session already exceeded twenty thousand dollars?—that there were cart-loads of documents that had been printed for distribution, and had never been sent off, the greater part of which had been sold by the chambermaids of the boarding-houses to the grocers for wrapping paper? He thought the printing of so large a number of these reports would be a most wanton abuse of the contingent fund.

Mr. WRIGHT asked for the yeas and nays; which were ordered.

Mr. CHAMBERS wished to be understood what documents were to be printed, and with this view he would now move an adjournment.

The motion was negatived.

Mr. SWIFT moved to postpone the consideration of the subject until to-morrow.

After a few words from Mr. GRUNDY and Mr. EWING, the motion was agreed to.

ADJOURNMENT OF CONGRESS.

The Senate then proceeded to consider the special order, being the joint resolution of the House fixing on the 30th of June for the adjournment of Congress.

The resolution was then concurred in.

The Senate then proceeded to consider the bill fixing an earlier day than the first Monday in December for the next meeting of Congress.

After a few words from Mr. WEBSTER, Mr. CLAY, and Mr. POINDEXTER, the bill, on motion of the last named gentleman, was laid on the table.

Mr. WILKINS gave notice that he should, on Thursday, move that the Senate proceed to the consideration of Executive business.

Mr. CLAY alluded to the order, adopted some time since, for the making out the number of the signatures to the memorials on the subject of the public distress, and moved the adoption of an order continuing the list to the present time, which was adopted.

After some reports on memorials of a private character,

The CHAIR then called the next special order, relating to the French claims; when, on motion of Mr. CHAMBERS, the Senate adjourned.

TUESDAY, JUNE 10.

PROCEEDINGS OF MERCER, (PA.)

Mr. WEBSTER presented the proceedings of a meeting of a number of the citizens of the borough of Mercer, Pennsylvania, on the subject of the removal of the deposites, the protest of the President against the resolutions of the Senate, and other matters which have so much engaged the attention of the community during the present session. The borough of Mercer (Mr. W. said) was in the interior of Pennsylvania, beyond the Alleghanies, and might be supposed to be beyond those local causes which have so grievously affected the great mass of the community. But, said he, they complain much of pecuniary distress, stagnation of business, and dearth of employment for labor; and complain much more of those assumptions of Executive power, set forth in the protest of the Chief Magistrate against the proceedings of the Senate of the United States.

The proceedings were drawn up (Mr. W. said) with much ability; and showed that those composing the meeting were intelligent enough not only to know that great distress existed among them, but were intelligent enough to have ascertained the causes that produced it. He asked that the memorial might be read, referred, and printed; which was ordered accordingly.

FULTON (OHIO) MEMORIAL.

Mr. EWING presented the memorial of the town of Fulton, in the county of Hamilton, Ohio, expressing the opinion, that it was the intention of the constitution, that all the principal officers of the Government should be appointed by the Senate, as representing the States separately, as well as by the President, representing the States in the aggregate. The memorialists said, that one of the objects of the constitution was to give to the States distinctively, a portion of the appointment of all the chief officers of Government, and that this intention had been evaded by permitting officers to hold their places a long time without being presented to the Senate; that this was an interference with the rights of the States, and that the rights of the States ought to be asserted, and the chief officers should be nominated as early as possible to the Senate. The memorial, Mr. E. said, was not properly referable to any committee; he would, therefore, only say, that it perfectly accorded with his own views, and move that it be laid on the table and printed.

Mr. FORSYTH asked for what purpose.

Mr. EWING said, in order that it might be read by the members of the Senate.

Mr. FORSYTH thought it might be read in manuscript.

The motion of Mr. EWING to print was then carried.

RHODE ISLAND CONTESTED ELECTION.

On motion of Mr. WEBSTER, the Committee on Finance was discharged from the further consideration of the resolution of the Senate, requesting said committee to inquire into the expediency of allowing to the honorable E. R. Potter the pay and mileage of a member of Congress, while attending at the seat of Government, pending the contested election of the Senator from the State of Rhode Island; which motion was agreed to: whereupon,

Mr. WRIGHT submitted the following resolution:

Whereas, the honorable Elisha R. Potter, at the commencement of the present session of Congress, did cause to be laid before the Senate a commission from the Governor of the State of Rhode Island, duly authenticated, and constituting the regular *prima facie* evidence to entitle him to a seat in the Senate. And whereas, the contest for the seat claimed by Mr. Potter was not finally decided by the Senate until the 27th day of May now last past, when the said seat was awarded to the honorable Asher Robbins,

Therefore, *Resolved*, That the said Elisha R. Potter is entitled to the compensation of mileage allowed by law to members, for his travel from his place of residence, in the State of Rhode Island, to the capital, and returning; and also to the *per diem* allowance of a member of Congress, for the time he actually attended at the city of Washington during the contest pending before the Senate in relation to the seat claimed by him, and occupied by the honorable Mr. Robbins.

OLIVER M. SPENCER.

The bill for the relief of Oliver M. Spencer being under consideration, a debate of some length ensued.

The principle in this bill was to refund a sum of money paid by Oliver M. Spencer for a tract of land bought of the Government, which fell short of the quantity about fifty acres; the survey by the Government officer being admitted to have been erroneous.

The bill was opposed on the ground that the rule of *caveat emptor* should apply in full force; and that to relax the rule would open the door to endless applications of disappointed purchasers for redress.

On the other side, the bill was supported on the ground that the injury done to Spencer was entirely the result of mistake on the part of the officer of Government, and the person having purchased and paid his money on the representations of the Government, and the deficiency not being at the time known, every principle of law and equity required that he should be refunded the excess of purchase money.

Messrs. POINDEXTER, MOORE, and PRENTISS, spoke in favor of the bill, and Messrs. BLACK, FORSYTH, BIBB, CLAY, EWING, KING of Alabama, PRESTON, and CHAMBERS, in opposition to the bill.

After some immaterial amendments, the question being on the engrossment of the bill for a third reading—

Mr. MOORE asked the yeas and nays; which were ordered, and are as follow, to wit:

YEAS.--Messrs. Benton, Clayton, Ewing, Frelinghuysen, Grundy, Hendricks, Kane, King of Alabama, Knight, Linn, Moore, Poindexter, Prentiss, Robinson, Southard, Tyler, Waggaman.--17.

NAYS.--Messrs. Bell, Bibb, Black, Brown, Calhoun, Chambers, Clay, Forsyth, Hill, King of Georgia, Leigh, Mangum, Morris, Naudain, Preston, Robbins, Shepley, Smith, Sprague, Swift, Tallmadge, Tipton, Tomlinson, White, Wilkins.—25.

So the question was determined in the negative, and the bill was rejected.

REPORTS ON THE POST OFFICE.

The Senate then took up the unfinished business, being the motion to print 30,000 copies of the reports of the committee on the affairs of the Post Office.

Mr. SOUTHARD said, the motion made by him was to print 15,000 extra copies. The Senator from North Carolina, [Mr. MANGUM,] had moved to amend it by ordering 30,000 to be printed. Although (Mr. S. said) he should have been satisfied with the smaller number, he was willing to receive the amendment, at the suggestion and in conformity with the wishes of its mover.

My object is, to furnish as wide a circulation as possible to the report, both of the majority and the minority of the committee, and of the documents selected to accompany them. I desire the facts exhibited by them all to be known to the people of the United States, that they may form their opinions upon the important subject to which they relate, with the best and most authentic guides.

I understand the Senator from Georgia [Mr. FORSYTH] to make two objections: first, that so large a number of them is not necessary, and will not be useful, because they will be published in the newspapers, and scattered as widely as possible. This objection is common to every case in which the Senate is called on to print extra copies. It applies to the President's messages, and to every other document of every description. It would forbid the printing of extra copies in all cases, whatever might be the value or importance of the information to be communicated by them. But it is correct only in regard to small documents. Those of great length, like the present, are not, and cannot be, inserted in the ordinary newspapers of the country. Short extracts from, or references to them, can alone find a place; extracts and references often calculated to mislead rather than instruct. Besides, they are not read and examined with the same care as when issued in pamphlet form by the legislative authority. In that shape they are read more diligently, circulated more widely, and preserved with more care for future reference. This is the object in the present instance. I desire that as many of the people of the United States as is practicable may have these reports in their hands, with full opportunity to read, examine, and refer to them; and that they may also have the documents on which the reports are founded to compare with them, and test for themselves the truth and accuracy of the allegations which are made against the Department. Let light be scattered. Let means of forming a just judgment be afforded, and that judgment will be pronounced by the public. In the second place, the Senator objects, because it will cost a large sum, and be an unjustifiable squandering and waste of public money. Whether this be so, depends entirely, in my apprehension, upon the importance of the document itself. If the information be useful and necessary, there can be no waste in communicating it to the people. Under our institutions, where the people judge and control their public officers; where, to discharge their duties wisely, and exercise their rights justly, accurate information respecting the conduct of their agents is indispensable; where, if they are led into error by false professions, and concealment of criminal conduct, the most fatal consequences to them and to their institutions may follow; there is, there can be, no wiser and better course, in the expenditure of their money, than to distribute information of the conduct and management of their concerns, for their use and benefit.

The true inquiry for us to make is, Is the document of sufficient value and importance to justify the expenditure? To this inquiry, I answer, without hesitation, It is of sufficient weight to demand the widest distribution. To what does it relate? and what does it contain?

It relates to one of the great Departments of the Government—to one, most important to the interest and convenience of every citizen of the republic. All who transact business—all who are separated from their homes or friends—all who take any interest or concern in public matters, are affected constantly, almost daily, by its action. It extends its influence from the crowded city to the remotest and most isolated hut in the land. Every man feels it—every citizen depends more or less upon it for his convenience, and comfort, and prosperity.

It relates, too, to a Department of a wider and more direct influence upon popular opinion and popular elections, than any other in the Government. If used for corrupt purposes, it may have the most fatal influence upon the elections and the prosperity of the nation. With its army of many thousands of agents, scattered over every mile of our territory, its potency is almost irresistible—the poison of its corruption, if corruption exists, will debilitate and weaken the political and moral energies of the people. The President, in one of his messages to which I shall refer, has well described its importance; and, in proportion to that importance, is the necessity of accurate information as to its condition and conduct.

It is also a Department, of which more complaints have been made for several years past, than any other portion of the Government. Its irregularity, its failures, its want of system, its alleged corruptions and misconduct, have been the burden of private and of public accusation and rebuke—not confined to the opponents of the existing administration, but extending to many of its most devoted advocates. And these complaints have not been without cause. There is not a man in the community who does not know that they are just. Now, sir, I desire that its condition shall be explained—that the reasons for its failure to answer completely the great objects for which it was created and is now sustained, should be exhibited to the people; and I am willing that enough of the people's money should be used, to communicate to them the most accurate knowledge upon such a subject.

But, sir, what do these reports and documents contain? What information will they communicate? They are the result of laborious investigation by an intelligent and faithful committee into the concerns of the Department; and,

if they are favorable to it, it is due to it, and to the public, that they should afford it support and protection. If unfavorable, it is equally just that they should be known for its condemnation. Their precise contents are not, of course, recollected by me; nor could they be merely from the reading of them in the Senate. But enough is remembered to justify me in speaking of them, and in deciding that they ought to be known and read by the people of this country.

I beg permission to refer to some of them, by memory. When the resolutions shall be discussed, and an opportunity afforded for closer examination and reference to public documents, more striking views, and clearer exhibitions of facts and principles, may be presented; and, if others do not afford them, I promise to make the effort. What do they show?

1. That this great Department of our Government is insolvent, bankrupt, unable to sustain itself and to pay its debts. This Department has, heretofore, I believe, at all times, under all administrations, supported itself. While extending and scattering its benefits and its blessings throughout the wide circuit of the nation, it had not called upon the Treasury for aid. It had claimed nothing from the pockets of the people. It had done more; it had poured upwards of a million of dollars into the treasury, and it was constantly gaining strength and vigor, and promised to become a fruitful source of national revenue. In 1829, when the present econominal and reforming administration commenced its operations, there was a surplus reported by the then Postmaster General of about $289,000. The present incumbent, Mr. Barry, admitted, in one of his reports, that that surplus amounted to 230,000 dollars. The Department was then in a most wholesome and efficient condition, and we were assured that it would, if correctly managed, give an income, over and above its wants and expenses, of half a million of dollars annually. It is but five years since that time, and what is now its condition? Where is the admitted surplus of 230,000 dollars? Sunk—lost—squandered. Shall not the people know this fact? Where is the promised annual half million? In its place we have an acknowledged debt, contracted in violation of the laws and the constitution—a bankrupt Department, calling upon the Treasury for aid to enable it to continue its operations. To what extent is it insolvent? The minority of the committee state its debts, beyond its means, available, and, I believe, unavailable, at about 290,000 dollars—nearly the amount of surplus on hand, which was received by the present Postmaster General. If this statement be entirely correct, and we add the surplus on hand to the sum which is deficient, we make the amount which has been sunk, in five years, beyond all the receipts, much more than half a million of dollars; and this is the most favorable exhibition which has been or can be made. But it strikes me with some surprise that the minority should place the deficiency at less than three hundred thousand dollars, when the Postmaster General asks for four hundred and fifty thousand dollars to enable him to get along. Has he so managed that he cannot, in the ordinary mode, command and control the means of the Department? Has he permitted those who receive the postage to be so much in arrear as to cause additional embarrassment? It would seem to be so from the reports. Or, if this be not true, is he ignorant of the condition of the Department, and does he require the aid of the minority of the committee to instruct him that he is not so much in debt as he believed himself to be? He ought to have called in their valuable aid before he made his statement. But, Mr. President, I rely on his admission. He would not represent his insolvency greater than it is. He has borrowed more than the minority estimate the deficiency, and he would not, I hope, violate the constitution and laws from mere caprice, and borrow more money than he needed. Now, if you add his estimate to the surplus, as represented by his predecessor, you have the sum of something more than $700,000, sunk by the administration of this Department, by this Postmaster General. But this is not the worst of the case.

The majority of the committee state the deficiency at $803,000; and their mode of reaching their conclusion is plain, and demands confidence. They take the debts of the Department as they are stated by the Department. They do not, therefore, allow too much. They then take the credits and means of payment, as represented by the Department, and, testing the items by official papers, they reach the result stated, as the inevitable conclusion from documents and by figures. And what a conclusion—in such a Department! Adding to it the surplus, or money on hand in 1829, there is an actual expenditure, in five years, of nearly $1,100,000 beyond the income. Did any department, in any Government, ever before make such an exhibition? Shall we hesitate at expense which is proper to convey a knowledge of the facts to the people of the Union?

Why should there have been such a deficiency? Does it result from the legislation of the country? Or is it the effect of pure mismanagement and corruption? Let the people examine, and answer. And while they make the examination, let them take into view another astounding fact exhibited by these reports. It is this: The deficiency has not arisen from a falling off in the amount of postage received. That is increasing with the growth of the population, and business, and intelligence of the country, until it has amounted to nearly three millions of dollars annually. As these augment, the number of letters and communications by the mail will increase in an equal or greater degree. It is not because less postage has been received, but because that which has been received has been shamefully squandered, and, as I believe, for the most guilty purposes. The report informs us that the expenditures of this Department, in four years, by Mr. Barry, have been three million three hundred thousand dollars more than by his predecessor in the same time. Is there credulity in any man so great as to believe that this can have been correctly, properly, honestly, legally done? Can devotion to personal or party considerations blind the eye to this glaring fact? Will men who act thus, be sustained? Whether they will or not, it is due to the people of this country, that those who have the power to effect it, should scatter widely the knowledge of the truth, and then let them take the decision into their own hands. But I desire a large number for another reason. It exhibits gross and palpable violations of law. The laws seem to have been utterly disregarded in the action of this Department, which is superintended by the Executive, and sustained by the Executive. Permit me to notice some of them.

1. The Department has borrowed more than 430,000 dollars, and paid 12,000 or 14,000 dollars interest. I ask for its constitutional and legal right to borrow the money. It can have none, unless the warrant for it is found in the laws of the land. The constitution vests the power of borrowing money in Congress, as a separate, independent, legislative power. (Art. 1. sec. 8.) It is not vested in the Executive, nor in the Department. The sanction of the Executive cannot justify it, unless the Executive is higher than the constitution. And this violation, direct and apparent, has taken place under the most aggravating circumstances. That Department has been uniformly praised by the Executive himself, and his advocates. It has been represented as economical, efficient, prosperous. Applause has been constantly claimed by the party for its skill and energy. Yet, amidst all these praises, by which the public have been deluded, it was sinking into bankruptcy, and at length resorted to borrowing money, secretly, without the knowledge of the

people or of Congress. Nay, more; while Congress, the only constitutional power, was here, in session, and told that it was in a "satisfactory" condition, within a mile of the Capitol, when, at any moment, its true condition might have been explained, and money to meet its wants legally and constitutionally appropriated, it has resorted to illegal loans to sustain itself. If higher insult can be offered to the Legislative department, it must be devised by the same agents; it is beyond the comprehension of ordinary minds. If more grievous infractions of law can be perpetrated, let these same agents proceed without rebuke by the people, and they will accomplish them. Congress is asked to give the money to pay these illegal liabilities. Can it be done while they remain in office to repeat their aggressions?

2. By the first section of the law of the 3d of March, 1825, "to reduce into one the several acts establishing and regulating the Post Office Department," the Postmaster General is authorized to "appoint two assistants, and such clerks as may be necessary for the performance of the business of his office and as are authorized by law." The authority to appoint is vested in the head of the Department; but the clerks are to be such as are authorized by law. I do not recollect what is said in the report in regard to this matter, but we know from other documents that the number of clerks, and the expense of paying them, have been nearly, if not entirely doubled, since this administration has been in power.

3. By the 39th section of the same law, it is made the duty of the Postmaster General "to report annually to Congress every post road which shall not, after the second year from its establishment, have produced one-third of the expense of carrying the mail on the same." Has this requirement been complied with?

4. By the 42d section of the same act, it is declared "that no postmaster, assistant postmaster, or clerk employed in any post office, shall be a contractor, or concerned in a contract, for carrying the mail." Yet this report, and the report of the minority, both exhibit, in the case of Temple, a clerk, one of the most unjustifiable of the exhibitions of extra allowances and favoritism.

5. The law had taken care to guard these extra allowances from abuse, as far as legal provision seemed necessary. It gave a clear and explicit rule by which they were to be governed. Read the 43d section: "That no additional allowance shall be made by the Postmaster General to the contractor or carrier of any mail, on any route, over or beyond the amount stipulated in the contract entered into, for the transportation of the mail on such route, unless additional service shall be required; and then no additional compensation shall be allowed to exceed the exact proportion of the original amount to the additional duties required; and the Postmaster General shall, in all such cases, within thirty days thereafter, transmit to the First Comptroller of the Treasury an account of such additional services, and the compensation to be allowed therefor." Sir, as I understand the report, there has not been one single provision of this section habitually obeyed. They have all been violated. Extra allowances have been made without additional services. I refer to the Michigan case; to the route from Philadelphia to Pittsburg; and the remarkable forty dollar case, with others. In one of these cases $10,000 were given without any additional service. The extras have not been governed by the proportions which the law requires. The reports have not been made to the First Comptroller. Indeed, the whole section seems to have been regarded as a dead letter. It has served as a mere cover for a fraudulent favoritism. The contracts have, in many instances, been commenced in fraud, continued, and consummated, in the same spirit.

The objects of bidding for contracts are, to give to every one an equal chance, and to obtain for the Government the transportation at the lowest rate. And it is the duty of the Department to accept the lowest bid, where the execution of the contract can be properly secured. But neither object seems to have been regarded in various instances. The whole arrangement is not only susceptible of abuse, but leads, by almost inevitable consequence, to the most detestable frauds. Bids are made; some favorite puts in so low as to secure the contract. He is in no danger of loss; he is not held to his bid; for before the contract is executed, or shortly after it, it is altered, and with or without change of service; and the compensation increased to an extravagant extent, greatly above the offers of his competitors.

Take the $40 contract, referred to in the report. Its history ought to be written where it will not be erased or forgotten. It was a route, if I remember correctly, between Hagerstown and McConnelsburg. The bids were all apparently fair. They were opened—the old contractor had bid some $300 for twice a week, or $600 for three times a week. Other persons bid other sums, and, among the rest, Reeside bid $40, or $99 improved. I confess I do not distinctly understand what is meant by the $99 improved. One thing, however, is sure about it—it has talismanic influence, and gives the contractor more money when he wants it. The contract is entered, executed, reported to Congress, and continues up to the time of this investigation; when it is discovered that a sum has been paid much beyond the bid, not only of the fortunate contractor, but of all the others. Inquiry is made by the committee, evaded, delayed until the arrival of the contractor, when the Postmaster General answers. And what think you was the answer? Why, that the contractor had made his bid in pencil marks; his clerk mistook the figures. He meant not $40, but $1,400—not $99 improved, but $1,999. And yet the contract had been in existence since 1831, reported to Congress, and payments made upon it; and neither contractor nor Department had discovered the error!—*Credat Judæus.* Take my word for it, nothing but this investigating committee would have ever caused this discovery. But, sir, did I hear this report correctly! Is it true, that after the Postmaster General had delayed answering the inquiry of the committee until the arrival of the contractor, he then stated, that the contract had been corrected, and reduced, not to the bid of $40, but to that of the lowest offer made by others; and did not tell when it was done, but left the committee to infer that it was done long since? Whereas it was, in truth, corrected after the committee had made the detection, and after the contractor had made his extraordinary explanation. I hope I misapprehended this part of the report.

So, sir, these extras have been most extravagant. The single one in Michigan, to which I before referred, swallowed up more than all the postages received in that Territory; and several of the States in the Union stand in the same condition. The line between New York and Philadelphia may be regarded as a fair sample. That route has always been bid and struggled for by rival companies of stage owners. It was given to the Hagerstown and McConnelsburg contractor for $6,000. It has been changed, and extraed, until it has risen, for the four years, to above $100,000—I believe to $116,000. A most extraordinary exhibit is made by the publication of the Blue Book, which shows that the extra allowances are more than one-half of the amount of all the original contracts for carrying the mail. And now, we are informed that that book itself is false, and does not show their full amount. Can all this be accounted for upon any fair or honest principle, or motive? It may, perhaps, but I am incapable of guessing how it is to be justified. I fear, sir, the causes lie in a different direction from regard to law and the public interests. The very mode of keeping the record of bids and extras leads directly to

temptation and frauds—frauds which can only be detected by the closest scrutiny. Marks in pencil and red ink, on the margin of contracts, sometimes change their whole character, and are the only authority for the payment of thousands of dollars. The loaning of money, too, by the contractors to the officers in the Department, even if an honest transaction, leads to improper consequences. The report tells us that the Postmaster General has borrowed of a contractor; and that O. B. Brown, an important officer in the Department, has done the same, to the amount of several thousand dollars; and these loans were without witnesses, without note, bond, or even memorandum; and that when a part was returned, it was without interest. Can we wonder that such lenders are favorites? that they obtain large contracts to the exclusion of other bidders? that they are almost overloaded with extra allowances? that the borrower should be so much a friend as to take a journey to Pittsburg to settle differences between rival lines, to put down opposition, and to write contracts, to the execution of which the Department shall lend its aid? Sir, that Department wants cleansing. We have heard of Augean stables. The difficulty is not in finding, but in purifying them.

But, Mr. President, its seems that these contractors and extras do not enjoy the whole profits of Post Office favors. The press, whose purity is the object of so much patriotic solicitude with the Executive, comes in for its share. There are editors at Louisville, and Boston, and Concord, and I know not in how many other places; they have their purity preserved by "blanks, paper, and twine." We have heard of "stay-tape and buckram" men; we now learn the existence of another class, who have not less skill in cabbaging and making up accounts; they are these "blanks, paper, and twine" editors. I do not recollect the amount paid to them, but it is some $50,000 in two years. Do you wonder at their zeal? In New Hampshire, sir, there is, in addition to the "blanks, paper, and twine," a fine model for extra allowances; and a patent ought to be taken out, to be called the New Hampshire or Concord patent. The editors of the Patriot, whose character every reader of political news is acquainted with, are Barton and Hill. They hold, between them, some fifteen contracts for carrying the mail, and their extra allowance is endorsed in these words: "With newspaper privilege"—a short, but very emphatic kind of contract. "With newspaper privilege!" Now, it is a subject of curious speculation to explain the meaning of these terms. I am not sure that I understand it, or am competent to the task, but I suppose it to be somewhat in this wise: The Postmaster General, by the 30th section of the law, is authorized, in making contracts, to agree that the contractor "may carry newspapers, magazines, and pamphlets, other than those conveyed in the mail, provided that no preference shall be given to the publisher of one newspaper over that of another in the same place." Well, under this provision, the Concord editors receive "newspaper privilege" on fifteen contracts in one State—some of them, probably, running into the adjoining States. The contracts can very conveniently be let to under-contractors, who may agree to carry the mail for a less price, or the same that is allowed to their principal, and one-half or one-third of the amount to be taken in newspapers. Thus prepared for carrying the mail, the drivers can sell or dispose of the Patriot at a moderate rate, and thus the papers of the editors of fifteen contracts may be circulated in every nook, and corner, and lane, of the routes, with all the instructive contents with which it is filled, and the good people enlightened in the "improved" mode. And this is a sample of the manner in which the purity of the press is preserved and protected in these times of zealous guardianship over it.

But, Mr. President, this report contains some information of the incidental expenses of the Department—not of the contingent expenses, which embrace repairs, clerk hire, &c., but of what are denominated incidental. These constitute a secret-service fund, not appropriated by law, but taken by the Postmaster General, according to his own unrestricted discretion, out of the receipts of the Department, to any extent he pleases, and expended on any object that he pleases. The Executive has also a secret-service fund, which is given by law, and is used to carry on those parts of our intercourse with other nations which may not safely or properly be exposed at the time to the world, and to pay secret agents. It is a necessary fund, and it supplies all the wants, of this character, of the Government, in all parts of the world; and it has been between twenty and forty thousand dollars annually. But this secret-service fund, these incidental expenses of the Post Office Department, have been almost three times the amount of the other. And how has it been expended? Among other things, secret agents have been sent to all parts of the Union—one of them an officer of the Department—at a salary; and, what is somewhat curious, they have travelled much more a little before important elections than at any other period of the year. The few months preceding the last Presidential election was exceeding prolific in such journeyings. It seems that they travel to see if the postmasters do their duty, if the contractors are faithful, to detect crimes, &c.; and it has so happened, that the postmasters wanted most watching, contractors were most suspected, and crimes prevailed most abundantly, just at the very time when the Presidential contest was waging most fiercely. The report tells us, that these incidental expenses were largely increased, almost doubled, in the summer and fall of 1832. This is an age of coincidences, and this coincidence of the necessity of secret agents with the Presidential election, is not the least remarkable. Mr. President, I desire a large number of these documents to be printed and distributed, that the people may be informed of this mode of avoiding all "interference with the elective franchise," this instrument for protecting the purity of elections. We, in New Jersey, have thought that we saw money very plenty, and agents very busy, about the time of elections. Let the people have these papers, and draw their own inferences as to the source from which they come.

But, sir, I advocate this motion for another reason. I desire to expose the imposition which has been practised in relation to this Department. I have been bitterly rebuked, and by a part of my own constituents, among others, for questioning the correctness of the Executive, in the assertions made by him on another occasion. I hope they will find some "consolation" in the statement to which the attention of the Senate is now requested.

In the message of the President of the 8th of December, 1829, he uses the following language: "The report of the Postmaster General is referred to as exhibiting a highly satisfactory administration of that Department. Abuses have been reformed; increased expedition in the transportation of the mail secured; and its revenues much improved. In a political point of view, this Department is chiefly important, as affording the means of diffusing knowledge. It is to the body politic what the veins and arteries are to the natural, conveying rapidly and regularly, to the remotest parts of the system, correct information of the operations of the Government, and bringing back to it the feelings and wishes of the people. Through its agency, we have secured to ourselves the blessings of a free press." The administration of the Department was highly satisfactory—abuses had been reformed. We now see, sir, the kind of reformation which was promised, and has been effected. Its "revenues were much improved." This was the Executive assurance in December, 1829. The improvement is now exhibited in an expenditure of more than three millions of dollars beyond

the expenditure of the former administration, in the same period of time; in the illegal and unconstitutional borrowing of money to sustain its operations; in the waste of more than a million beyond its receipts; and in a degraded and bankrupt Department. These assurances were all believed by the people, because they were given under high official sanction, by one who enjoyed their unhalting confidence. These reports will exhibit the mode in which these assurances have been justified by facts.

In the message of the 7th of December, 1830, we find these words: "The report of the Postmaster General, in like manner, exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of the Post Office Department, considerable improvements within the present year have been made, in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union."

The view, sir, is still satisfactory—considerable improvements are made. I do not know how great has been the increased accommodation of stages, nor do I remember whether among them is to be numbered the destruction of the opposition line on the route in Western Pennsylvania, by the friendly interference of one of the officers in the Department, who received some fifty dollars for drawing the contract which was to be officially enforced. That probably occurred at a later period. But one thing is apparent, whatever accommodation and celerity have been procured, have been most amply paid for, by some hundreds of thousands of dollars in extras. So far as my own experience has extended, the convenience and interest of the people, and the security of their letters, have not been promoted; but the reverse is true to such an extent, that almost universal complaint and dissatisfaction have prevailed.

By the message of the 6th of December, 1831, we learn that the report of the Postmaster General still "presents a satisfactory view of its operations," and suggests improvements, which are worthy of, and to which "the President invited the serious attention of Congress." Satisfactory views!—improvements worthy the attention of Congress!

In December, 1832, the President assures us: "From the accompanying report of the Postmaster General, you will also perceive that that Department continues to extend its usefulness, without impairing its resources, or lessening the accommodations which it affords in the secure and rapid transportation of the mail." This, sir, was in December, 1832, "without impairing its resources;" yet at that very time the Department had swallowed up the surplus which had been left to it—was in debt—insolvent—and actually borrowing money to enable it to continue its operations. Did the President know the facts? or was he intentionally imposed on? Did he mean to deceive Congress and the country? or, was he himself deceived? In either case, how has he discharged his duty? If the boast be true, that he looks to every thing for himself, and understands how all the Departments are managed, he ought not to have been ignorant of the condition of this Department. If he was deceived, it was his duty to have spurned from his confidence those who had cheated him. Upon his own principles, he must bear the responsibility. He holds that he is bound to look to the conduct of all his subordinates, and is responsible for them. Then let him bear the responsibility of the violations of the law—the misconduct and corruptions to which I have referred—the abuse of his high trust in retaining in office and confidence those who have perpetrated such official misdeeds; and let the people have these reports and documents, as a part of the evidence by which the issue is to be tried.

But, Mr. President, we had still another message sent to us in December last. And here, for the first time, doubt is intimated. Yet it is done in a mode well calculated to mislead. He admits responsibilities beyond the current resources of the Department, and attempts to account for it by three causes. Let me read the message:

"The General Post Office Department has continued, upon the strength of its own resources, to facilitate the means of communication between the various portions of the Union, with increased activity. The method, however, in which the accounts of the transportation of the mail has always been kept, appears to have presented an imperfect view of its expenses. It has recently been discovered, that, from the earliest records of the Department, the annual statements have been calculated to exhibit an amount considerably short of the annual expense incurred for that service. These illusory statements, together with the expense of carrying into effect the law of the last session of Congress, establishing new mail routes, and a disposition, on the part of the head of the Department, to gratify the wishes of the public in the extension of mail facilities, have induced him to incur responsibilities for their improvement beyond what the current resources of the Department would sustain. As soon as he had discovered the imperfection of the method, he caused an investigation to be made of its results, and applied the proper remedy to correct the evil. It became necessary for him to withdraw some of the improvements which he had made, to bring the expenses of the Department within its own resources. These expenses were incurred for the public good, and the public have enjoyed their benefit. They are now but partially suspended, and that where they may be discontinued with the least inconvenience to the country.

"The progressive increase in the income from postages has equalled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this Department. The details are exhibited in the accompanying report from the Postmaster General."

What shall be said of this language? Recollect that it was used at the opening of this session, in December last.

"The General Post Office Department has continued, upon the strength of its own resources, to facilitate," &c. Is this representation correct? Had not the Department then borrowed and overdrawn more than three hundred thousand dollars? Was it not insolvent? I entreat attention to every word in this message, for it does seem to me to be a studied concealment of the truth—not prepared by the President, but which was furnished to him by those who knew better. But could he then have been ignorant that the Department was embarrassed? Did he not know that the money had been borrowed? And was it right, was it fit, in his high office, to conceal that knowledge from Congress, until a committee of investigation exposed it? The suggestions which he makes respecting the condition of the office are worthy of attention. He seems to apologize, by referring to three causes of embarrassment. In the first place, he hints at difficulty, by an allusion to the expenses of transportation, and the mode in which the accounts have been kept and the statements made. He alleges that the annual statements of the expenses have been "illusory," and exhibited an amount considerably short of the truth. In what respects were these statements illusory? Why was not the discovery made in four years by Mr. Barry? Is it quite fair towards the public, or respectful to the Postmaster General, to attempt an excuse, by casting blame on all who have preceded him, for mis-statements, and by charging incompetency, or neglect of duty, on the incumbent? Until the specific mode in which the illusion has been produced shall be pointed out, but little credit will be given to this ground of the apology for an insolvent Department.

2. The law of 15th June, 1832, to establish new routes, is also referred to, as creating additional expense. The report assures us that the bankruptcy does not arise from this cause. 3. The disposition of the Postmaster General to gratify the wishes of the public, in the extension of mail facilities, may possibly have produced some effect, but will afford little apology. The truth is apparent. The insolvency has arisen from other and more powerful causes: the inattention, or something worse, in the head of the Department; enormous extra allowances to favorite contractors; "newspaper privilege;" friendly interferences with stage companies, to settle disputes and remove opposition; the alternate loaning of money to and from the officers; secret agencies; "blanks, paper, and twine;" protection to the purity of the press; and other kindred causes.

In forming our opinion of the case, as stated by the President, we cannot overlook his declaration that "the progressive increase in the income from postages has equalled the highest expectations, and it affords demonstrative evidence of the growing importance and great utility of this Department." It is not, then, want of income, decrease of revenue and means in the Department, but the mismanagement of that revenue and those means, to which we are to look for an explanation of its insolvency.

But, Mr. President, not only had the truth been concealed from the public, in the reports and messages respecting this Department, but by other modes. I ask attention to two or three matters referred to in these reports. Omissions have occurred in advertising for contracts, and in reports respecting them. Did the Senate remark the Michigan case, which has put three or four thousand dollars into the pocket of a clerk? It was not advertised. It was taken without notice. Now, this might have happened by accident or oversight, and no serious blame attach to the Department; but it is rather unlucky that this omission should have enured to the profit of one of the clerks, with whom one of the principal agents in the Department had contracts respecting property. And it is still more unlucky, that the reason assigned by that agent, when examined before the committee, should turn out to be untrue.

So, also, there seems to be great error in the representations, by the Postmaster General, of the number of miles which the mail was transported formerly, and at this time; but the person whom the committee employed to make the calculations may have erred; and I do not urge it as an undoubted deception. Again: there are plain contradictions between the reports of the Postmaster General, in the two years 1832 and 1834; contradictions, inexplicable to me, and to be justified on no fair principle.

Another case—the post office in New York. The postmaster there paid large sums to secret agents, by order of the Department. It was his duty to do so. He had money to pay, and it was to be paid to the order of the Postmaster General; and, to Mr. Gouverneur, it was of no consequence to whom it was paid. What he has done in this, as in all other cases, I pledge myself, was fairly, and honestly, and honorably done. But, Mr. President, how was that payment to the agents accounted for at the Department? It was convenient not to exhibit the full amount paid for these travelling agents, especially as they travelled so largely about the time of the Presidential canvass; and these payments were placed under the head of the incidental expenses of the post office in the city of New York. It is important, I think, that the people should see how these matters are managed. Travelling electioneerers—for they deserve no other name—are scattered over the country, and their pay hid under the incidental expenses of the post office at New York. But once more: this Blue Book, which is before me. It is an official publication—made on the faith of the Government—under the orders of Congress. It ought to speak the truth, and the truth only. Who would anticipate deception in it? What would not men do, who would publish deceptive statements in it? Yet they are found even there. There are omissions of extra allowances, or amounts of contracts; and, among them, "the newspaper privilege." And there are false statements of contracts and allowances; some of which are pointed out in this report.

But I will not detain the Senate further, in assigning my reasons for this motion. This Department is corrupt and insolvent. I doubt whether there ever existed one, in any Government, which can be compared to it. "None but itself can be its parallel!"

I do earnestly desire that all the people of the United States may possess and examine these reports and documents. A struggle is going on which is to test the value of fundamental principles. The approbation of the people is demanded by professions which have been violated. An "economical" administration claims support. It is right that it should be known, that that administration has raised the expenditures of the Government from twelve millions to twenty millions of dollars, annually—that one of its Departments has squandered three millions more than its predecessor in four years—that it has aided the purity of the press and of elections, by secret-service money—secret agents—all the machinery of imposition and corruption.

Mr. GRUNDY rose, and said, that he did not propose to go into a general discussion of the various subjects embraced in the two reports made by the different members of the Post Office Committee. He only wished to make some explanations, which he thought would have a tendency to produce a more correct understanding of some portion of the facts in relation to the Post Office Department. In justice to that Department, he would say, that it had not closed its doors against the committee appointed to inspect its affairs; that whatever information its records, correspondence, or any thing else, might be supposed to contain, was willingly communicated; and its whole proceedings subjected to the inspection of the committee. Therefore, whatever violations or omissions of duty may be alleged to have been practised, no disposition has been manifested to conceal its acts from the public view. In regard to the reports that have been drawn up by the majority and minority of the committee, he thought this was not the proper time (perhaps it would be improper at any time) for the authors of these reports to go into any comparison of their respective merits.

When, however, they shall have been printed, the Senate would be able to give them such consideration as they might deserve, and judge fairly of their correctness. He would at present merely say, that there were two material points of difference between the two documents: one was, as to the amount of the deficit which existed in its means; and the other, the amount of services which had been rendered to the public by the Department.

He should not enter into any detail of what was said in either of the reports; but would suggest to the honorable Senator from New Jersey, [Mr. SOUTHARD,] that he was altogether mistaken when he used the letter of the Postmaster General as authority or evidence in favor of the majority, and against the minority of the committee.

Mr. G. said that he had written the letter to the Postmaster General, to which the letter of the Postmaster General referred to is an answer; and neither of them was written under an impression that there was a balance of more than 300,000 dollars against the Department.

The treasurer of the Post Office Department, shortly before these letters were written, had reported to the committee that the debts against the Department were up-

wards of a million of dollars, and that the debts due to the Department, from the postmasters throughout the United States, amounted to eight hundred thousand dollars; leaving a balance against the Department of nearly three hundred thousand dollars, even if all its debts were collected, and in the possession of the Department.

When the Postmaster General was inquired of by the committee what amount loaned to him from the public treasury, would enable him to comply punctually with his engagements, and relieve his Department from embarrassment, he very properly took into view the failure in punctuality that would occur in the debtors to the Department; and knowing that creditors are always more punctual in demanding, than debtors are in making payments, he very properly concluded that a larger sum would be necessary to meet all the demands against the Department punctually, than would be requisite if the moneys owing to the Department were now in hand; therefore, he gave it as his opinion, that four hundred and fifty thousand dollars might be necessary, when, in fact, three hundred thousand dollars would be sufficient, if all the outstanding debts could be collected at the time they fell due.

[Mr. G. here read his letter to the Postmaster General, and the Postmaster General's answer.]

Mr. G. continued: Now, sir, what is the meaning of the Postmaster General? He owes upwards of a million of dollars, and has owing to him, from different postmasters, scattered all over the country, the sum of eight hundred thousand dollars; so that there is a difference against him of nearly three hundred thousand dollars. In this state of things, he is asked by the committee what sum of money will be sufficient to pay every contractor, and to pay into the banks every cent of money that has been borrowed? The answer given to that question, put by the committee, is, "With my present means, if Congress will advance, &c. four hundred and fifty thousand dollars, I can pay every debt against the Department," &c. "The amount thus advanced can be returned to the Treasury, without injury to the successful operations of the Department; and this can be done in three annual payments."

The minority of the committee, continued Mr. G., came to the conclusion that there was a deficit of about three hundred thousand dollars; and, without going into any argument, he would say, that the Postmaster General was of opinion that that was about the true amount: and Mr. G. was desirous that no argument should be drawn from the letter alluded to, unfavorable to that officer, or which might weaken the force of the arguments employed by the minority of the committee in their report. To illustrate the views of the minority of the committee, let the case be put: A merchant owes ten thousand dollars; he has given his note for the payment, due on the first day of January next; he has ten thousand dollars on his books against his customers; but, judging from collections made in former years, his opinion is, that he cannot collect from his debtors more than five thousand dollars by the first of January. If he should apply to a bank for a loan, he would certainly take into view the probable failure of his customers promptly to pay their accounts, and he would ask a loan of at least five thousand dollars. So in this case: although three hundred thousand dollars only be the difference owing by the Department, over and above the debts owing to it, still, as all the postmasters have not and will not pay punctually, a larger sum than the ultimate deficits may be necessary to extricate the Department immediately from its difficulties. When the Senate shall go into an examination of the two reports, it will be found that the greatest cause of the disagreement between them consists in this—that of the debts estimated to be due on the first of January and first of April last, a large amount has been collected. The majority of the committee deduct the sum thus collected from the sum due to the Department, and leave the debts owing to the Department unaffected by it. The minority of the committee take a different view of the subject, in this: that all depending on estimate, and the transactions of the Department still going on, and changing daily, the debts and credits being ascertained or estimated on any particular day, whatever amount you find to have been paid in, of antecedent debts, after that day, must either be in the possession of the Department, or applied to the payment of its debts. But the principle adopted by the majority of the committee is, that the debts collected shall be deducted from the means of the Department, while the debts against the Department shall be considered undiminished. Which of these views of the subject may be correct, was for others to decide.

The other, and, perhaps, most important disagreement between the two reports, is, the amount of services rendered by the Department to the public. This, he (Mr. G.) considered a very interesting matter, as it furnished the best criterion by which to judge whether, in general, a due regard had been paid to economy in conducting the affairs of the Department. He believed the general character of the administration of the Department depended upon the question, which report was correct upon this point. If the majority were right in their estimate of the number of miles of mail transportation, there was no such increase of services performed as would justify the expenditure which had been made. If, on the other hand, the minority of the committee were right in their opinion upon this subject, then the transportation of the mail had been procured at a much lower average price than at any former period.

The majority of the committee take as their guide the estimate of the Messrs. Bradley, made out from the advertisements for proposals, and the improvements for which extra allowances are made, and by measuring distances on the map—leaving out all changes and improvements which are produced by the improved bids invited by the advertisements. The minority of the committee are governed, in their estimate, by the route-book, which has been compiled from the information given by the postmasters, at the termination of every route in the United States; and, in case of a difference of opinion between the postmasters at the different ends of the same route, the mean distance has been taken. It this way the length of each route has been fixed. Then, by ascertaining how often the mail is transported over each route in a year, the precise amount of mail transportation in a year can be arrived at with reasonable accuracy. The difference between the results produced, between the standards relied on in the two reports, is immense, amounting, probably, to seven or eight millions of miles a year. Mr. G. said he could not hesitate on which to rely. In the route-books there may be some slight errors; but, in the report of the Messrs. Bradley, there are plain and palpable errors, because they had not the means by which to make accurate calculations or estimates; therefore, it seemed to Mr. G. that the Senator from New Jersey had no authority for supposing that the Postmaster General had over-estimated the number of miles of mail transportation.

Mr. G. proceeded to say he would defend the Department where he believed it to be in the right, but he should not defend its errors. He did think it was an error that the head of that Department had not ascertained, at an earlier period, the true condition of its finances. Had this been done, he could have avoided going beyond its means. But the Postmaster General relied upon the reports made to him by the officer having the charge of the finances of the Department, and, in doing so, he was misled, and went on increasing mail facilities until an actual failure of means to meet current demands disclosed

the existence of the error. Upon this disclosure, the Postmaster General resorted to loans to supply the deficiency. Loans were made upon the credit of his Department, and not upon the faith of the public treasury. Mr. G. was of opinion, as there was no law authorizing this proceeding, the loans were not, in strictness, binding upon the Government, or any department of it, and rested, in a legal point of view, upon the personal responsibility of the Postmaster General alone. Yet, it should be recollected, on the other hand, that the whole Department would have ceased its operations, and have gone down, had not these loans been resorted to. He would not say that it was justifiable to have borrowed the money without any law authorizing it; but, so pressing was the necessity, that it argued strongly in favor of excusing the Postmaster General from censure. It were better to have done almost any thing rather than to have permitted the Post Office Department to have gone down. He would repeat that there was error, and no inconsiderable error, on the part of the Postmaster General, in not ascertaining the true condition of the moneyed concerns of the Department, and in not having guarded against its getting into the situation in which it was at present placed. The Senator from New Jersey, he thought, was mistaken in another thing, when he supposed that no extra allowances for extra services were allowed by law; and that it depended upon Congress to make appropriations for such purposes. He, Mr. G., considered the whole proceeds of the Post Office Department as appropriated for the transportation of the mail, and placed, by existing laws, at the discretion, and under the control, of the Postmaster General; and this has always been the understanding and practice; and that the action of Congress was not necessary for its appropriation. As to making extra allowances for extra services, they were expressly allowed by law, and a rule laid down by which they should be apportioned.

Mr. G. said, that it had been urged against the Department, that a true account of the extra allowances has not been annually reported to Congress. When gentlemen come to read the report of the minority, they will see that the ancient mode of reporting to Congress has been pursued by the present Postmaster General; that the report to Congress has been made from the proposal book, and did not embrace the improvements and modifications made between the time of the acceptance of the proposal and the execution of the contract; and that extra allowances are made for services, in addition to those stipulated for in the written contracts, and which are ordered after its execution. He could not, therefore, say there was any great cause of complaint in this respect. Still, he thought the mode adopted by the Department, in its report to the present session of Congress, was preferable to the old method, as the Senate had now before them the contracts, with all the modifications and improvements which were made prior to the execution of the written agreements.

In regard to the printers, to whom allusion had been made, he was not disposed to say much—they were able to take care of themselves. He found that the Department had vouchers for all the services these printers had performed; and the prices, upon comparison with the price of other services of the same kind, were at the usual rates which had been charged by and paid to others for the same kind of work. The evidence that the printing has been executed and delivered in every case, is the certificate of the postmaster of the town in which the printer resides, which not only states that the printing has been executed and delivered to him, but that it has been done according to the sample furnished by the Department. It is true, said Mr. G., that the accounts of these printers for paper, printing, twine, &c. appeared large; but it required on immense quantity of paper, printing, twine, &c. to supply this Department in all its various ramifications; for a portion of these articles has to be sent to every post office in the United States and Territories. In relation to the account of the postmaster at New York, a fairer transaction was never presented.

He thought if the honorable gentleman from Delaware [Mr. CLAYTON] had examined the papers fully, he would not have been at this time laboring under the error which seems to exist in his mind. He would have found that the moneys paid to Mr. Bates and Mr. Loughborough formed no part of the incidental expenses of the post office at New York, but were only advanced to them by the postmaster at that place. They being in that city at the time they needed the money, Mr. Gouverneur, the postmaster, by order of the Postmaster General, advanced them the money; and the only effect produced, was, that Mr. Gouverneur obtained a credit upon the books of the Department for the sums advanced to them, and they were charged with the same amount. It is, however, insinuated, that the secret agents employed by the Department are sent out upon electioneering expeditions, and not on business of the Department. This assertion is unsupported by testimony, and is in itself uncharitable. If the fact were so, why has not some one witness been called on to establish it? If these agents are necessary for a lawful and laudable purpose, is it right to say, without the shadow of proof, that they have been employed for illegal and dishonorable purposes? I think not. Every individual acquainted with the operations of this Department, must know that these secret agents are indispensable, not only for the detection of depredations on the mails, but also for ascertaining the manner in which contractors and postmasters perform their respective duties. It therefore seemed to him, that, to say that any part of the money of this Department had been used for electioneering purposes, was presuming the fact to be so without any evidence whatever; and he thought honorable Senators rather uncharitable in their remarks upon this subject. If any Senator will name a man in the United States who will give evidence to that effect, he (Mr. G.) would instantly, with the consent of the Post Office committee, send for him and have him brought before that committee to give testimony. This would be proceeding in the right way; then we can act upon proof, and not upon vague conjecture and unsupported assertion. Mr. G. said he supposed it would not be proper to go into an examination, before the reports were printed, of any of the particular cases examined in either of the reports. He should, therefore, refrain from saying any thing respecting them.

It is charged upon the Postmaster General that he borrowed money during the last session of Congress, and did not inform Congress of the fact. He only borrowed a sum of money, the amount of which he supposed was then in the hands of postmasters, and would be received by the Department in a few days, and from which the loan could be repaid. The only error, if any, was in the act of borrowing; for he was only anticipating the actual receipt of money then in the hands of postmasters, while, at the same time, he felt confident that the Department was perfectly solvent, and had no idea that it was in the condition which after-developments show it to have been.

If the Senator from New Jersey [Mr. SOUTHARD] had kept his hands off the President of the United States, it would have been as well; but that was scarcely to be expected. He says that the President, in his message in 1829, informed Congress that the Post Office Department was in a favorable condition. Mr. G. said he should like to know how the President could be censured for making that statement. Before the commencement of every session of Congress, each head of a Department makes his report of the condition of his Department to the President of the United States; and, upon the reports thus

made to him, the President makes his report to Congress. And would the Senator from New Jersey require of the President to go into each of the Departments and examine into the correctness of the reports made by the different Secretaries? He (Mr. G.) supposed that the Senator from New Jersey knew that this was never done, and was in itself impracticable. The President, in his message, gave a full and fair exposition of the condition of the Department, according to the report made to him by the Postmaster General. He (Mr. G.) remarked, that he had now said all he intended to say in answer to the remarks of the Senator from New Jersey, and he would detain the Senate no longer.

Mr. EWING next addressed the Chair as follows:

Mr. President, the honorable chairman of the Committee on the Post Office and Post Roads has said truly, that the doors of the Department were not closed on us, or against our investigation. It is true, sir, we were permitted to enter the building, and examine the books of the Department; but if he means by this to convey the idea that all proper facilities were afforded to each member of the committee in the examination, the suggestion will lead to error; it is not so. I, as a member of that committee, have a right to complain, and I do complain, of delay, prevarication, and finally refusal to answer inquiries which I made through the clerk of the committee, touching matters which were the subject of our investigation. I have no doubt that the chairman received more consideration at their hands, and his inquiries were more promptly answered. But, for me, my labors were much increased, and the time necessarily employed in the investigation was much protracted, by the necessity under which I was placed, especially during the first few weeks of the investigation, of extorting from them all the information which I sought, and, in some instances, receiving it only through the hands of the chairman.

The honorable Senator has stated the transaction which relates to the application of the Postmaster General to the committee for funds to sustain the Department, with strict truth; but yet, in such a manner, as to leave a false impression upon the minds of all who hear him, and who are unacquainted with the history of the negotiation. The idea is very clearly conveyed that the proposition to appropriate money, for the relief of the Department, originated with the committee, and not with the Postmaster General. The fact is far otherwise. It was first named, in my hearing, by the chairman, who spoke of the pressing necessities of the Department, and the impossibility of sustaining it without pecuniary aid, and he urgently solicited my consent to some measure of relief. I expressed, at once, an impression against it, but agreed to reflect on she subject. In the mean time, we received the statements of the officers as to the debts and credits of the Department. My first impressions were confirmed by reflection. I expressed a willingness to permit the inquiry to be made of Mr. Barry, which the chairman proposed, namely, what sum, less than five hundred thousand dollars, would enable him to pay his debts, and go on with the business of the Department? But, from first to last, I discouraged the application to Congress, through this committee, for an appropriation. I never did consent to it, and do not think I ever will, while the Department is under its present superintendence.

Mr. President, the honorable chairman has said that he would not go into an examination of the comparative merits of the report of the committee and the paper presented by the minority; and, at the same time, he has entered at once, largely, into that very comparison, in the most important points discussed in either paper, and those in which they differ most; that is to say, the amount in which the Department is insolvent, and the extent of mail transportation. As to the first, the amount of the insolvency, I confess I was not a little surprised at some of the views taken by the honorable chairman, in his paper read yesterday, and at the repetition of those views to-day. Let us, sir, look at the subject for a moment, that my opinion of it may be understood.

The statement of the amount due and owing to contractors was made us by one of the clerks, Mr. Suter, on his oath; and so far as I was then informed, and so far as I am now informed, I have no reason to doubt its correctness. I did not then doubt it—it was probable upon the face of it—and there was no reason to question the veracity of the man. The amount of the debts due to banks, including sums borrowed and overdrawn, was given us by Obadiah B. Brown. I trusted to that also without much hesitation: for, had he misstated it, he well knew that it was in our power to test its accuracy, or expose its fallacies. We took it as correct; and the aggregate sum was, in round numbers, due for transportation, six hundred and thirty-five thousand dollars; borrowed and overdrawn on banks, four hundred and eighty-eight thousand dollars—amounting in the aggregate to one million one hundred and twenty-three thousand dollars. I know it is stated at less by the chairman in his paper, but he is in an error. The reports of the officers of the Department give the above sum; and the mistake arises from this, that the person who made out the papers did, in one of them, deduct all the deposites which the Department had in any and every bank from the sums which it has borrowed from any and every other bank, by way of casting a balance with banks generally. But, for the credits, which is the principal question between the honorable chairman and myself, Mr Brown made us the estimate, and he gives three hundred thousand dollars as the available sum due for postages prior to the 1st of January, 1834, and five hundred thousand dollars due for postages accruing from the 1st of January to the 1st of April, 1834.

The same officer estimates the whole nett amount of postages, accruing within the first quarter of 1834, at 520,000 dollars; in which, I believe, he is correct: that is, I consider it a fair estimate, allowing the increase of postages in the present to have equalled that of former years. Then, admitting the receipts to be 520,000 dollars, we had only to ascertain what part of it had been paid in and placed to the credit of the Department, prior to the 1st of April—to deduct that from the 520,000 dollars, and leave the balance to its credit in the hands of postmasters. This was done by a member of the committee, and we found that there were deposited by postmasters in banks, to the credit of the Department, within that quarter, 314,704 dollars, which would leave of that quarter's proceeds 205,296 dollars, instead of 500,000 dollars, as estimated by Mr. Brown, whose estimate is implicitly taken, and is written down in the paper presented by the honorable chairman. I was surprised to hear the honorable chairman say, that the sums deposited in banks had not been credited to the Department, and therefore ought not to stand as a charge against it. Where, I ask, did he get his information of that extraordinary fact? It never was given to the committee by any officer of the Department, either directly or through the chairman; and I stand prepared, at this moment, to disprove the allegation. I have before me, spread out on my desk, a balance-sheet of the accounts of the Department, with all the banks in which it has any transactions. They number about 70. Among others, are enumerted all the banks in which these deposites appear to have been made, and the accounts bear date down to the time of the date of the last deposites taken into the estimate; and the Department is accredited, in the paper presented by the honorable chairman, with all the deposites which at that time remained as a balance in all the banks. It is therefore impossible that the sums so deposited should not have been credited with the rest. Two things

have operated to mislead the honorable chairman. One was the manner in which the bank accounts were made up for him, which, I presume, by his report, shows merely the balance which the Department owes to all banks, taking them as a class, without distinguishing debt from credit—a circumstance which has also caused him to state the aggregate indebtedness of the Department $37,000 92 less than it really is, and which, being implicitly relied on, has prevented an examination into the state of the facts. The other cause of error is a mistake as to the import of what some officer of the Department did tell the honorable chairman, and which he communicated to the committee; and which, as we could not put it to the test, we, as well as he, took for the truth, and still receive as such, without by any means vouching for it. It is this: They say that when they draw on a postmaster in favor of a contractor, they neither charge the contractor nor credit the postmaster, until the draft is returned paid. And hence, although much money may have been drawn out of the hands of postmasters, by drafts in favor of contractors, neither the debts to contractors, nor the credit from postmasters, is lessened by the operation. But, in showing the state of their affairs, this, where it really occurs, is immaterial; the balance remaining still the same. Now, I can understand this: it appears consistent and reasonable, though somewhat loose as a business transaction; but I take it as it is, and I give it credence. But the case is very different with the deposites in banks: they pass at once to the credit of the Department; and when those credits are signified to the Department, as, in the regular course of business, they must be by the next mail after they are made, they are entered on the books here to its credit, and to the debit of the bank. And when a draft is drawn on a bank in favor of a contractor, does any man in the Department pretend, or does any man for them pretend, that it is not at once charged to his account? This would imply a degree of irregularity which could be attributed to nothing but wantonness or stupidity. The honorable gentleman does injustice to the officers of that Department. I never suspected, much less accused them, or any of them, of a course of conduct such as this; and if I had found a case or cases clearly and fully established, in which drafts to the amount of 300,000 dollars had been drawn on banks in favor of contractors, and had also found that the contractors were not charged with the drafts, I should have voted to give it a conspicuous place in the report of the committee. But it is not so: they are clear, at least, of this charge of malversation, which the honorable chairman has brought against them.

As to the postages accruing prior to the 1st day of January, 1834, we cannot reduce the amount of that to a demonstration, but we can give that kind of evidence of the correctness of our report, or its very near approach to accuracy, which will satisfy any reasoning mind upon that subject. But I will not now enter into it fully. I will only say, that we have the aggregate nett proceeds of postages for the quarter ending January 1st, 1834: it amounts to 467,449 dollars. We have found, of deposites in banks, within that quarter, 334,903 dollars. We estimate that there have been drafts drawn on postmasters, accepted, and returned to the Department paid, so as to be charged to contractors, to the amount of at least 58,522 dollars; which would leave, of that quarter, due 74,024 dollars. Now, if there be any thing due prior to the 1st of October, 1833, it ought not to rest in conjecture. The Postmaster General does know, or can ascertain in one day, or two at most, by the aid of a diligent clerk, what amount is due; and who of his reform postmasters are, and continue to be, defaulters. The postmasters are bound, under a severe penalty, to account, within one month after they shall be called upon for that purpose; they are, by a standing order of the Department, called upon to account, at the end of every quarter; and it will not do to say, as I understood the chairman to say, that it is, at this time, impracticable, or a task of great labor, to get at their accounts. The books are, it is understood, behind something more than one quarter; but no one has pretended that they are in arrear more than two. There is doubtless money due for postages prior to the 1st of October, but, without extraordinary misconduct on the part of postmasters, the sum cannot exceed forty or fifty thousand dollars; and if it do exceed that sum, it is pretty clear that it ought not to be considered available.

It is said by the honorable chairman, with respect to the next particular in which the report of the committee and the paper which he has offered differ so materially, (namely, the number of miles which the mail is transported yearly,) that the error is clearly on the side of the report, and that such error is the natural consequence of the defective materials which the person employed by the committee had to found it upon.

Mr. President, the law requires that no contract shall be made for the transportation of the mail without first advertising it; and that no additional allowance shall be made without additional service commensurate thereto; and that the Postmaster General shall report such additional service and extra compensation to the Comptroller of the Treasury within thirty days after the same shall be made. It would seem, therefore, that if the law had been observed by the Postmaster General, there would have been no difficulty in procuring the necessary data for the calculation. But this not having been done in all things, its deficiency was supplied by substituting the answer made by the Postmaster General on the 3d of March, 1834, to a special call of the Senate; which answer professes to give "all the allowances made beyond the sums stipulated in the original contracts, since the 1st of April, 1829; and to specify in each case the service to be performed by the original contract, and the sums to be paid thereon; and the nature and extent of each facility or improvement, and the sums to be paid therefor." Now, it is evident, if all these be given truly, the data necessary for the calculation was at once in the hands of the man to whom your committee confided their papers.

But the honorable Senator says, it is not so; that there is still a very large amount of compensation and transportation behind the curtain, which is only to be had by groping among the files of the Department; and that the whole difference of 7,000,000 miles is thus accounted for. Now, is this possible? Is it to be credited that there has been, and is habitually, in that Department, such a total disregard of all legal instruction as this defence would indicate? Manifold and multiform as were the cases stamped with this character, which came under our observation, this would prove that we had not discovered or noted the twentieth part of the tithe of those which exist in this single group. The contracts, then, are let—habitually let—on different terms, and for different services than they are advertised! Why is this, and where the warrant in law? Why is the advertisement for contracts required by law? Is it to inform the public of the true service to be rendered, and to which competition is invited? or is it to conceal it from them, that it may be made known by a private note, or in a private whisper, to a favorite corps? And then the annual statement of contracts, and the special statement of extra services and extra allowances—what are they for? To inform the public, or to deceive the public, as to the amount of service and compensation? I know not which is deserving of the heaviest censure, the grand misrepresentation which is thus attempted to be bolstered up, or the succession of misrepresentations of which the honorable chairman accuses the Department, for the purpose of exonerating them from that first

and wholesale misstatement. If the Department have heretofore told the truth, then is the estimate of Phineas Bradley right; and it does not well become the supporters of the Department now to allege the falsehood of its former allegation, in order to prove the incorrectness of the estimate made for the committee. Let them obtain credit where they may for this; I can give them none. But it is said that this mode of reporting untruly the service and the compensation is according to the custom of the Department; and three or four cases are cited, said to have taken place during a former administration.

Mr. GRUNDY. There are half a dozen cases.

Mr. EWING. Be it so: but I have no proof, nor do I know on what evidence the honorable chairman of the committee rests it. While I, on behalf of the committee, gave him information of each case that I had examined, or intended to examine, (and if any omissions occurred they were accidental,) he gave me no information of this or of these. It is true he once told me that there were cases of the kind, but he did not tell me what cases; and it would have been a vain search for me to attempt to find and explain them. They may, perhaps, exist; but if they do, I doubt not they exist under peculiar circumstances, which destroy their application as a precedent—if, indeed, any thing could be received as precedent for an act involving official falsehood. And, sir, I care not whence the precedent comes, or with whom it may have originated. The act is a gross breach of law and of official veracity, and, if it were wilfully and designedly fallen into by any former Postmaster General, he merits, and shall receive, his due share of censure. But what is the precedent? Half a dozen cases in former times, within the last forty years, of omission to state the increased service required on a contract. Well, sir, I doubt not that there has been that number of cases within that time, and I further doubt not that all that ever existed have been found by the officers of the Department, and paraded by the honorable chairman in this paper. In the extensive ramifications of this complicated Department, it is not possible for any intelligence, however expansive, or however minute and capable of concentration, to compass the whole, and follow it out in all its details. Something will be omitted which should be done, even if nothing wrong be committed; and I would excuse very much to human infirmity, and not set down as a fault that which is merely a frailty. Had no more, and no other cases of this kind occurred, under this administration, than such as are alleged by the honorable chairman to have taken place under former ones, I should not have thought it worth the notice of the Senate. But how is it here? A fixed and habitual rule of action; misrepresentation and deception on a grand scale, and as a general system, constantly acted upon; and now that it is exposed, beyond controversy or contest, it is openly avowed, and even defended upon this floor—nay, brought forward and asserted as a fixed rule of action, and one that is to wipe away what is considered by gentlemen here, as a fouler blot. Why, Mr. President, suppose the custom of making false statements to Congress, and to the nation, had been as inveterate in former times as we now find it; and suppose a man, possessing but a common share of moral integrity, placed at once within it, and amid such a scene of iniquity; would he not revolt at it? and would he permit its foulness and vice to remain for one moment concealed from the public eye? For now, sir, in one class of the reports of the Department, falsehood is habitual and avowed—habitual for years past—avowed only since it was detected. It is asserted by the honorable chairman as the custom of the Department—and that custom of giving to the world a tissue of falsehoods, in one branch of their reports, he adduces as proof conclusive that they are correct, and that the committee err in another particular, in which there is a wide difference in the conclusions of the Department and those of the committee. Sir, the honorable chairman is right in saying that there is no safety in any calculation made upon such data as the reports of the Department. Take that of the 18th of April, 1832, for example: if there be truth in that any where, I have not found it, and I studied it with care for weeks. I examined some hundreds of cases, and do not recollect to have found one that was stated truly. Sir, it is enough to sicken the soul, to shock the moral sense of any man, to walk amidst and wade through the scenes of rank iniquity which our duty has required us to explore, and now requires us to expose.

In one part of the paper presented here, by the honorable chairman, I confess I was deeply disappointed. It is a matter in which there is no dispute about fact—it is principle, plain principle merely, that is involved; and I knew well before, and I know now, and all the Senate knows, that the opinion of the honorable Senator and my own do not differ upon it. We here, on this floor, agree that the Postmaster General has borrowed large sums of money on the credit of the United States, for the use of the Department; and we agree that the act was a violation of the constitution; but yet you may seek, and seek in vain, in the paper which the minority of the committee have presented here, and which we send abroad to the world as the exponent of their opinion, and the opinion of the party in power; you may search in vain in that paper for one word of censure on this unwarranted and unconstitutional act. Sir, I complain of this—I complain of it, and I deplore it. Our words upon this floor are but passing breath; they are heard, perchance read, and then laid aside as things of the day, and forgotten; but the more solemn opinions of your committees, charged with grave and important duties, are placed among your archives, and preserved in perpetual remembrance of the thing; and the censure or approbation which they bestow will stand on this enduring record, to condemn or to sustain like deeds in all future time. In this, and for this purpose, the honorable chairman represents the great party which now wields the destinies of this republic—and as I knew that he condemned this act, I had hoped that his disapprobation would have been, in some form, or in some language, stamped upon his paper, that in future times it might be seen that he condemned it. Suppose that in the contest which is waging, and will be waged, in this nation, for power; suppose the party now dominant in our councils, and of which the honorable chairman is a distinguished member, should prevail, and that the public voice should sanction and sustain their acts; this act, with the rest, must be sustained, because he who is for that purpose the exponent of the will and opinions of the party, does, in his solemn paper, sustain it—is not another wound, deep, if not vital, inflicted upon our constitution? Is not another of the safeguards of our liberty gone? For, if the head of this Department may plight the faith of the nation for a loan of money, surely the Chief Magistrate, whose he is, and whom he serves, may do it. But I will not follow out this subject into detail; it would lead me wide from the point to which I intended to direct my remarks.

It is said, that no faith is pledged for these loans; that the nation is not bound for them; and, therefore, the constitution is not violated, and that the act is consequently innoxious. I say, too, that the act is not obligatory upon the nation; but the other consequence does not necessarily follow. Suppose we pay the money by an appropriation; do we not sanction the act? If we pay this, and a like loan shall be made hereafter, where will be our apology for then refusing it? And if we deny it, the lenders of the money suffer a heavy loss by their reliance upon the public faith, supposed to be pledged by a public functionary.

The honorable chairman sustains the act on this ground

—he says, the Postmaster General was deceived by the mode of keeping the books—he supposed there was a large amount of money outstanding in the hands of postmasters, which did not turn out to be the case, and he therefore found the Department suddenly involved in difficulty, and that it must have gone down if he had not borrowed to sustain it. We have heard much of this pretence about an error in the mode of keeping the books; and a more ridiculous excuse never was invented. But the chairman is mistaken about the apology itself. It was pretended, not that there were sums which appeared to be due from postmasters which were not in fact due, but that their books did not show all that was due, or that had been paid to contractors. It would consequently be the amount of cash on hand, in which the error would exist; an error which would be easily discovered when the money was all gone. But it is a matter of their own, and they can make what they please of it. And it is also a little remarkable that this pretended error, which existed from the very organization of the Department, should never have been detected by any of the former Postmasters General, and should never have led any one of them into the slightest difficulty, even when the Department was annually paying every dollar of its surplus proceeds into the Treasury.

The honorable chairman has said that there was no case of extra allowance, without additional service rendered equivalent to such allowance. In this he is mistaken. The extra of $10,000 a year to Reeside and Slaymaker is not, nor do I understand it is pretended to be, for any increased service beyond what the contract requires. The report of the 3d of March, 1834, (p. 199,) states the whole matter thus: "Reeside and Slaymaker are contractors for carrying the mail from Philadelphia to Pittsburg, Pennsylvania, 303 miles, twice a day, and from Pittsburg, by Washington, Pennsylvania, to Wheeling, in Virginia, 57 miles, daily, all in four-horse post coaches, from the 1st of January, 1832, to the 31st of December, 1835, at a compensation of $27,000 per annum.

"In consequence of the increased rapidity of this mail, the newspapers, which were formerly sent from the East by other routes, were now sent upon this; and the general cry of the public for the more rapid conveyance of newspapers required them to be sent in this rapid line, instead of the slower line, as was contemplated in their proposals; which so loaded it as almost entirely to exclude passengers. They were, therefore, allowed from April 1, 1832, for transporting all the papers by their most rapid line, at the annual rate of $10,000."

This is their own story, and I do not understand that any thing is here alleged to be done by the contractors, which is not written down and enjoined on them in their contract. The statement, it is true, says, that it was contemplated in the proposals that the newspapers should be carried in the slow line; but there is nothing of the kind to be found in the contract. And as to the general cry of the public for the more rapid conveyance of newspapers, I really would like to know who heard it. I have heard it urged as a subject of complaint that some newspapers were not carried at all, or, if they were, that they did not reach their place of destination in the regular course of mail. But this general cry for the more rapid conveyance of newspapers was probably never heard by any one except the officer in the Department who made out this report, and presented it to the Postmaster General for his signature. But to the point. No service is alleged, even here, that is not required by the contract; and it will be recollected that this is a route which was bid off at $8,250, and was raised, by extras, first to $27,000, and then this $10,000 was added for hardships encountered, and not for increased service rendered.

The story in this report is disproved by the testimony of Reeside. It is stated here, that the quantity of papers was so great as nearly to exclude passengers on the rapid line. But Reeside says, the inconvenience occurred but three days out of the seven, and then they could sometimes carry three passengers, and sometimes but one; the other four days they could carry their allotted number. But the time of the allowance shows that it was not for any required extra service; it was made in May, 1833, to commence from the 1st of April, 1832. The honorable chairman is, then, mistaken in supposing that any extra service was required as an equivalent for this allowance. There are others similarly situated; but I do not purpose now to consider them.

The honorable chairman need not have gone into a defence of the conduct or character of Mr. Gouverneur. The committee have charged him with no impropriety, nor is his integrity at all implicated in the discussion. He has paid over the money which he received, as he was bound to pay it, to the order of the Postmaster General; and his payments have been used to cover and conceal a part of the immense sums which were applied to fit out and support secret agents and spies of the Government; those agents and spies who, under the pretence of detecting frauds and robberies, have spread over and infested the land. The year 1832 appears to have been their carnival. It is the same year in which such large sums were paid to printers throughout the United States, and such an immense amount of blanks, paper, and twine, were purchased up for the use of the Department. It was the same year, too, in which the transportation of the mail was first overrated, by many millions of miles, in the published reports of the Department, and the contracts, in a mass, all misrepresented in those reports.

These things have produced the effect which they were intended to produce; they have enabled those who possessed political power, and who abused it, to conceal those abuses, and to retain that power. And detection, though it has come at last, comes too late to defeat their purpose.

Mr. CLAYTON followed Mr. EWING, in explanation of the financial condition of the Department, and discussed the question of the extent of its insolvency, which was, on all sides, admitted to exist to a very large amount. He showed, by calculation, that, besides the waste of the funds of the Department, arising from postages, the Treasury had been called upon to aid it for the last five years to a most enormous amount. Thus the sums appropriated by Congress for salaries of officers in the Post Office Department, and paid out of the Treasury for the last four years, and required for the present year, amount to - - - - - - $322,399 44

By act of appropriation of 1830, - -		52,100 00
1831, -		52,150 00
1832, -		52,100 00
1833, -		86,578 00
And per bill before the Senate, passed the House of Representatives for 1834, as per estimate, - - - -		79,471 44
		322,399 44
For five years previous, -	$49,100	
	38,350	
	38,350	
	38,350	
	34,350	
		198,500 00
Excess,		$123,899 44

To which sum add the excess of the "contingent (not incidental) expenses" for the last five years, over those of the five

years previous, $13,500, and the whole excess is - - - - -	137,399	44
Without taking into the account any sums drawn from the Treasury for Post Office buildings and repairs.		
Mr. C. then referred to the documents to show that the amount of surplus funds of this Department, left by Mr. McLean, when Mr. Barry came into office, was	289,000	00
	426,399	44
To which, if the amount of the insolvency of the Department, as now ascertained, be added - - - - -	803,625	00
The amount expended in the last five years beyond the resources, and embracing the excess of Treasury money over that of the five years previous, is -	$1,230,024	44

With these facts before us, said Mr. C., we also have the deliberate opinion of the late Postmaster General, as expressed in his annual report for the year 1827, that this Department ought now, by a vigilant administration of its affairs, to yield an annual revenue to the Treasury (besides supplying all the mail facilities required for the convenience of the country) of half a million of dollars!

Sir, this Department of the Government is an old acquaintance of the chairman [Mr. GRUNDY] and myself. I attempted to investigate its financial condition in company with him three years ago, and to arrest the downward tendency of things. He was averse to the inquiry, and caused it to be suppressed by a resolution at the time, under the pretence that the disclosures which it was making might embrace impeachable matter, into which the Senate ought not to inquire. The principle on which that resolution was adopted is now exploded, and I only recur to it for the purpose of reminding the chairman, who then stood forth as the advocate of the Department, of our respective views of its condition so far back as February, 1831. For this purpose I now read from Gales & Seaton's Register of Debates my own sentiments on that subject as then expressed: "Without considering the appropriations from the Treasury, (said Mr. C., in February, 1831,) it must be evident to every man who reflected on this subject, that, unless some change should be made in the administration of its affairs, this Department will soon reach the period of its insolvency." In reply to this remark, the chairman [Mr. GRUNDY] made a most imposing statement, showing how wonderfully Mr. Barry had increased the revenues of the Department. Hear him, sir, and then contrast his present tone with that which he employed in 1831. I will read from his speech, which was then franked by his party throughout the country, and has ever since formed a political text-book for them. I suspect that three-fourths of those who read it were as completely deceived by it as the honorable member is now astounded by the development of its utter fallacy. In his speech of 1831, the chairman declared there was a great increase of the funds, and he thus proceeded: "As an evidence that the condition of the Department has improved since Mr. Barry came into office, I will state the fact, that the whole amount of postages, from the 1st of July, 1828, to the 1st of July, 1829, was $1,707,418 42; and the amount of postages from the 1st July, 1829, to the 1st of July, 1830, is $1,850,583 10, giving an increase in the first year of $143,164 68. This is an unprecedented increase of revenue in the history of this Department."

The chairman then proceeded to lecture my friend from Maine and myself thus gravely and learnedly:

"Notwithstanding these facts are known and exhibited to public view, and to the inspection of gentlemen on the other side, still they say this Executive Department is going to ruin. Facts appear to have no effect on their minds; [ours was a lamentable case, Mr. President;] arithmetical demonstration produces no conviction. [Truly, sir, the chairman's mathematics were put in requisition in vain.] This investigation," continued he, "has produced a very different impression on my mind. I viewed the present Postmaster General chiefly as a man of general talents, an able and eloquent advocate; but I now perceive him to be the practical man, the able man of business, capable of grasping, with ease, the vast system, and comprehending the intricate machinery of this Department, and of directing its energies to the greatest benefit to the country."

In this same speech of the chairman, delivered in 1831, it further appears, by one of those arithmetical demonstrations, which so failed to enlighten me at the time, that the new Postmaster General had made savings, by letting out the mail contracts, to the annual amount of $72,840 89, and that there was an immense increase of expedition, not to be estimated, besides a most flourishing condition of the finances of the Department. There are other curious things contained in this speech, which contrast strangely with the real state of affairs at this day. What is the language of the chairman now? Sir, his words in this day's debate, as taken down at the time, are, that the Department is insolvent, beyond all its resources, to an amount approximating to $300,000; and, with a view to palliate what he dares not either deny or justify, the fact stated by him in his minority report, that the Postmaster General has borrowed, on the credit of the Government, without any warrant of law, about $450,000, is now attempted to be excused by him in debate, on the ground that it was better that any thing should have been done, than that the Department should have been suffered to go down. We know, sir, that the actual amount borrowed from, and overdrawn on banks, as stated by the officers of the Department themselves, was $488,000. The gentleman admits that this conduct of the Postmaster General is directly in violation of the law and the constitution, under which Congress alone has the power to borrow money. He therefore says that he will not defend this violation of the constitution; it is, he says, indefensible. Nevertheless, he puts the best face he can upon it, and, like a practised advocate, while he disavows all pretence of justification for the act, tells us that without it the Department would have "sunk;" yes, sir, it would, he says, have "gone down." And then, he adds, "it was better that any thing should have been done than that the Department should have been suffered to go down."

Sir, I think we have reason, from past experience, to examine with some caution, not only the statements of the gentleman in reference to this Department, which he has been so long defending, but his conclusions and reasonings from them. Is it, indeed, better that the constitution should be thus trampled under foot, and the laws thus disregarded, than that this Department should be suffered to go down? The Postmaster General is an officer sworn to support the constitution. He is one of the sentinels on the watch-tower, to guard and defend it. So far from being above the laws, he is the creature of Congress. If he and his associates in the cabinet may thus, in defiance of the obligations which the constitution imposes, at any time usurp the powers of Congress, whenever in their judgment the plea of State necessity can be successfully made, wherein does this Government differ from a monarchy? What feature of a representative Government is left us? The Secretary of the Treasury may, with such an excuse, loan out the whole of the public treasure, under the pretence that he could get interest on it, or that it would be safest so to dispose of it. The Secretary of War may, with quite as much propriety, borrow a million to go to

war with any power which has incurred his displeasure. He of the Navy may, by the same means, to-morrow contract for a fleet of gun-boats, and borrow the money to pay for it. It is in vain to say that here was, in the Postmaster General's opinion, a necessity for the loan; for, admit it, and still the question is, Who shall judge of that necessity? Congress alone can decide that question; and any attempt on the part of a mere head of one Department, or of all the heads of all the Departments, to decide it, under any circumstances, is a usurpation of the legislative power, so flagrant, that the mere attempt to justify the means used, by the end so attained, is a gross abuse of common reason. It was the duty of the officers of this Department, when its insolvency was first ascertained, frankly to have disclosed it to Congress. It was known two years ago, and no reason can be assigned for the concealment of it for such a length of time, consistently with the official obligations of those who controlled it. It may be, as is said, that Mr. Barry was kept in ignorance of it by those who have abused his credulous confidence, until things were in such a deplorable condition, that immediate relief, or the utter prostration of the Department, was the only alternative offered him. It may be, that bad advisers, aided by the sense of shame resulting from the abuses which other men have practised upon his own confiding temper, may have for a time restrained him from the discharge of this duty. But let no man, especially let no American Senator, tell me that it was better the constitution and the laws should be struck down to save the Post Office. No, sir; better, far better, that this and every other Department should, at any time, be arrested for the want of money, than that so gross a violation of the charter which secures to us all the blessings of civil government, should have occurred, to prevent the disclosure of the truth. It is immaterial to me whether the object of this concealment was to save appearances before an election, and thus gull the public again into another confiding vote, as the official reports on this subject, and the message of the President himself, had often done before; or, whether the motives for it were merely such as I have before suggested. Be that as it may, not the concealment of the facts—bad as that was—not the misrepresentation of the facts, in all the reports, with whatever motive made, is half so worthy of censure, in the eye of a just and upright man, as the utter disregard of the constitution and the laws manifested in this usurpation of the legislative power. It yet remains to be seen whether Mr. Barry was driven to this very measure by the command of him who had power to compel him to do it, or leave the office; or whether he was seduced into the measure by the assurances of men about him, who may have told him that the loan could be paid out of the postages, without the necessity of ever disclosing it to the public.

There is another fact now appearing, in reference to this matter, which is more censurable in the officers of this Department, whose views and defence are contained in the minority report, than any other matter which has been yet developed, except the negotiation of this Post Office loan. I allude to the misrepresentation now made and persevered in, that the whole amount of the deficit in this Department, beyond its available resources, is only about three hundred thousand dollars! For this statement, the Rev. Obadiah B. Brown, the chief clerk, is, we know from the report, responsible. It is monstrous that such an effort to misrepresent should again be repeated, after all the falsehoods that have been uttered on this subject heretofore. That Mr. Barry should know no more about the matter, absent as he has been so long every year, and last year absent as he was, I understand, for more than six months, is not strange. He has, as Postmaster General, an almost infinite variety of matters to superintend besides the finances of this Department. But that those in this Department who have the full knowledge of the facts, should thus continue grossly to misrepresent them, is intolerable. One truth will establish their falsehood, and that is known to three-fourths of all the postmasters and mail contractors in the Union—that the Department has generally (nearly all over the country) overdrawn on the postmasters in favor of contractors; and thus, by anticipating the future revenue, has really borrowed more money than is acknowledged on the credit of the Government. Whether a future administration will allow these loans, by way of set-off to such postmasters as have thus become accessory to such a violation of the laws, we shall see. But every one of them who, understanding the subject, thus makes himself a party to this fraud on the constitution, ought to be removed; and, when removed, he will probably be compelled to pocket the loss of his money. Yet, notorious as these overdrafts are, not one dollar is allowed for them in this minority, or rather post office report. Not the slightest notice is taken of them; and the chairman, deriving his views from these same officers, passes in debate the whole subject, without debiting the Department with one cent in his estimate of thirty thousand dollars on account of this item.

Sir, it was but three years ago, as I have shown you, that I was lectured by the chairman for doubting the perfect prosperity of this concern, which is now acknowledged to be insolvent by all parties, advocates and witnesses. The subsidized press then belched its fœtid outpourings upon my old friend from Maine [Mr. HOLMES] and myself, for daring to express our belief of the facts now acknowledged. We were denounced as calumniators of the power that fed them, by the whole hungry and voracious pack of partisan editors. I shall expect the same attacks again, not for our old statement, which is now agreed by every body to be true, but because the report presented by my friend from Ohio, [Mr. EWING,] to which I have assented, goes still further in exposing the falsehoods and corruptions of this Department than we had gone. Yet, sir, this report, disgusting as its details of the misrepresentations and corruptions of this Department are, does not, I verily believe, disclose one-fourth part of them. The reason for this may be easily understood. As chairman of the Judiciary Committee, I have been almost every day otherwise employed; and my colleagues, who were disposed to investigate the affairs of this Department, have also been occupied in other business. Yet the development we have made, even under all these disadvantages, is as irrefutable, as it is sickening, in its recital of public peculation and fraud.

I cannot leave the subject of the finances of this Executive Department without adverting to the old excuse rendered by the chairman three years ago for the even then declining state of its surplus fund. He accounted for the fact that it had diminished in the first year, by pretending there had been an immense increase of mail facilities. The present report shows that P. and A. Bradley, the former Assistant Postmasters General, who have had more experience in the affairs of this Department than all its present officers combined, after a laborious investigation, have ascertained errors, in the increase now pretended by way of excuse in part of its insolvency, to the amount of more than seven millions of miles. As to the new post routes ordered by Congress, which form a large part of Mr. Barry's pretended increased mail facilities—why, sir, I have the laws before me, in obedience to which John McLean established, from 1823 to 1828, more than seven hundred and eighty new post routes, at an expense of less than forty thousand dollars. During the same five years he increased—

The stage transportation -	1,949,850 miles.
And that on sulkies and on horseback	1,658,949 miles.
Making an increase of	3,608,799 miles.

For which I refer to his report in November, 1828, from which it appears, that on many of the routes then so improved, the mail was conveyed at the rate of more than one hundred miles a day; and notwithstanding all this, the surplus funds rapidly increased; so that the real surplus, left at the end of that year, was $332,105 10. This only proves what every reflecting man will at once perceive must be the consequence of judiciously increased mail facilities—that is, a necessary increase of revenue. Yet the chairman's only excuse for the utter bankruptcy of the Department is, the establishment of new post routes, (though fewer in number than those actually established by his predecessor in a corresponding period of five years,) and an increase of expedition and transportation.

Mr. C. concluded his remarks by an examination of the accounts for the large sums paid to printers and travelling agents during the Presidential election in 1832, for which he referred particularly to the report of the committee; and sustained the views of Mr. EWING and Mr. SOUTHARD.

Mr. GRUNDY remarked, that the Senator from Delaware [Mr. CLAYTON] had certainly proved that he (Mr. G.) was in error some years ago, when he insisted that the Post Office Department was solvent, and would continue to be so under its then management; and that he [Mr. CLAYTON] was right in asserting that it would become insolvent; and the difference between them (Mr. G. and Mr. C.) seemed to consist in this, that he (Mr. G.) formed his opinion according to the evidence before him, and according to that evidence his opinion was certainly the correct one; but the Senator from Delaware formed his opinion contrary to the evidence then existing, and it has turned out that his opinions thus formed, or rather his predictions, have been verified. Now, said Mr. G., whether this was accidental or not, he would not undertake to say. It might be that the gentleman's mental vision was so penetrating as to enable him to put aside all those evidences on which ordinary minds have to rely for the ascertainment of facts, and at once, without the aid and in despite of the ordinary means, to see how things will be at some future period. It should, however, be remembered that that Senator stood alone, or nearly so, in the predictions he then uttered; for at the next session, he (Mr. G.) found much difficulty in resisting the effort then made to take the postage entirely off newspapers, which effort was predicated and advocated upon the idea that the Department could bear the diminution of its revenue which would be produced by a repeal of the postage on newspapers.

Mr. CLAYTON said, that, in regard to the trouble which the chairman declared had been given by the investigation to the Post Office Department, he would recal the chairman's attention to the fact, that months have elapsed since several most important resolutions of the Senate, calling for information, were adopted; yet, not a line of reply, to the calls by him referred to, had yet been furnished. These resolutions may have been troublesome to answer, in one sense of that word. They may have been distressing; because, if answered fairly, they would have disclosed the full extent of most of the abuses and corruptions in the Department. But if, by troublesome, the chairman means that the Department has been caused additional labor, we have not the slightest evidence that the calls I allude to have employed any more workmen, or even excited any attention.

Among these calls, was one resolution offered about three months ago by a member of the committee, calling, among other things, for an account of the postages due prior to the 1st of July, 1829, which have since been collected. The answer to this would, if fairly given, have been sufficient to have shown the utter fallacy of the whole foundation on which the chairman has, by the advice of the officers of this Department, rested his minority report. When the resolution, authorizing the committee to institute this investigation, by clothing it with power to send for persons and papers, was first adopted, about ten weeks ago, it was preceded by a debate, in which I availed myself of the opportunity of warning the gentleman from Ohio who offered that resolution, that no answer would be given to many of the most important calls made by him through the other resolutions which he had caused to be adopted, until it would be too late for the committee to avail itself of the information thus obtained. I spoke, sir, from the experience I gained on the investigating committee three years ago. Similar inquiries, made by that committee, were then entirely neglected by this Department; the excuse rendered for the neglect being, that there was not enough time to answer them. Every effort was then used to baffle, and, at last, to suppress that investigation. Is it not now, sir, enough to test human patience, that, after all the neglect to answer these resolutions of the Senate, calling for information, an advocate of this Department should be found to boast that its doors have been thrown wide open to the investigation, and that it has boldly and promptly met the light? Sir, aware, as I am, of the shuffling disposition which some of those interested to shun disclosure have hitherto manifested, I now again predict, that the calls to which I refer, made months ago, and not yet answered, will not be answered at all; or, if answered, the reports will come in at the very close of the session, when they know that no committee can examine them. If answered as they should be, the report of the Senator from Tennessee, in regard to the finances of the Department, would not have an inch of ground left for it to stand upon.

The chairman does me more than justice when he ascribes to me the sole merit of having first announced the approach of the insolvency of this Department in 1831. Has the gentleman so soon forgotten his old partner about that time, claimed as a member of the celebrated firm of "Felix Grundy and the d—l?" My old and able friend from Maine, [Mr. C. was here supposed to allude to Mr. Holmes, late Senator,] though little versed in the tenets of that school, did foresee (and, foreseeing, did, in 1831, join with me in announcing) the approaching bankruptcy of this Department. At that day, he shared with me in all the denunciations of the Post Office press. From the same source, those who have ventured with me to encounter it again, may expect the same treatment.

In reference to the printers' accounts, the chairman thinks the statements of the Blue Book are well enough. Why, sir, in every instance mentioned in the report, the amounts stated in that book to have been paid to them are grossly underrated. True and Green, of the Boston Statesman, were paid nearly $30,000; yet the amounts appearing on the Blue Book are less than 7,000 dollars. The sums paid them for printed blanks alone were about 16,000 dollars. Similar impositions on the public are practised in publishing the sums paid to Hill and Barton, of the "New Hampshire Patriot," Shadrach Penn, of the "Louisville Public Advertiser," &c. But the excuse rendered by the chairman for these misrepresentations, by which the people are prevented from knowing the amount of public money paid to these printers, is, that the sums set down in the Blue Book may (he knows not) have been for the printing only; that is, for the mere typesetting and presswork, without counting the cost of paper on which the printing is done. So that, by his rule, whenever hereafter a printer presents his account for an advertisement, he should not include in it the price of so much of the newspaper as is occupied by the types, but make a separate charge of that, as in no way connected with the price of the printed advertisement.

True and Green, therefore, he thinks, received 16,000 dollars for the printed blanks, (besides about 14,000 dollars for wrapping paper and twine,) but only 6 or 7,000

dollars for typesetting and presswork. *Ergo*, says the chairman, the Blue Book may perhaps tell the truth. But the gentleman's excuse is in the very teeth of the resolution of the 14th July, 1832, which directs that this book shall contain "a correct list of all printers in any way employed by any Department." Sir, nothing is clearer than that the sums received, not only for paper, but for wrapping paper and twine, should also have been set down, in order that the public might be able to judge of the extent and value of these monopolies to newspaper editors, for furnishing to this Department these articles.

The chairman has further said, that the account of Mr. Bates, one of the travelling agents in New England and New York, in 1832, is not set down under the head of the incidental expenses of the city post office, at New York: in this he is entirely mistaken. The document annexed to the report does not contain any charge for, or other notice whatever of this secret agency. It is, with other things, entirely concealed in the sweeping item of 6,005 dollars for incidental expenses of the post office at New York; and, what is remarkable, this is the only post office in the whole Union whose incidental expenses are thus included in the incidental expenses of the General Post Office. As to Mr. Gouverneur, the committee have attached no blame to him. He has done his duty, and no more; and the chairman ought, long since, to have known that no man among us intended to censure him for any thing.

I congratulate the chairman on the change of his tone from that employed by him on the subject of this Department, three years ago. Then, all was vaunt and boast as to its finances. He has now learned that in reference to this whole subject, the better part of valor is discretion. His tones are lowered, and, instead of daring justification, all is now but apology and excuse for violated law and gross malversation. I wish to detain the Senate no longer, until the resolutions, offered by the committee, shall regularly come before us. As to the number to be printed, I have but little care on that subject.

Mr. GRUNDY said that he believed that the Senator from Delaware was correct in saying that he was not the only person who formerly entertained the opinion that the Department would become insolvent. He has referred to a former Senator from Maine, who, he says, was a member of an ancient firm in which he (Mr. G.) was a partner. In regard to that absent gentleman, he (Mr. G.) would now say, that for him and his opinions he always entertained a high respect, and he did concur with the Senator from Delaware, in his conjectures in regard to the insolvency of the Post Office Department. In regard to the ancient firm, he (Mr. G.) would say to the Senator from Delaware, that it was dissolved in 1829, and he got entirely rid of a certain member of it. That the Senator from Maine, although not in partnership from the time last mentioned, kept along with him pretty comfortably until 3d of March last; and it may be, that in due time he (Mr. G.) may get rid of the Senator from Delaware.

Mr. CLAYTON said, that he had never belonged to that celebrated firm of which his satanic majesty was so conspicuous a member. The chairman need be under no apprehensions of his joining it; for he had seen that at least one of its members, even the chairman himself, had lately gone into partnership with the Post Office Department, which his own report declared to be utterly bankrupt. I cannot, said Mr. C., agree to be in any way connected with that insolvent concern.

Mr. FORSYTH rose, and asked if the question was on printing the reports alone, or the reports and documents?

Mr. SOUTHARD replied, that the documents which it would be proper to append to the reports had not yet been selected by the chairman of the committee, [Mr. GRUNDY,] and the Senator from Ohio, [Mr. EWING;] therefore, it was only the two reports which the question embraced.

Mr. FORSYTH said it was evident that there was a great discrepancy between these two reports. One of these differences was as to the number of miles which the mail had been transported, in which there was a variation as to the matter of fact, of nearly eight millions of miles. How were the people to be benefited by these contrary statements, until it could be decided which was correct? The expense of printing these reports would be about $17,500; and this would double the amount of the whole of the printing of this session up to the present time. And for what good was all this expenditure to be incurred? For the good of the printer, and no one else. He might cry out, with Macbeth,

> "Lay on Macduff,
> And d——d be he that first cries—hold!"

He did not consider this to be an appropriate object of the expenditure of the contingent fund of the Senate. These reports would be circulated to every quarter of the Union, before the Senate could get them printed. If the order to print them were now to be given, it would be the middle of this month before the Senate could get the first copy, and the last would not be received before August or September. The resolutions with which the report of the majority terminates, are already printed, and will soon be sent through every State by hundreds of thousands. He had employed himself in making certain calculations as to the expense of printing these documents. [He read a variety of estimates from a paper in his hand.] Six thousand copies would cost $4,000, and he thought that number would be sufficient to supply every man with as many copies as he could frank.

If these reports were wanted for the purpose which had been suggested by the Senator from New Jersey, [Mr. SOUTHARD,] of correcting the delusions under which the people had labored, what would it be but an electioneering document? And was it the duty of the Senate to expend its contingent fund, in printing for such an object? He admitted that the document contained good materials for party warfare. It would be read abundantly, and would be used for years to come. The party presses might circulate it as widely as they choose, but, for heaven's sake! let not the Senate lend itself to such purposes. If the people think it important that it should be read, it will be read. Had it never suggested itself to any Senator what might occur from this extravagant use of the contingent fund? Every Senator would get 625 copies, and 1,250 would be about the allotment for every State. This, in the State of Delaware, would be one copy for every five persons; and in New York, it would be one for every five hundred. The gentleman from Delaware would thus be obliged to give one copy to every five constituents.

Mr. CLAYTON. I will spare some to the gentleman from Georgia, for the benefit of his constituents.

Mr. FORSYTH replied that he should have as many as he could frank. The gentleman from Pennsylvania near him [Mr. MCKEAN] would have a copy for every 300 of his constituents. The object of the contingent fund was to enable the Senate to circulate useful, legitimate knowledge. Now what was the character of this document? Did it come within that designation? The gentlemen on the other side have the advantage, and do not give their opponents fair play. They know all that is in the report, while on the other side nothing is known. Was he to take for granted all which the honorable Senator from New Jersey had stated? Was he to surrender his belief, his judgment, his conscience, to statements, of the accuracy of which he knew nothing more than the child newly born? The reports agree on certain points, and so far their statements may be received as true. But to send

all the statements of the reports forth for the public information, as the opinion of the Senate, would be incorrect, as the Senate had not had time to examine the documents.

There was one point on which there seemed to be a universality of opinion. It appeared that money had been borrowed by the Department without the authority of Congress. This was certainly a violation of law, and an abuse. But he knew not what necessity might have required such a step. Necessity might be an excuse of the act, but it was an error in the head of the Department, that he did not make known to Congress that necessity as soon as it occurred. But this was not the first instance in which money had been borrowed by a Department without authority of law. Such things had frequently occurred, and would be found in our records. One instance of this thing had made two Presidents of the United States. The victory of New Orleans had caused the elevation of General Jackson to the Presidency. Who was the Secretary of War when the battle of New Orleans was fought? It was James Monroe, and he borrowed funds without the authority of Congress, to carry on the war which was terminated by that battle. And he did this, not only without incurring any blame for the act, but with the greatest success, and the approbation of the country, as it was one of the grounds on which he was raised to the Presidency.

[Here Mr. F. read some extracts from the correspondence of the War Department of that period, on the subject.]

What was the excuse for this act? Public necessity. Was it sufficient or insufficient? Was any cry raised of violated law? Did honorable gentlemen on the other side upbraid him for the act? No one did so. The Senator from New Jersey would never have raised his voice against him, and he would defy gentlemen on the other side to show any difference between that case and the present. In both instances, the excuse which was set up was the necessities of the public service. But blame was attached in the present case, because the Postmaster General had not communicated the necessities of the Department to Congress. If any thing was wrong in the law, let it be corrected; if in the officer, let him be punished. For his own part he was disposed to conceal nothing; but, wherever there was any abuse, to hand over all concerned to the just judgment of the public. But the dissemination of this report will have been made while the Senate are talking about it. It will be published in every newspaper, and the people will every where have become possessed of its import through the ordinary channels, before the Senate have issued a single copy. It was very well known that complaints had been made to members, and they had been asked by their constituents why they spend the public money in printing documents which the people have read in the public papers long before they can get them in any other form or manner.

Mr. WEBSTER said that he was not a very good judge of the number of documents which ought to be distributed. Yet he could not suppress his profound surprise that there should be any member of the Senate who did not consider this as one of those great occasions which called for a general diffusion of knowledge among the people. The Post Office Department is a most interesting Department to the whole people. Every class of citizens has a direct interest in its efficient and correct administration. More than any other Department it is known, in its local administration, to the community. The people are taxed, willingly, it is true, but very severely, for letter postage, for the purpose of securing a safe, and rapid, and extensive communication between the different portions of the country. This Department now stands charged with very great maladministration. The majority of a respectable committee have made a report, very imposing in the style in which it is presented, and not less so in its substance. The minority of the committee have taken a somewhat different view of the matter. It is proposed to publish their report also, with that of the majority. The question is, whether an unusual number of this document shall be printed and circulated? The gentleman from Georgia must admit that the printing of more documents than are necessary for our own immediate use is according to the practice and usage of the Senate; and that this is a mere question of how many; because the gentleman knows that he is in the habit daily of giving his vote for the printing of a larger number of every document than the members of the Senate have occasion for. How long was it since the gentleman from Georgia voted for 6,000 copies of the veto message on the bank? How long was it since he voted for 5,000 or 6,000 of the veto on the land bill—although that document was altogether useless for any legislative purpose?

The gentleman from Georgia had said that this report would be published in all the newspapers. He dissented from this view. It might be correct as to the veto message, because a newspaper would contain that. But what newspaper could contain the whole of this document? There could be no more reasonable application of the contingent fund than to expend it in furnishing the people with intelligence on this important subject. It was one of general, and not of local interest. There was no portion of the country where there were not some who feel an interest in the condition of the Post Office Department. The proposition was a perfectly fair one, because the antidote was to be sent out with the poison, if it be poison. The views in favor of the Department, and the views adverse to it, were both printed. The proposition was, therefore, an entirely equal one.

But, said Mr. W., my purpose in rising is to suggest to the gentleman who is the chairman of the committee, that it must happen, in the progress of the session, whether this report shall come up for consideration or not, that there will be questions arising which must bring on an examination into the conduct of the Post Office Department. The gentleman is aware that the general appropriation bill is now before the Committee on Finance. That bill I expect to be able to report to-morrow, or certainly the next day. It contains some appropriations for this Department, and on these a discussion must arise. Wishing to put the gentleman in a condition to meet this discussion, I will now suggest some few points on which I hope to hear him say something when the discussion shall take place.

First. It is admitted that the Post Office Department is insolvent; and that the only question between the majority and minority of the committee is, whether the amount of the insolvency is 400,000 dollars or 800,000 dollars?

It is unavoidable, not only that our own opinions, but the opinions of the country, should be made up on some of the great points; for few will find it convenient to go into the extent of details which the report contains. Is it true, then, that in a time of profound peace, and of great activity of business, that enormous insolvency has occurred?

Secondly. Is it true that the Postmaster General has contracted loans to the amount of 450,000 dollars, without the authority of law? that he has withheld the fact of his so borrowing money from the knowledge of Congress, session after session?

The gentleman from Georgia gives up this point, and thinks it was excusable; but thinks that the conduct of a former Secretary of War is a parallel case with this.

Mr. FORSYTH said he knew nothing of the facts, except what he had caught on the reading of the report. It was for the Postmaster General to make out the necessity.

Mr. WEBSTER. Certainly. If the statement was true,

it was not justified by the gentleman from Georgia; but, under certain circumstances, the gentleman thought it might be excused; and if the necessity shall be made out, and the circumstances are sufficiently strong, the act is to be pardoned. The Secretary of War, in the case which has been referred to, borrowed a sum of money to meet a legal demand on the Treasury, and communicated the fact to Congress, and to the whole world. In this case, in a time of peace, while the professed policy of the administration was to draw within the most economical limits the expenses of the Departments, the Post Office Department has been borrowing money without the authority of law; and the fact had been withheld from the knowledge of Congress for many months, if not for years. The gentleman from Tennessee will be called upon, when the general appropriation bill shall come up, to say if this charge be true, and if the conduct of the Postmaster General be defensible or not.

He will also be called on to say whether the practice has been, that the proposals of bidders for a contract have been opened and made known to other bidders; since the gentleman has introduced into his new bill a clause providing against the opening of sealed contracts.

Mr. GRUNDY. I wish the gentleman would let me answer that question now, that I may get it off my mind.

Mr. WEBSTER. Certainly. I shall cheerfully let the gentleman have an opportunity to clear his conscience.

Mr. GRUNDY. That clause was entirely the suggestion of my own mind. If ever there should be a time when a wish may exist in the Department to favor any particular contractors, it will be best to introduce a clause to check that disposition by a positive enactment. Not that I have known, as yet, of any such transaction.

Before any question was taken on the motion to print—

On motion of Mr. PRESTON, at 5 o'clock,

The Senate adjourned.

WEDNESDAY, JUNE 11.

RALPH VAN HORNE.

Mr. EWING said, he had received a petition which he hesitated to present, in consequence of its wanting the signature of the petitioner. It was enclosed in a letter signed by him; and, if it were in order, he would present it; if not, he would not press its presentation.

The PRESIDENT. If it be referred to in the letter it is in order.

Mr. EWING. It is so referred to. The petitioner, Ralph Van Horne, is a citizen of Indiana, but as his petition relates to the business of the Post Office, I presume he has sent it to me as a member of that committee. The petitioner states that he is a contractor to carry the mail from the 1st of January, 1832, at $175 a year; that he has faithfully performed the service since that time; that he is a poor man, with a large family to maintain; that he was in debt at the time he commenced his contract, and much more deeply now; that he has devoted his time to the performance of his duty; and that he has never received one dollar of his compensation. He states that he has applied, in every way known to him, for his quarterly payments, and especially through the member of Congress from the district; that on the 24th of April, he received from the Department two drafts, for ten dollars each, on two postmasters, one residing 35 and the other 60 miles from his place of residence, and that their collection will cost full one-third of their amount; and he says he considers his case the harder, as he has always been a strong supporter of General Jackson, who undertook, when he came into office, to reform all abuses.

I move, Mr. President, said Mr. E., that the petition be read, and referred to the Committee on the Post Office and Post Roads.

The petition was referred.

MEMORIALS FROM PENNSYLVANIA AND SOUTH CAROLINA.

Mr. McKEAN presented the proceedings of an unusually large meeting of the citizens of Crawford county, Pennsylvania, held at Meadville, denominating themselves "whigs," disapproving of the measures of the Executive on the following subjects: The removal of the public deposites from the Bank of the United States; the protest against the resolutions of the Senate; the re-nominations of the Government directors of the United States Bank after their rejection by the Senate; the withholding the nominations of high officers of the Government from the Senate; and the refusal of the Executive to receive committees deputed to him by meetings of the citizens of the United States. These proceedings were read and referred in the usual manner.

Mr. PRESTON presented proceedings and resolutions of a similar character, from a meeting of a large number of the citizens of Chester district, South Carolina, drawn up, Mr. P. said, in terms very respectful towards the Senate, but using very strong language with regard to a coordinate branch of the Government. The resolutions consider the removal of the public deposites from the Bank of the United States, as an assumption of power on the part of the President, and a dangerous violation of the fundamental principles of the constitution. They regard the protest of the President as entirely unauthorized, and as claiming powers not recognised by the constitution; while its doctrines tend manifestly towards a consolidation of the Government, and placing all power in the hands of one man. On motion of Mr. P., the resolutions were read, referred, and ordered to be printed.

ELECTION OF PRESIDENT & VICE PRESIDENT.

On motion of Mr. BIBB, the Senate proceeded to consider the joint resolution reported by the select committee on the subject of an amendment of the constitution, in reference to the election of President and Vice President. The resolution was read, as follows:

Resolution proposing an amendment to the constitution of the United States, as it respects the election of President and Vice President of the United States.

Resolved, &c., That the following amendments to the constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as part of the constitution:

That, hereafter, the President and Vice President of the United States shall be chosen by the people of the respective States in the manner following: Each State shall be divided, by the Legislature thereof, into districts equal in number to the whole number of Senators and Representatives to which such State may be entitled in the Congress of the United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons entitled to be represented under the constitution, and to be laid off, for the first time, immediately after the ratification of this amendment, and afterwards, at the session of the Legislature next ensuing the apportionment of representatives by the Congress of the United States; that, on the first Thursday and succeeding Friday and Saturday in the month of August of the year one thousand eight hundred and thirty-six, and on the same days in every fourth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State Legislature, shall meet within their respective districts, and vote for a President and Vice President of the United States; one of whom, at least, shall not be an inhabitant of the same State with themselves; and the person receiving the greatest number of votes for President, and the one receiving the greatest

number of votes for Vice President, in each district, shall be holden to have received the electoral vote of that district; which fact shall be immediately certified to the Governor of the State, to each of the Senators in Congress from such State, and to the President of the Senate. The right of fixing the places in the districts at which the elections shall be held, the manner of holding them, of canvassing the votes, of deciding in case of equality of votes in the district, and certifying the returns, is reserved exclusively to the Legislatures of the States. The Congress of the United States shall be in session on the second Monday in October, in the year one thousand eight hundred and thirty-six, and on the same day in every fourth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall, as soon as convenient and practicable, proceed to open all the certificates and returns, and the electoral votes of the districts shall be thereupon counted. The person having the greatest number of votes of the electoral districts, for President, shall be President, if such number be a majority of the whole number of districts; but if no person have such majority, then a second election shall be held on the first Thursday and succeeding Friday and Saturday in the month of December then next ensuing, which shall be confined to the persons having received the two highest numbers for the office of President at the preceding trial; which second election shall be conducted, the result certified, and the votes counted, in the same manner as in the first; and the person having the greatest number of votes for President shall be President. But if two or more persons shall have received the greatest and equal number of votes at the second election, the House of Representatives shall choose one of them for President, as is now prescribed by the constitution. The person having the greatest number of votes for Vice President at the first election, shall be Vice President, if such number be a majority of the whole number of votes given; and if no person have such majority, and if a President shall not have been elected, then a second election shall take place between, and to be confined to, the persons having the two highest numbers, on the same days that the second election is held for the President, and the person having the highest number of votes for Vice President shall be the Vice President; but if two or more persons shall have received the greatest and an equal number of votes in the second election, then the Senate shall choose one of them for Vice President, as is now provided in the constitution. But when a second election by the people shall not be necessary for the office of President, and a Vice President shall not have been elected by a majority of the districts, then the Senate shall choose a Vice President from the persons having the two highest numbers in the first election, as is now prescribed in the constitution.

Mr. BIBB briefly stated the character of the propositions contained in the resolution, which provide for doing away with the machinery of electors, and with the action of the House of Representatives.

Mr. BENTON made some further explanations.

Mr. LEIGH adverted to the difficulties which existed in the convention on this subject. It was still a most difficult question to be settled, and he was desirous that it should not now be taken up, as it must necessarily involve much discussion. There is not a State which does not think that it has a citizen fit to fill the office of President; and the effect of this amendment would be to produce as many candidates as States, and then the two largest States would give the highest votes, and the President must be selected from them. He feared, also, that this resolution would take the management of the presidential elections out of the hands of the large politicians, and put it into the hands of small politicians. If there must be management, he would rather confide it to the large politicians than to the small ones, because it would be better for the people. He wished that, on this subject, mind should compare with mind, and that time would be allowed for ample and deliberate examination. He would, therefore, move to lay the resolution on the table for the present session, in the hope that it might be taken up at a more convenient time for consideration. He indicated his sentiments to be rather unfavorable to the resolution, as the convention had instituted the electoral college for the purpose of preventing too great an accumulation of candidates.

Mr. BIBB said that he would not object to lay the resolution on the table for a few days. He thought that public opinion had determined the machinery of electors to be cumbrous and unnecessary. With the same general views of the necessity of placing the election of President and Vice President on a more secure foundation, the gentleman from Virginia and he had come to very different conclusions. He was of opinion that the election is at present controlled by the petty, meddling politicians of the country, and it was his object to take it out of such hands. He reminded the gentleman that the resolution provided that each State must present one candidate not one of her citizens. He had proposed these resolutions at the commencement of the session, and had endeavored to get them brought forward. He was willing now to leave them in the hands of the Senate, having performed his duty.

Mr. BENTON explained the proposition. It contained three points. 1. To refer the election of President and Vice President to a direct vote of the people. 2. To take the election out of the House of Representatives. 3. To abolish the general-ticket system, and introduce a uniform system of districts.

He said that the theory of the constitution had failed with respect to the electors. They were intended to choose the President and Vice President, and to follow their own will in the choice. This theory had failed. Electors now had no choice. They were pledged to particular candidates, and could not vote otherwise without treachery to a sacred trust. They had become, therefore, a useless piece of machinery, which might do harm, but could do no good. In the election of Vice President, these electors must sometimes obstruct the will of a part of the people. It would happen in the case where two voters agreed about the President, but disagreed about the Vice President. They must both vote for the same elector to secure their choice for the first office; the elector could only represent one of them in voting for the second office.

The two other principles, Mr. B. said, depended upon one another. They rested on compromise. The great States complained of the equal right of the small ones in the House of Representatives; and the small ones complained of the general-ticket system, which enabled the majority in a great State to press the minority into their service, and make them vote against their choice, and thus overwhelm the small States with masses, which masses might contain many votes which would be given to the candidate supported by the small States, if the voters were free, under the district system, to support whom they pleased. In yielding to this compromise, each class of States gained an object dear to it, and parted with a right more specious than valuable. The right of the small States to vote in the House of Representatives, was an illusion. In practice it belonged to the representative, and not to the State; for the State had no way to enforce her will or to recall the vote of her representative, if given contrary to her will. The general-ticket system was unfriendly to the rights of the people; it enabled the majority to impress the votes of the minority, and that ought to condemn it in a country of equal rights.

Mr. B. explained the nature of a proposition to amend the constitution. He considered it a mere question of

reference. It was not for Congress to decide upon the amendment; that was to be done by the State Legislatures; and the vote of Congress merely referred the amendment to them for their adoption or rejection. He thought that members should not be reluctant to make these references, seeing that they were not laws binding upon the people, but propositions for the people to decide; and that all a member had to decide was, whether he was willing that his State should decide upon the amendment for itself; he being one of the people to make the decision himself at the final question.

Mr. B. explained the practical operation of the amendment. It provided for a second election by the people, if the first failed. He presumed there would be frequently two elections; and that the first one would operate as a nomination, and would propose the real candidate for the actual election. Thus the people were to meet in August, and vote for President and Vice President. If no one had a majority of the whole number, then a second election would take place in November or December, between those having the two highest numbers. Mr. B. said that the first or preliminary election, would stand in place of the caucuses and conventions now used for nominating Presidential candidates, and would supersede those caucuses and conventions. It would enable the people themselves to propose the candidates—to make the nominations—and afterwards make the election out of these nominations. In answer to the suggestion of the Senator from Virginia, over the way, [Mr. LEIGH,] that the large States would always have the foremost on the list, Mr. B. said there would be danger of that consequence if the general-ticket system prevailed; but the amendment proposed the district system, and it would be difficult for any eminent man to obtain the vote of every district in his State.

Mr. B. was anxious for a vote upon the proposition. It was the oldest subject before the House, for it stood No. 1 on the calendar. It was an old subject before the people; and it was probable that the public mind was now ready to decide it. If referred to the people now, and adopted, it will be in time for the next Presidential election, and will supersede the necessity for a caucus, or a convention. He thought the two Houses of Congress could act upon it at once, and without formal debate. Whoever was agreed to the principles, might concur in the details, for they had been well digested. They were the work of two committees: one an extraordinary committee of nine members, from which it was first reported; the other, the select committee of five members to which it had been referred by the order of the Senate, and which had re-examined it, and had given the present details the sanction of their approval. Mr. B. believed that the details and the phraseology were as perfect as could be made; and that every member who was in favor of the principles, or rather, every member who was willing to give his constituents an opportunity of voting upon these principles, might safely adopt it.

Mr. LEIGH withdrew any objection, so far as the vote on the amendment was concerned. He had not prepared himself to discuss the subject. If the United States were to be divided into districts, there would be 300 nominating districts, and if 30 or 40 candidates were presented, each could have but very few votes. In discussing a subject of which the mind of the mover has accustomed itself to a particular view, it is too apt to overlook objections; and hence the necessity of conferring with other minds.

Mr. TYLER expressed his hope that the resolution would be now laid on the table. He preferred the original resolution of the gentleman from Kentucky to the amendment of the committee. He did not wish to preserve the electoral body; but he desired to preserve the federative principles in the constitution, by leaving it to the States to determine whether they would vote by districts or by a general ticket. These features were preserved by the original amendment of the gentleman from Kentucky; but the amendment obliterated all State boundaries, and dictated a course of action as if we were a nation, and not a compact of States. He therefore viewed the question as of very great importance. He asked why Georgia, New Jersey, and other States, were to be permitted to retain the general-ticket system in their elections to the National Legislature, while this system was to be changed in reference to the elections of President and Vice President.

He moved to lay the resolution on the table; and the motion was agreed to.

REPORTS ON THE POST OFFICE.

The Senate then resumed the consideration of the special order, being the motion to print 30,000 copies of the reports of the Committee on the Post Office and Post Roads.

Mr. WEBSTER wished to call the attention of the chairman of the Committee on the Post Office to some points omitted in yesterday's debate, and to put to him some questions which he wished to have answered before the provisions of the bill came to be discussed in the Senate. He believed that, in the course of the remarks he was making when the Senate adjourned, he expressed himself desirous of learning the following facts: Whether it was true that the Department was insolvent, and was admitted to be so; and that the only question as to this part of the case was, whether the insolvency be four hundred thousand dollars or thereabouts, as some of the committee allege, or eight hundred thousand dollars, as averred by the majority of the committee? Was it true that the Postmaster General has borrowed of sundry banks at sundry times, large sums of money, amounting to four hundred thousand dollars and upwards? Was it true that this had not only been done without any authority of law, but that the knowledge of this borrowing has been withheld from Congress for session after session? Was it true, as the report of the minority seemed to imply, that the proposals of one bidder for contracts have been habitually opened at the Department and made known to others before those others made bids? Now it occurred to him, from the suggestions of the chairman, that same provision ought to be made by law to prevent such a practice. The honorable gentleman had said that he supposed such abuses might exist hereafter, and therefore he proposed to insert a provision in the bill he had prepared to prevent them. He, Mr. W., had supposed that there were abuses enough at present existing to require the attention of the Senate without legislating on a hypothetical case. He thought the committee was not constituted and armed with power to send for persons and papers for the purpose of inquiring into supposed cases of abuse, but for the purpose of applying a remedy to actual and existing evils. There were other and important inquiries to be made. Was it true that a clerk in the Post Office has been in fact a contractor for an important route, with the knowledge on the part of the Postmaster that such clerk held the contract before it was executed, or before it was performed? and that it was necessary to prohibit by positive law persons in the Post Office from being contractors? Now he would suppose that such a thing could not occur in any government on earth: that a person standing in the relation that a clerk does to the Department could be permitted to take a contract, did not appear to be possible. Now he wished to know whether this was a hypothetical case, or whether it was actually proved.

Again: Was it true that the public credit had been advanced to an individual contractor; and, on the other hand, that contractors have been called on to aid, with

their individual credit, the deficiencies of the means of the Department? Was it true that mail contractors, in times of particular party excitement, have received very large extra advances, and, about the time of receiving such extra advances, have become proprietors and publishers of party newspapers? Now, he wished to know if these facts were denied. Facts were all he wanted, and from them each gentleman would draw his own inferences. He had one question farther. Was it true, as the report of the minority appeared to imply, that there existed at present no sufficient responsibility in the various offices connected with this Department? He did not very accurately hear the words in which the minority treated this part of the subject, but they appeared to him very strong, and recommended some legal provisions for securing a proper responsibility, and he, therefore, wished to know whether any thing had come to their knowledge to require legislative action, or whether this was a hypothetical case. It seemed to him that the general difference in the two papers presented by the majority and minority of the committee was this: The report charged sundry instances of malconduct against the Department, while the paper of the minority appeared to proceed on the ground of defending the Government, but concludes with recommending such legal provisions as will guard against malversation in future. They seemed to deny that any impropriety exists at present, but suppose that, at a more inauspicious period, when the affairs of the Department may not be so well conducted as now, that such provisions will be found necessary. They propose such provisions to guard against, not what now exists, but that which may exist hereafter.

Mr. W. concluded by saying, that it was not his purpose, at present, to pursue the subject further; but as the bill prepared by the chairman of the committee proposed to make large appropriations, he should be glad to have these inquiries answered before it was acted on.

Mr. GRUNDY said that, at present, or at any other time, if he possessed any information on the subject in debate, he should be very willing to answer all the inquiries and suggestions that might be made or put to him. The first inquiry that had been propounded was, whether the Post Office was able to meet its engagements, or, in other words, was it in a bankrupt condition? Now, if the honorable Senator had listened to the report of the majority, and particularly of the minority of the committee, he could have entertained no doubt as to the opinion they entertained on that subject. It was set forth, that if all its available funds were in its hands, and all its debts demanded, there would be a deficiency of about 300,000 dollars. Now this, he hoped, would satisfy the honorable Senator. The next inquiry was, had any information been obtained by the committee, in the progress of their researches at the Post Office Department, in reference to the question presented by the bill which he (Mr. G.) had introduced at an early stage of the session, as to bids being open and subjected to inspection before the time of bidding had expired? Now, he possessed no information on that subject, but he did believe, and was at present of the same opinion, that it was an excellent precaution. It would do honest men in office no harm, and those who were disposed to act unfairly, it would check.

Before he proceeded to the next inquiry, he would beg to make a suggestion to the honorable Senator, who seemed to suppose that there was no suggestion in the report but what was drawn from information obtained in the course of the examination into the affairs of the Post Office Department. Now, the provision contained in the bill to which he had just referred, was thought to be a very proper one. The bill was drawn before the duties were imposed on the committee of inquiry. There was a recommendation contained in the minority report, that no clerk should become a contractor. At the time when the bill was introduced, Dr. Temple was not known to him as a contractor. But he (Mr. G.) put a different construction on the act of 1825, than what seemed to be confidently entertained by others, and he knew that by legislating on the subject, it could be made broader and more explicit. Now, this was not recent information at all.

He would read a part of the report of a committee, made some years since, to show the ground on which he had acted. [Mr. G. then read a part of the testimony of Abraham Bradley, which stated that Dr. Phineas Bradley, while a clerk, had been interested in a mail contract.] That information convinced him that the thing had once been done, and he thought it would be as well to make the law as obligatory and binding as possible. In making a new law, he believed that it was not very important what was the existing law, if a doubt was entertained as to its construction, the law of 1825 making a general provision with regard to this Department, and especially in regard to postmasters throughout the country, as to the manner in which they shall discharge their duties.

The provision contained in the bill which he introduced at the commencement of the session, not only prohibits all persons engaged in the Post Office from acting as contractors, but also prohibits them from acting as agents for contractors, or persons offering to become contractors; therefore the information concerning Mr. Bradley induced him to think it prudent and discreet for the Legislature of the country to act on the subject. As to information in regard to individuals in the Department who were concerned in contracts, he believed the case of Dr. Temple was the only one—it was all on paper. It was the only information the committee acquired in the progress of their examination.

He (Mr. G.) would, while up, and before he proceeded further, explain what seemed to surprise honorable Senators last evening, in relation to some contractors in New Hampshire. In some contracts, it was said, that the newspaper privilege was embraced in the contract. Now, if gentlemen had examined the act of 1825, they would have found this, and it carried its own explanation with it.

[Here Mr. G. read the clause of the act of 1825, which authorizes the extension of this privilege as part of the contract.] Now, all could see the operation of this, and that in many cases it would be very convenient; and it ought not to be charged as a violation of law, that that privilege in the contract has been extended to Hill and Barton, or any one else. It was according to law, and there was no evidence that there was any thing improper in its being entered in their contract. He could tell gentlemen that there were fifty such cases in the Eastern part of the United States. The intention of the privilege was this: that where a newspaper was published in a small village, and no post office within some miles of it, the mail should call at the place, take the newspapers, and hand them to the subscribers, according to the direction of the editor.

He (Mr. G.) supposed that the meaning of the outcry by gentlemen with respect to this practice, was to insinuate that there was some partiality exercised by the Department—that there were favorite editors who were contractors. Now, as he had not examined sufficiently into the subject, he could not say any thing about it. But he could name a few who were editors, and who were contractors. The honorable Senator from New Jersey, perhaps, could tell him what might be their politics, for he (Mr. G.) did not know. They had the newspaper privilege; their names were, John M. Hall, living in New Jersey, and who carried the mail on several routes.

Now, he (Mr. G.) did not know certainly what the man's politics were, but he should suppose he was opposed to the administration, unless it was denied by those who knew he was not adverse to the administration.

Let him be put down to balance the case in New Hampshire.

Here Mr. G. read the names of two or three contractors, who were editors of newspapers. The editor and publisher of the "Village Record," at Westchester, Pennsylvania, was a large contractor. What his politics were, Mr. G. did not know.

Mr. McKEAN said, Opposed to the administration.

Mr. GRUNDY said he did not read these for any other purpose than to show that, by law, the Postmaster General had a right to make those contracts. Whether he had acted with partiality in doing so, he (Mr. G.) did not know; but so far as the inquiry had gone, there were two to one against the administration.

The next inquiry which was made by the Senator from Massachusetts was, whether any money had been furnished by a contractor to aid the Department in its operations? He (Mr. G.) thought the Senator from Ohio yesterday stated the testimony of Mr. Reeside correctly. Mr. G. did not recollect that Mr. Reeside furnished any money, but aided in some way; his credit was used, but not his money, and that to the amount of five or six thousand dollars. With respect to one of the contractors having become the publisher of a newspaper, the committee, as a body, did not examine into that matter. The fact appeared to be known to one member of the committee, the Senator from Ohio. He had stated that he possessed information upon which he relied; but the committee did not examine the evidence, nor was there any thing in the proceedings respecting it.

The additional responsibility of the Department, which was recommended by the minority of the committee, and was also provided for in the bill, he (Mr. G.) had before spoken of: it had been his great object to secure a proper responsibility, for his attention had been early drawn to the defects existing in the present law. He had never been able to perceive that there was sufficient responsibility in the Post Office Department. He had viewed it as an irresponsible being; but it ought to be brought under the same accountability as every other institution; and this could only be done by further legislation.

The Senator from Massachusetts seemed desirous to know whether any Department had a right to borrow money. Now he (Mr. G.) did not believe that they had. But, if they did, it was upon the individual responsibility of the head of the Department, for he was the only person who could be legally looked to. Considerations might exist when it would be proper that the Government should interpose and pay the money; and cases, too, might arise, in which the Government ought not to interfere at all. In his judgment, every dollar borrowed by any Department was unauthorized; but he would put it on the ground suggested by the honorable Senator from Georgia, [Mr. FORSYTH,] that the excuse for the act would much depend upon the necessity of the case.

He believed that he had now answered all the questions that had been put to him; and he was not disposed, at present, to go further into the subject.

Mr. HILL rose and said: At this late point of time in the session, it had been my purpose to consume no part of what was left, in any discussion which tended to no useful legislation. When we have but a few days in which more business should be done than has been done in many months, I cannot suffer myself to come here premeditating the consumption of that precious time, so little of which is left.

I had foreseen, Mr. President, from the commencement, that an an attack was to be made, during the present session, on the Post Office Department. Circumstances had forced that Department into a position that, whether culpable or not, blame might be imputed to its management; and that obliquity which has never tired from the day and hour President Jackson came into office, until the present day and hour, in blaming every act of his administration, could not let this session slip without presenting more "gorgons and chimeras dire" on the subject of the Post Office.

This Department, Mr. President, is one standing in a position different from that of every other department in the Government. While the benefits of this Department are more generally felt by the whole people, than those of any other, it is worthy of notice that this Department pays its own way. The War and Navy, the State and Treasury Departments, expend annually their hundreds of thousands, and their millions, taken secretly from the Treasury, while the Post Office Department, collected in small sums of one cent to a dollar, from the transmission of letters, newspapers, and pamphlets, as well among the most scattered population, as in villages and more compact cities, defrays its own vast expenditures.

When the complicated machinery of this great establishment is considered, the wonder is, how it should get on at all. We seem scarcely to be aware, when the mail enables us to converse every day with our friends, at the distance of five hundred or a thousand miles, carrying and fetching communications at the rate of a hundred miles in a day, that the insignificant amount we pay in postage on a letter or newspaper, is the whole tax which is imposed on the community for the privilege. Yet, how heavily are the people taxed for each and every operation pertaining to the War and Navy Departments! Nay, those very Departments themselves, a direct tax in every thing else on the public treasury, are saved hundreds of thousands annually, by free communications received through this very Post Office Department.

Have you not remarked, Mr. President, that every thing done by the Government costs much more that what is done by individuals? Look at the millions which have been expended in constructing fortifications, roads, canals, breakwaters, &c. Look how much these expenditures have exceeded the original calculations of those who have designed them. Look how much is the annual expense of your navy yards, your armories, your military academy, your mint, and your other establishments. Where is the income which is derived to the people from all these? Millions of dollars thrown away by those acts of folly which constructed forts within the British lines at Rouse's Point, or on the mud at the Pea Patch, are scarcely noted for censure, while the Post Office Department is not to be permitted to work its own way, if it can be prevented by extra-official censure. Why, sir, a single bill has passed the Senate at the present session, for repairing the Cumberland road this side of the Ohio, to build which road millions had before been expended, throwing away double the amount that the Post Office Department would ask to be loaned to it to enable it to discharge all its obligations, and hereafter refund both the principal and interest

The Post Office Department is a concern of the Government probably more extensive than any other concern in the world, that supports itself without the investment of a capital. Were this concern managed by private individuals, for their own benefit, could it be expected that they would do better than has this Department since its first organization? Yet, the Department has not been permitted to regulate itself for its own benefit. It has been extended whenever and wherever Congress has chosen to direct; and this, too, regarding less the pecuniary management of the Department itself, than the public convenience. At successive sessions of Congress, thousands of miles of new post road, in the new sections and parts of the country where there was a moral certainty the receipts would not amount to a tenth of the expenditures, have been established. And not by legislation alone have members of Congress contributed to impose extra expenses on the Department. The very extra al-

lowances which have so horror-stricken the Senator from New Jersey, [Mr. SOUTHARD,] have, in nine cases out of ten, probably, been formed on the confiding indulgence of the principal officer of the Department, by the representations of members of Congress. It is only a few weeks since, that, accidentally happening at the room of the Assistant Postmaster General of the Northern division, I found two generous opposition members from the State of Massachusetts, were urging additional mail accommodations on a route in the interior of that State, where, already, a daily mail passed. The extra allowance asked for was only the trifling sum of five hundred dollars, because the distance was not very great. Small as was the sum, the Assistant very plainly told the gentlemen that, in the present state of the finances, it would not be prudent to grant the accommodation. The gentlemen, however, discovered a disposition not to be denied: they assured the officer, that if the Postmaster General would make the accommodation and the allowance, no complaint should be made against the Department for the act, by them.

The present condition of the Department ought not, for a moment, to be matter of surprise, when it is considered that, in addition to the enormous burden thrown on it by the act of Congress of 1832, which established many thousand miles of new post roads, all the facilities asked for by the citizens, and especially those urged by members of Congress, as well for increasing the speed of the mails, as for adding to the number of times of transmission, have been granted up to the time of an ascertained deficit in the receipts. The fault of the Postmaster General (and I am not disposed to deny this to be a fault) has been, that he has done every thing to accommodate the public, and thought too little of the means that were to accomplish it.

It is mentioned with exultation, that "the Department is entirely and hopelessly insolvent;" and a Senator [Mr. CLAYTON] yesterday took to himself great credit for having said three years ago that the Department either was then, or soon would be, bankrupt. The Senator knows full well what party was in the ascendant during the last Congress. So far as the action of Congress has been considered, there can be little doubt of a deliberate design formed to throw embarrassments on the Department. Suppose the plan had succeeded for abolishing newspaper postage, which was pushed with so much zeal in this body two years ago. Does any one believe that the Department could have gone on supporting the additional burden which that act would have imposed? And yet the surreptitious introduction, at the close of the session of Congress two years ago, of a clause into an appropriation bill, extending the franking privilege to members of Congress for the whole year, and making that the permanent law, can be regarded in no other light than a predetermined intention to throw embarrassments in the way of the Department. The public have no correct notion of the extent to which this franking privilege is carried, covering not only the correspondence of members themselves, but that of their friends at home and abroad. These free letters are not only carried without charge, but the postmaster is entitled to a compensation of two cents on each free letter delivered; and a single post office in one of the Western States has been named to me, which, before this franking privilege was extended, yielded to the Department at the rate of twenty to thirty dollars per annum, which, since that extension, has actually brought the Department in debt to it some sixty or seventy dollars a year.

The same Senator [Mr. CLAYTON] says he entreated the chairman of the Post Office committee to assist him in arresting the downward state of things in the Post Office Department! I would be glad to be informed what measure that gentleman has ever proposed or advocated calculated to lessen or prevent the expenses of that Department. If the fault-finding exhibited by the gentleman towards it, has contributed at all in preventing embarrassment to the Department, the gentleman ought to have due credit for all his labors of love towards it.

It has more than once been predicted during this session of Congress, that the national Treasury was soon to be bankrupt. I cannot say it would be a matter of great regret if the money in the Treasury should fall short of the expenditures; for it does seem to me that nothing short of an empty Treasury will prevent those gentlemen who express themselves with such intense feeling of concern about Treasury bankruptcy, from voting hundreds of thousands, and even millions, to purposes in which vast masses of the people of this country who have paid the taxes, have not the slightest interest whatever. Will not the disinterested gentlemen who are thus free with the public treasure, call on our side of the House to assist them in arresting the "downward state of things" in the Treasury Department?

The object of the present attack on the Post Office Department, seems to be to correct and condemn it for borrowing without the authority of law, and for lavishly expending its money for electioneering purposes.

As to the first point, of borrowing money, what shall be done in a case of necessity? Suppose the resolutions proposed by the majority of the committee shall pass; and passing, shall have the effect still further to depress the credit of the Department? Such a course may arrest the course of that Department, in the same manner that the refusal to pass the necessary appropriation bills may arrest the other branches of the public service. The duty of the head of the Post Office will undoubtedly carry him as far as he can venture safely, to sustain his Department. There is no law existing that prevents him from borrowing money whenever it may be rendered indispensable, to pay the expense for transporting the mails; and although the money in the Treasury may not be pledged for the payment of such borrowed money, the money of the Post Office, earned and secured by the transmission of the mail so paid for, is, of right, and ought to be, pledged for the payment of the debt thus incurred.

Mr. President, let us suppose that the Post Office establishment is now, for the first time, going into operation. A law has passed authorizing the Executive to appoint a Postmaster General, with power to appoint deputies, to contract for carrying the mails, establishing mail routes throughout the country, giving the head of the Department power to extend them, and to do whatever may be necessary to carry the law into effect; also establishing the rates of postage, but making no appropriation of money to defray any expense of the Department. In such case, what shall the officer do? If he cannot anticipate the services of those in his employment—if he cannot obtain of them credit until the receipts from postages shall enable him to make payment—would not his next resort be to borrow money, if he could do it on the credit of anticipated postages, to enable him to carry the law into effect? If he could neither obtain the service on credit, nor borrow money to pay for the services in anticipation of his receipts, he must fail to carry the law into effect, except the law-makers, who invested him with the office, shall furnish him a capital with which to commence and carry on business.

Wherein does the case of the creation of a new Department differ from the late law establishing new post roads, and connecting the new roads with the old establishment? The law of Congress required the Postmaster General to carry into operation certain designated post routes; it made no treasury appropriation for carrying itself into effect, but it left the Postmaster General to infer that he might apply any surplus of his postage fund to pay the expense; and why has he not an equal right to infer

that, in case the postage fund failed, he might anticipate the postage receipts, by borrowing as much money as may be necessary to carry into effect the designs of the framers of the law?

The Senator from Georgia [Mr. FORSYTH] has reminded us that Mr. Monroe, as the head of the War Department, raised money without the authority of law, to assist in carrying on the war, in a time of exigency. For that act, the gratitude of every true friend of the country was extended to him, as for that and other kindred acts, the curses of an opposition who refused their money to the country in its utmost need, were heaped upon his head. This act of Mr. Monroe was essentially different from that of hiring money in aid of the Post Office Department. It was as different as the nature of the two Departments is different—the one an expending, and the other an accumulating Department—the one hiring money with the certainty that it would be expended without a return, and the other hiring money to carry into effect a law which provided no other means for its execution—the one involving directly the Treasury of the nation, and the other only anticipating its own earnings.

The act of March 3d, 1835, is imperative on the Postmaster General. That act says, "he shall provide for the carriage of the mail on all post roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper." And again: "he shall pay all expenses which may arise in conducting the Post Office, and in the conveyance of the mail, and all other necessary expenses arising on the collection of the revenue and management of the General Post Office." Can any thing be plainer than the requirements of the law in this case? He must "provide for the carriage of the mail," and he must "pay all expenses" for carrying the mail, &c. Do not these positive commands to do, imply the power of raising the means by which the thing is to be done?

Senators may talk as they will of "the violated laws" in the case of the General Post Office. "The violated laws" has been sounded in our ears—it has been sent forth from this Capitol and returned again to us much too often during the present session to produce the effect intended, either here or elsewhere. "There is no terror, Cassius, in your threats." Talk of "violated laws" in the honest desire of a public officer to further the public interest. I once heard of a man, high in office, who, at the last moment of his power, drew from the treasury a sum of money to bestow on a favorite, without the color of law, under the pretence of purchasing land for the public service. Little would it become such a man to throw his missiles at the Postmaster General, for simply anticipating the fund derived on the postage of letters, by borrowing money to carry on the establishment until the fund shall be realized.

The charge against the Post Office Department in corruptly expending large sums of money to effect the last Presidential election, now comes to be considered.

The Senator from Delaware says, "gifts of hundreds of thousands of dollars to the pets and agents of the Department" have been made for purposes of electioneering. Where, and on whom have these gifts been bestowed? If we take the extra allowances that have been made, it will be found that, throughout the Union, they have been made as often to political opponents as to political friends. So far as my personal knowledge extends—and it is confined principally to New England—the old contractors have generally continued in their places; and a large majority of the contractors are not of the party which supports the administration. Very few of the contractors in that section of the country have ever been known as active electioneers for the administration. I have known many of them to be very zealous in sustaining a former administration; but if any one of them has had less favor from the Postmaster General, on account of that opposition, the fact has not come to my knowledge. From the year 1810 to the year 1829, I was a contractor under the Department to carry a number of mails in the State of New Hampshire. At no time, I believe, did these contracts exceed the sum of three thousand dollars per annum. Contracts were issued to me under Mr. Granger, Mr. Meigs, and Mr. McLean. In no instance under either of these gentlemen, did I ever obtain a contract but on terms of fair competition with all other bidders. The circumstance of having been for twenty years a contractor, enables me to explain what was yesterday made a grave subject of complaint against the Department in the State which I have the honor to represent.

In that State, among a number of others, Horatio Hill is a contractor for several routes. As his name happens to be associated with another, who is the conductor of a newspaper—for he is no political writer, and scarcely a politician himself—the keen optics of the committee were directed to the discovery of some alarming, some astounding favoritism in his case. They could not find, on a careful inspection of the contracts, any extra allowances; but they did find what greatly alarmed the Senator from New Jersey. They found written out on the face of his contracts, what I have good reason to believe they would have found written out in other contracts in that part of the country, a grant of what is called "the newspaper privilege." Now, sir, can you divine what this newspaper privilege means? The Senator from New Jersey appears to be altogether in the clouds on this matter; and lest he should continue to suppose that the newspaper privilege in the Granite State were some infernal machine, slaying his political friends by thousands, I will attempt to quiet his apprehensions and set him right.

In New Hampshire, as in some of the other New England States, almost every farmer and mechanic is well informed on political affairs, and takes one or more newspapers. Ever since I had any knowledge of that State, in most of the towns through which a mail carrier passed, these newspapers are carried and delivered by the carriers, at the doors of those who took them. The privilege of thus carrying and delivering newspapers out of the mail, had been undisturbed ever since the establishment of the Post Office Department, although the law might be so construed as to require that all newspapers should be carried in the mail. This practice had been continued without any notice of the newspaper privilege on the face of the contract; and newspapers were carried out of the mail through all parts of New England. About four or five years ago, some agent of the Department—and these agents have been kept up under all administrations—discovered that persons in some of the cities and larger towns, were in the habit of evading the payment of postage, by wrapping their letters in a newspaper, and forwarding them in the mail stage. To correct this evil, an order was issued from the Department directing the carriers to carry no newspapers out of the mail. As might be well supposed, this order was not well received by the newspaper readers; they could not readily consent, while the carrier passed daily by their doors, to travel a distance of half a dozen miles, or even one mile, to a post office, to obtain their newspapers. The Department very soon relaxed its orders in relation to newspapers, and suffered the carriers to take them as usual. In some instances, if not in all, where newspapers had been thus carried by contractors, to put an end to all doubt on the subject, the newspaper privilege—meaning the right to carry and deliver newspapers out of the mail—was noted in the proposals; and where the proposals were accepted, this condition was of course entered on the face of the contract. This trifling incident, in no wise altering what had been the practice from time immemorial throughout the whole interior of New England, is the whole amount

of the enormity that has been perpetrated with malice prepense, by the Department, in the case of Horatio Hill. If the Senator from New Jersey, or the majority of the Post Office committee, will call for persons and papers at the Department, he or they will probably find that there are cases of contract other than that of Horatio Hill, in which this newspaper privilege has been inserted; at all events, they may ascertain that the "patent privilege" is not confined to the State of New Hampshire, or to one side of the political question; and that newspapers are carried out of the mail as well in Maine, Massachusetts, Vermont, and Connecticut, as in New Hampshire.

It is not my purpose, Mr. President, to combat all the positions assumed in the report of the majority of the Post Office Committee. I have a right to complain that they should go far out of their way to make mistakes in relation to my State. They would represent us as being peculiarly the favorites of the Department, and they make an invidious comparison between us and our sister Vermont. If I correctly understand the report, they say that more than double the amount is paid to contractors for carrying the mails in New Hampshire that is paid in Vermont—conveying the idea either that contractors are overpaid in one, and underpaid in the other, or that one State has far greater privileges from the mails than the other. I have not had time since the reading of that report, to make a minute examination into this matter; but I will venture the assertion, that if the committee will further examine persons and papers, they will find that the mail of the United States is carried weekly, monthly, and yearly, a greater number of miles in Vermont than in New Hampshire, and that the cost of transportation per mile is as great, if not greater, in the former as in the latter State. I presume the mistake of the committee in this matter results from the fact of the connexion of the routes running through the States of Massachusetts, Vermont, Connecticut, and Maine, into New Hampshire, by which it is made to appear to them that we really have the benefits which are actually conferred on our sister States.

The political friends of the Senators who assail New Hampshire, who are mail contractors in that State, will not thank them for the manner in which their contracts are noticed. Even in that State, which is pointed at as a greater political sinner than her sisters, much the largest amount of money paid by the Post Office Department to mail contractors, goes directly into the pockets of our political opponents; and so long as they shall conduct as honorable opponents—so long as they shall continue to do business, and treat alike men on all sides of every political question—so long as they shall treat us as fairly as they do those who differ from us in opinion—there will be little disposition on our part to deprive them of at least equal rights with others in an honorable competition for the pay and emoluments of carrying the public mails in the Granite State.

I have said, sir, that the patronage of the Post Office Department is not confined to the friends of the administration. Of the money paid to mail contractors—of the extra allowances made to mail contractors in the six New England States, much the larger portion has gone, and continues to go, into the hands of political opponents. I was in this city as a mail contractor in the fall of 1828, previous to the closing of my contracts with the Department. The New England contractors were generally here at that time. I was not a little surprised to be told that I was the only open and decided friend of the election of Andrew Jackson among them all, and was asked how I could expect to obtain any contracts. The contest was then fierce and warm. I was at that time the conductor of a newspaper, and had the fortune to be considered worthy of persecution for opinion's sake, by an accidental ascendency of a piebald party in my State, consisting principally of old federalists, aided by a portion of nominal republicans, who were more anxious for the honors and emoluments of office, than for the furtherance of any honest principle. The same contractors who were here in 1828, in most instances are now contractors; not one of them, I will dare allege, has lost his contract, or been deprived of the benefits of his bid by the present Postmaster General, on account of his political opinions.

The appointment of postmasters stands on a different principle from that of contractors. The administration for the time being has a right to prefer its political friends in the appointment of postmasters; and where unreasonable, violent, and virulent political partisans occupy the post offices, it is but following the practice of Mr. Jefferson to supersede them. From the loud complaints which have been thundered in our ears from Georgia to Maine, it might well be supposed that by this time very few individuals, with opinions adverse to the general administration, would be found in office. The world would be astonished to learn, that at this moment a majority of the post offices in the six New England States are in the hands of our political adversaries. This fact alone would go very far to disprove the political favoritism which is alleged against the Department.

A loud subject of complaint now is, that four several publishers of newspapers are employed to furnish, at a fair price, the printed blanks, paper, twine, and wrapping paper, used in the offices throughout the United States. These articles are dealt out in large or small quantities to the several offices, precisely as they may be called for: the written requisition of the postmaster is made to the postmaster of the place where the articles are supplied, who directs what quantity shall be sent; and the certificate of the latter is the voucher in settlement of the account at the end of the quarter. The supplies for all the post offices in a State, may average, in the smaller States, six hundred to a thousand, and fifteen hundred dollars in the larger States, each, in a year. The whole sum expended for a year in the New England States, will not probably amount to half as much as will the single job of printing thirty thousand reports and documents on the Post Office. Seventeen thousand five hundred dollars does not appear to be grudged—and the printing paid for at a much higher rate than that paid by the Post Office Department for printing blanks—to the printer of the Senate—who seems recently to have become to certain gentlemen of the North scarcely less an object of favor than he was four years ago of disfavor. If the Post Office Department, or any part of its business, can be proved to be guilty of any act of extravagance equalling this proposition for printing thirty thousand copies of a report, calculated, wherever it shall be read, to mislead the people, whether intentional or not, in many important facts, I will freely give my vote to place the Department under guardianship, as *non compos mentis*.

Many of the charges in the report, as well as in the speeches of the Senators from Ohio and Delaware, are set forth as new offences. There is not a practice in the Department which they condemn, (if we except, perhaps, that of having money to any considerable amount,) that is not derived from the predecessors of the present Postmaster General.

The appointment of agents to visit the different sections of the country, and ascertain the condition of the several post offices, and the manner in which contracts are performed, is loudly complained of. Yet the fact cannot be denied, that these agents were as numerous, and as expensive, in proportion to the extent of the Department, under Gideon Granger, Return J. Meigs, or John McLean, as they are under William T. Barry.

So, likewise, secret agents, and the expenditures of secret-service money, are complained of. Those have existed under former administrations; and the prompt

and vigilant manner in which robbery and theft have been detected by these secret agents, in different sections of the country, furnish abundant evidence of their utility. The agents under no former administration, it is believed, have better performed their duty than those under the present Postmaster General.

On the subject of extra allowances for improvements, it is well known that they have been made to the extent equal to the ability of the Department under all former administrations. It was a rule of the late Postmaster General, [Judge McLean,] to extend them as far as the funds of the Department would admit. He did extend them, in some years of his administration, beyond the receipts. The present Postmaster General has continued to extend them; and if in any case he has made an allowance for facilities beyond their value, it must be because he has been deceived; if he has committed any errors, they are errors of the head, not of the heart.

Post office twine, and blanks, and wrapping paper, have been furnished by the Department in former times, as they are now furnished; and if friends to the administration have been preferred to enemies, in performing this service, we may expect the disappointed party to complain, but we can feel for them little sympathy. This party will continue to cry out against proscription, so long as they cannot obtain every thing themselves. Complaints, however, come from them with no very good grace. I have this day read a Connecticut paper, which mentions, as a consequence of the liberal reign of the new-fashioned whigs in that State, that at the late session of the Legislature, in the single county of Hartford, one sheriff, three judges of the county court, eight judges of probate, and eighty-three justices of the peace, were superseded in a single day. Taking all the counties of that State, at a similar rate, the removal by the self-styled "whigs," for opinion's sake, in one month, in that State, would be greater than all the removals made by General Jackson, during more than five years he has been in office, for all causes whatever.

On the whole, Mr. President, I cannot say I regret the scrutiny which the Post Office Department has encountered from the examination of a hostile committee. If that committee, seeking occasions to criminate the Department, has discovered any thing censurable, censure should be bestowed as it shall be deserved. If the committee has told more than was true on one side, there is also good reason to believe that much of the truth remains to be told in relation to the other side. If they have not spared the transactions of the friends of the administration in connexion with the business of the Department, there is certainly good reason to believe that the contracts and extra allowances for carrying mails, and the blanks, paper, and twine, and other jobs furnished to their own friends, have passed entirely free from animadversion.

I listened attentively to the reading of both reports. I weighed earnestly the testimony that was adduced to prove corruption or intentional misconduct, on either the head or subordinates of the Department; and I am constrained to say, that although the charges of malconduct are made with great confidence, there is much less of evidence to sustain those charges than I had been led to anticipate from the rumors that were in circulation.

Mr. CLAYTON said: The member from New Hampshire, who has just made an end of reading his speech, has propounded an inquiry to me which, though I do not often notice things coming from that quarter, I will, on this occasion, briefly answer, for his benefit. In reference to a remark of mine, made yesterday, that three years ago I had foreseen the approaching insolvency of the Post Office Department, and had then in vain struggled against an administration majority in the Senate, to arrest the downward tendency of things, the member has inquired what remedy I ever did propose for the purpose of arresting that tendency? I will now propose one of my remedies for him to consider, and which, perhaps, when he learns it, may be thought by him all-sufficient, so far as he is concerned to know. I would recommend to the Postmaster General, in the plenitude of his power in the matter of making contracts, to enter into one with Mr. Timothy Upham, of New Hampshire, if that gentleman could be prevailed upon, for a liberal compensation, to engage in it. The "service to be rendered" by that contract, should be to oversee, and keep in proper subjection, by salutary discipline, a class of most scurrilous libellers in a certain quarter, as well those who have not, as those who have "the newspaper privilege;" and whenever, in the performance of his duties under such an arrangement, that gentlemen should find it necessary to inflict personal castigation, he should have leave, in the slang of the Department, to "improve his bid" and receive an "extra allowance" of at least five hundred dollars for every such "additional service" rendered. That, sir, would be one of my remedies. Of its efficacy I leave the member to judge.

Mr. LEIGH said, the Senate, perhaps, might remember that he had taken occasion, some time ago, to call its attention to the system of extra allowances to mail contractors, as exhibited by the Blue Book, and had referred to a very remarkable page in that register, containing an unusual number of extra allowances, and to large amounts, to mail contractors in Virginia. On that occasion, of course, he had mentioned the names of the contractors to whom those allowances were there stated to have been made; and, as the subject before the Senate was a memorial from Culpeper, he took notice, that one of these contractors was a resident of that county, and was very active in politics. This gentleman considered this bare mention of the facts in his case as an imputation, against which it behooved him to defend himself before the public; and, without denying the facts at all, he entered into a labored vindication of his integrity and purity, and of the fairness and propriety of the extra allowances made to him. In doing this, his own conscience had been his accuser, the witness against him, and the judge. He (Mr. L.) had made no accusation, given no testimony, pronounced no sentence. His object was general—to call the attention of the Senate to the extra allowances exhibited by the Blue Book—to show that extra allowances, so numerous, and to such vast amounts, were directly contrary to the principle of the laws regulating the Post Office Department; that they constituted a system of favoritism, which, if not corrected, must work corruption; and that this abuse had been carried to greater excess in Virginia than in any other State of the Union.

He had never doubted that extra allowances might be made to mail contractors without design to give favors, without intent to corrupt; and might be received without the guilt of corruption. He had aimed his censure at the general system; he had entered into no examination of particular cases of abuse. Another of the mail contractors to whom Mr. L. had referred on that occasion, (because his name was found on the same remarkable page of the Blue Book, and to whom a very large extra allowance was there quoted,) correctly understanding the purpose and temper of his remarks, and having a conscience wholly void of offence, had vindicated his contract after quite a different manner; he had shown that the Blue Book misrepresented his case. Messrs. Peck and Welford were stated, in the Blue Book, as being entitled to an annual allowance, per contract, of $5,221; and to an annual extra allowance of 6,557 dollars. Now, Mr. Welford had exhibited to him the most satisfactory evidence, that the utmost amount of extra allowance made to him and his co-contractor, was 2,000 dollars per annum, for extra services; and this was entered on the margin of the original contract; that even this extra allowance was con-

tinued for only a year and three quarters, so that they had received only 3,500 dollars of the extra allowance; that they, at least, were no favorites; that the improvements (as they are called) on the route next above theirs had been grievously injurious to them; and that the system of extra allowances, instead of operating beneficially to them, had given them just cause of complaint, and had been the subject of complaint to the Department. Mr. L. thought it proper to mention the facts, of which he had thus been informed, in justice to Peck & Welford. But he had another reason for mentioning them. The Committee on the Post Office Department had done as much as could reasonably have been expected of them; they had detected numerous and enormous abuses; they had exposed many errors in the reports made to Congress; but much, doubtless, remained yet unrevealed. They had pointed out instances in the Blue Book, of payments reported to have been made, much smaller in amount than the sums in fact allowed and paid; but they had not pointed out the instances of allowances there stated to have been made, far exceeding the sums in truth allowed. This case of Peck & Welford was one instance of a misrepresentation, or inaccuracy, of the latter kind; and Mr. L. had no doubt there were other instances of the same kind, equally remarkable, and, he would add, equally unaccountable and inexcusable.

The first time he had cast his eyes upon the Blue Book, he had been forcibly struck with the fact, that the register of officers of Government, other than those of the Post Office Department, executive, legislative, and judicial, including the army and navy lists, the public printers, and the directors of the Bank of the United States and its branches, occupied one hundred and eighty-six pages, while the officers and contractors of the Post Office Department filled two hundred and sixty-seven pages of that volume. It was not too much to say, that at least one moiety of the immense patronage of the Government was exercised through the Post Office Department. How the other patronage of the Executive had been exercised, Mr. L. would not, in the present state of his information, pretend to say—but how the patronage of the Post Office Department had been exercised, the reports of this committee (he meant the report of the minority, as well as that of the majority, of the committee, for, as to matters of fact, there was very little difference between them) but too plainly showed. He had heard the disclosures made and admitted in these reports, with astonishment and indignation. For abuses so gross and palpable, the attempt to find even plausible excuses was a vain and hopeless labor.

It was now admitted, on all sides, that the Postmaster General, in borrowing money at six per cent. interest, from time to time, to the amount of near half a million, had committed a direct and plain violation of the constitution; and the Senators from Tennessee and Georgia, [Mr. GRUNDY and Mr. FORSYTH] both, in the most explicit terms, admitted that this was such a violation of the constitution as could nowise be justified. The most they contended for was, that an excuse might be found for it in the necessity of the case. There might, indeed, be a degree of necessity that might excuse violations of the constitution, in sudden and unavoidable emergencies, for which no provision had or could have been made by law; and when such a case of necessity was made out, the officer yielding to it ought to be excused and indemnified; but care should be taken, always, that the case should not be drawn into precedent. This was the use of bills of indemnity on such occasions. The gentleman from Georgia mentioned an instance of a head of a department borrowing money, without authority of law, and therefore in violation of the constitution, yet under such circumstances, that his country not only excused the act, and refunded the money, but was most grateful, and gave the officer the highest evidence of its gratitude for the service. He remined us that Mr. Monroe, while Secretary of War, borrowed money of the banks for the use of his Department; borrowed it at a time when the Treasury was empty, and the Government unable to negotiate a loan in the regular manner; borrowed it on his own responsibility, because it was absolutely necessary to enable the Department to furnish those essential supplies for General Jackson's army which enabled General Jackson to make his successful and glorious defence of New Orleans. And the gentleman said that this violation of the constitution, in effect, elevated two persons (the Secretary and the General) to the Presidency. This was the first time Mr. L. had ever heard it surmised that Mr. Monroe owed his elevation to the Presidency to the public confidence and gratitude he had earned by this piece of service, or indeed any one act of public service. And, as to General Jackson, it is well known he had regarded the ascription of praise to Mr. Monroe, in this particular, as a detraction from the credit he claimed for himself exclusively, for the successful defence of New Orleans. The share of praise bestowed on Mr. Monroe, had excited the General's warm indignation—as the gentleman from New Jersey [Mr. SOUTHARD] could vouch, if any gentleman wanted information on the subject. The gentleman from Georgia was better acquainted with the history of those times than Mr. L. pretended to be, and might be able to explain why and how Mr. Monroe's violation of the constitution, in the instance alluded to, contributed to elevate him to the Presidency—

[Mr. FORSYTH explained—but his remarks were not distinctly heard by the reporter. He was understood to say he had not expressed any approbation of the conduct of Mr. Monroe in negotiating the loan alluded to, nor given any opinion of the propriety of it.]

Mr. LEIGH said, he had not attributed to the gentleman from Georgia any opinion as to the propriety or impropriety of Mr. Monroe's conduct: he only attributed to him the words he used—that this violation of the constitution by Mr. Monroe, was the operating cause of the elevation of two persons to the Presidency. However, the only question of importance was, whether a precedent was to be found in Mr. Monroe's conduct, upon the principle of which the borrowing of money by the Postmaster General could be excused? The gentleman from Massachusetts [Mr. WEBSTER] had already pointed out many and strong points of diversity between the two transactions. Mr. L. would not repeat what he had said. He only desired to remark, that the plea of necessity could never furnish any excuse for a violation of the constitution and the laws, by any officer of Government, if the necessity which he relied on for his excuse was a necessity created by himself. The necessity under which Mr. Monroe acted, was sudden, unexpected, unavoidable; not produced by any conduct of his own, by any neglect of duty, by any mismanagement or wasteful expenditure of the funds appropriated for his Department; it was a necessity suddenly imposed upon him by the operations of war, over which he had no control. The Postmaster General had created the necessity which was now pleaded in his excuse. He himself had extended the operations of his Department beyond its financial capacity. The deficiency of the funds of the Department to meet the expenditure must have been at first trivial; he ought to have known when the expenditure exceeded the revenue, as soon as the fact occurred, and to have retrenched the expenditure; which he might easily have done, by cutting off the extra services of the mail contractors, and so saving the extra allowances. The deficiency of the funds must have grown to its present amount by slow degrees. The deficiency then was imputable to himself, and was of itself a palpable instance of misconduct or neglect. He had deliberately created the necessity to

borrow money; and that necessity, instead of being an excuse for violating the constitution, was an aggravation of his fault.

In speaking of the Postmaster General, and imputing the whole fault to him, Mr. L. said he had followed the example of other gentlemen in the debate; who had referred only to him, because he was the head of the Department. But he apprehended that the whole fault was not justly imputable to this officer; that many abuses were laid at his door which were more justly imputable to others, who stood in the back ground, and were willing enough to see him bear the whole blame, if they could be screened from observation and censure. If the President was right in the doctrines he had promulgated to the nation, he was responsible for all the abuses of the Post Office Department, whether he was actually a party to them or not; but Mr. L. held him to no such responsibility. He would gladly be informed, whether the Postmaster General had negotiated his several loans of money without the President's knowledge, without any previous authority given by him, or subsequent sanction? Was it possible, that the Postmaster General had taken such measures, without apprizing the President of his proceedings, and without his approbation or sanction? When was it, that the President was first informed that the Postmaster General was going to borrow, or had borrowed money? Was it before the first loan was negotiated, or at any intermediate time before the last? From the moment the President was informed of the proceedings, he sanctioned them, and made them his own, by retaining the Postmaster General in office; and, thenceforth, the President became really responsible for this unconstitutional borrowing of money. And Mr. L. hoped that, in the further investigations which this subject required, some information might be revealed which would enable him to determine the just share of the blame that ought to be imputed to the Postmaster General, and whether and how much of the censure ought to fall on the President himself. Justice to the subordinate required, that he should not bear the whole blame of what the chief authorized or sanctioned.

Mr. SOUTHARD said the course of the debate rendered it proper for him to add a few words.

The Senator from Georgia [Mr. FORSYTH] objects to so large a sum being taken from the contingent fund of the Senate for such an object. I do not, said Mr. S., assent to the estimate of the Senator. It is probably much higher than it ought to be. And as to the fund, it is quite the same to the people, out of what portion of the money belonging to them the expense is taken. It is theirs, and we are answerable for its expenditure on proper objects. The only question is, whether this be a proper object; and that depends upon the importance and value of the document itself. Of these, I have endeavored to explain my views, and have only to regret that the Senator did not perceive the application of my reasons to the motion.

The Senator insists that I am in favor of printing these papers for electioneering purposes. I have no anxiety to avow or disavow the alleged object. All elections, under our institutions, are, or ought to be, tests of public opinion upon the principles of our Government, and the faithfulness of public agents to those principles. All public documents are designed to exhibit the history of those principles, and the conduct of officers in discharge of their duties. No document can be printed which is not of some value in giving information to the people, to enable them to exercise wisely their elective franchise—an awful right which they possess, and must perform, for good or evil; awful, because, on its intelligent and virtuous discharge, depends, not only their own present and future prosperity, but the destiny of their political institutions, and probably, in the end, of the liberties of the world. At no time, in my opinion, was this duty of more interest and importance. Claims of power, principles of construction, acts of right or of usurpation, are in issue, which they must try, and render a verdict of approval or condemnation of those to whom they have confided the administration of their Government. Elections approach by which this verdict is to be rendered; and my anxious desire is, that they may have the evidence before them, in its most authentic form. These documents are a part of that evidence—procured from official sources, collated by faithful men, and clothed with high and responsible sanctions. Let the people hear it, and decide. If this be electioneering, so be it. I avow my purpose to be, to give to the people of the United States full opportunity to know the manner in which one of the great departments of the Government has been conducted; how their agents have acted in their sacred trust; how those agents have been sustained, and now are sustained, by the Chief Executive, and by those who advocate all that is claimed for power, and all that is done with the approbation of the Chief Magistrate.

It is manifest from these reports and documents, that the money and agents of this Department have been used to act upon and influence the elections. Their influence has, however, been, heretofore, in a great degree secret, unseen, and unknown, even while they were controlling the expression of popular opinion at the polls. This fact has been charged—but denied—and the evidence was sealed up in the Department. A part of it is now exposed to public observation. Let it be disseminated, so that, at the next elections, the people may understand the force against which they have to contend, how the money is procured and scattered, and whence the agents are sent. When these things are known, the results may be left to that proud spirit of freemen which scorns secret corruptions. Our duty will be discharged when we shall have given the warning in time. The duty of the people will be faithfully discharged by them afterwards.

I expressed some censure of the conduct of the Department in allowing one of the clerks to make profit out of a contract, not advertised, and which was increased by extra allowance and other contrivances, to an amount of several thousand dollars, so as to swallow up all, and more than all, the postage money received in the Territory of Michigan. It has been argued that this was not a violation of law, and that there have been instances in which the same thing has been done before. The law, sir, was read by me. Its terms embrace all clerks "employed in any post office." Mr. Temple was a clerk, and he was employed, at the time, in the General Post Office here. Did Congress mean to prohibit clerks in the petty post offices at a distance, where no "contract for carrying the mail" is made? and did they mean to admit to this privilege, the clerks here—at the very seat of the danger which was to be avoided—where all the contracts are made? The absurdity ought not to be imputed to them. The words of the law, and its reasons, both embrace the case which has been mentioned. It is one which is accompanied by most suspicious circumstances. The route not advertised—the strange reason given for the omission—the bid by the clerk in the name of another—the transfer to the clerk—the enormous increase of the allowances—the property transactions between the clerk and the officer who omitted to advertise—form a combination, of which there is no precedent in other times. It looks too much like mingling allowances of pay with purchases of private property—and is even worse than the large extras to those who make presents of good wine.

But to the precedent adduced. It is that of Phineas Bradley. It so happened that an inquiry was made many years ago, in 1816, when Mr. Meigs was Postmaster General, into certain alleged misconduct of this Depart-

ment, and this case of Phineas Bradley was one of the matters investigated. The report is now before me. Mr. Bradley was a clerk, and he had an interest of 1-18th in a contract of $2,800 a year. The committee acquitted the Postmaster General of all impropriety, as they did the clerk.

Now, sir, this one precedent, which has been hunted up, altogether fails to furnish justification or excuse. It amounted to about one hundred and fifty-five dollars, and was in violation of no law. No law had then forbidden clerks employed in any post office to be concerned in a contract for carrying the mail. But this contract was made secretly--without publication or competition. It amounts to three or four thousand dollars per year, and was made in direct violation of a known law of the land. So much for the precedent as to the clerk-contractor.

But, Mr. President, it is also insisted by the Senator from Georgia, that this borrowing by the Postmaster General is not without precedent, and is no more a violation of law than the borrowing of money from the banks of this District, by Mr. Monroe, which furnished the means for the defence of New Orleans—a borrowing which he supposes had, in its consequences, influence upon the election of two Presidents of the United States. He regards them both as borrowing in anticipation of an appropriation by law. The history of Mr. Monroe's act, compared with that of the Postmaster General, will take away from the latter all support from this precedent.

What are the facts? As I understand them, they are these: Mr. Monroe came from the State to the War Department, in September, 1814. Mr. Campbell had then resigned the Treasury, and Mr. Dallas had not been appointed. Mr. Monroe found the concerns of the Department in a very deranged condition—with the enemy pressing the country in various directions, and our army in want of the means to enable it to act efficiently. It required all the energies of a devoted mind to meet the difficulties by which Mr. Monroe was surrounded; and he met them with a devotion that forgot self, and put in hazard his very life. Among other pressing calls upon his attention, was the situation of the Southwestern frontier, and especially of the city of New Orleans. In the course of the fall, he was apprized of the danger which threatened it. It must be saved, at every hazard. Anxiety was felt lest the enemy should reach it before the commanding general, and before he should be prepared successfully to resist. Men, arms, and money were needed. The two former were ordered, and fortunately arrived in time.

Mr. Monroe called on the Secretary of the Treasury for money, and was answered that it could not be furnished. There were Treasury notes, but they were useless—they would not answer the purpose. The credit of the Government was gone. Application was made to the banks to lend the money on the faith of the Government, and they refused. What was then to be done? Must New Orleans fall? Must the enemy triumph? Not if James Monroe could arrest the calamity. He applied to two of the banks in this District, and pledged his personal responsibility and character, and they granted what had before been refused. He obtained $250,000, and sent it by express; and, under the smiles of Providence, New Orleans was saved, and the nation triumphed. The act of Mr. Monroe was self-devoted and patriotic. He furnished men, arms, and money; means, without which, the battle of New Orleans could not have been successfully fought. But did Mr. Monroe act without legal and proper authority? By recurring to the laws previously passed, it will be found, that, in March preceding, nearly twenty-four millions of dollars had been appropriated for the support of the army. This fund was not exhausted, as I believe. The Legislature, in compliance with its duty and the constitution, had directed the use of the money for the very object for which the loan was made. The order to use it for that object, had been given by the competent authority. It was not the want of authority to use the treasure of the nation, which rendered the loan necessary and proper; it was because the money provided would not answer the purpose. It was a substitution of current for uncurrent money. But Congress had not only appropriated the money for the support of the army, it had, also, in March, 1814, authorized a loan of twenty-five millions, and an issue of Treasury notes of ten millions; one-half of which was to be a substitute for so much of the loan as should not be taken. In November, of the same year, three millions more were authorized to be loaned; and in that month, and in December, additional authority was given to issue Treasury notes, for such amount as could not be obtained on loan. When, therefore, Mr. Monroe applied to the Secretary of the Treasury, the Executive had the authority to borrow, and also to issue Treasury notes. The first he was unable to do; the latter would not pass if issued. Congress had given authority, but the credit of the Government could not command the means; and Mr. Monroe borrowed the money, not on the credit of the Government, and in the precise form of the law, but on his own responsibility, and on a pledge by him, that, when the Government could do what the law had ordered, and the constitutional appropriation had authorized, it should be returned.

Now, Mr. President, compare the two acts, and see how far this precedent is an apology for the Postmaster General. Mr. Monroe acted in a state of war, when the nation was in danger, and the public safety demanded it: Mr. Barry, in a state of peace, and when no external necessity pressed him. Mr. Monroe, to meet an evil brought on by a hostile force: Mr. Barry, to meet defalcations which his own maladministration had caused. Mr. Monroe, after Congress had appropriated money to meet the very object: Mr. Barry, when Congress had made no appropriation. Mr. Monroe, when Congress had authorized the issue of its own notes to meet the service: Mr. Barry, when Congress had assumed no such liability. Mr. Monroe, when Congress was apprized of the condition of the country, and the necessity for the money: Mr. Barry, when Congress was not only ignorant of any necessity for the money, but had been kept in ignorance by untrue representations of the condition of the Department. Mr. Monroe, when Congress could not furnish the money: Mr. Barry, when it was perfectly within the power of Congress to furnish it. If, after this explanation, the Senator from Georgia, or any other person, thinks the parallel holds good, or that the act of Mr. Monroe is any excuse or palliation of that of Mr. Barry, I must leave him undisturbed in his opinion. I beg, however, to assure him, that I do not regard Mr. Monroe as borrowing the money in anticipation of an appropriation. It was after an appropriation; but, if it had been in anticipation he would not have been inexcusable. Congress had declared war. Its exigencies must be met. Appropriations had been yearly made for the support of the army, from the organization of the Government. The very reverse of all these, was the fact with the Post Office Department. Congress had done nothing to render the money necessary—no appropriation for that Department had ever been made—no one ought to have been anticipated.

The Senator from Georgia does justice to my feelings, when he says, I will not speak of Mr. Monroe or his acts but with profound respect. I shall neither speak nor think of him but with the veneration due to exalted worth, and to a patriotism and public virtue which was distinguished in the land of patriotism and public virtue. Enjoying, from my early youth, his confidence and friendship, I shall always speak of him as I know him. He never needlessly violated the laws and disregarded the constitution. He never authorized corrupt expenditures of pub-

lic money. He loved his country, and reverenced her institutions. If he had an aspiration strong and ardent, it was for the preservation of those institutions in their purity. If he had a hope and a wish, animated in life, prevalent in death, it was for the perpetuity of those institutions, and the prosperity and glory of his country. Let not his acts, I entreat you, be summoned to the aid of those who trample on the constitution and the laws.

If it be true, Mr. President, that this act of Mr. Monroe has influenced the election of two Presidents, I earnestly hope that the acts of the Postmaster General may not produce the election of a third. And I beg to say to the Senator from Georgia, when he attributes so much to the agency of Mr. Monroe in procuring the victory of New Orleans, that he treads on dangerous ground. Others, who oppose this administration, have not been permitted to do so. The whole glory of that transaction is claimed as the fee-simple of one individual.

Mr. BIBB remarked, that the question before the Senate was as to the number of documents to be printed. It seemed, however, that this question had drawn into discussion the management of the Post Office Department, and some censure had been applied against the head of that Department. He felt very sensibly the difficulties under which he was called on this occasion to act; and in relation to the Postmaster General, he had been forcibly struck with one of the observations which had fallen from the Senator from Virginia, that he ought not to be made to bear more responsibility than what really belonged to him, and that, on investigation, it might turn out that there was another on whom the responsibility ought properly to fall. Sir, said Mr. B., my opinions with regard to the Postmaster General are well known; and I take this occasion now to say, that I believe him to be an honest and confiding man; and while I do not pretend to justify the borrowing of money by the Department, I cannot believe him to be solely culpable. From his knowledge of the man, Mr. B. said, and from the manner in which the business of the Department has been subdivided, he ought not to bear the whole blame for any embarrassments into which it had fallen. Let him bear so much of the responsibility as justly belongs to him, and let others bear the responsibility justly belonging to them. It would readily be perceived that it was not possible for any one human intellect to superintend all and every minutiæ of a Department so extensive as the Post Office. The Post Office laws were framed on this idea, and, under the dictates of common sense, provided the head of the Department with two Assistants, over whom he presides. Contracts and extra allowances, it was admitted, were made under his superintendence; but it belonged to the two Assistant Postmasters General to make them, and to carry them into effect, while the Postmaster General had nothing to do but to superintend and control generally, and to act, when called on by his Assistants, in cases of difficulty. This has been the practice from the time of the establishment of the Department down to the present day. It must, therefore, be perceived, that when these extra allowances were made, many of them were made without the knowledge of the Postmaster General.

It had been a settled principle of the Government for many years past, that this Department should sustain itself from its own resources; and, except in time of war, to permit the whole of its receipts to be expended within itself, in extending its mail routes, and in increasing the accommodations of the community. It was therefore the duty of the officers of this Department, in making these extra allowances, to see that they were not exceeding its capacity. Now, when an appeal was made to the Postmaster General himself, to extend a mail route—for instance, to run a mail from Philadelphia direct to New Orleans, deemed very important to the commercial world—the inquiry must be made, "Are the receipts of the Department sufficient to sustain this increased expense?" But then the Postmaster General must call in his subordinate officers, whose business it is to be informed of the state of the general accounts, and if they fail to inform him correctly, and he is led into error, he surely ought not to be held responsible.

Sir, said Mr. B., I have to perform, on this occasion, towards this officer, the duties of a friend; but I shall, I trust, in performing the duty I owe to a friend, not derogate from the duty I owe to the people. I shall blame where I must, and acquit where I can. With respect to the observations made by the Senator from Virginia, [Mr. LEIGH,] whether the Postmaster General did or did not inform the President of the United States of the embarrassments of the Department, and whether he borrowed the money with or without the President's advice and consent; these facts enter very largely into the quantum of the offence. Now without the necessity of going largely into the report of the committee, and the statement of the minority, he would answer those inquiries. From the message of the President himself at the opening of the session, I say, continued Mr. B., that the President was informed that a loan was necessary for the Department before a loan was made; and that he was so informed before the present session of Congress, was proved from the message itself.

[Here Mr. B. quoted that part of the President's message.]

Were not the responsibilities of the Department spoken of? Were not improvements beyond the capacity of the Department spoken of? And could any man, who read the message, doubt that the President was informed that the Department required these loans? Mr. B. owed it as a duty to the Postmaster General, to ask of the committee to call on him, and inquire whether he gave the President this information, and whether he borrowed this money with his advice and consent. No part of the blame for these acts ought to rest on the head of the Postmaster General; and, unless the man was greatly changed, unless there was something in the atmosphere of Washington which curdled the blood, that man was incapable of acting improperly, or concealing his conduct. He acquitted him, therefore, from these charges, and he acquitted, from the evidence in the message of the President itself.

It had been some time since he read the life of Lord Chancellor Bacon; but, in reading the history of those times, he found there was a certain Buckingham who managed the Government, and indeed, managed Bacon himself; and the result was, that Bacon was compelled, by the terrors of the times, into self-condemnation, to screen Buckingham, the corrupt minion of a corrupt court. He would not pretend to say that his friend, Mr. Barry, was the equal of Lord Bacon in point of intellect; but among all honorable men, he has the reputation of talents and virtue; and he feared that there were many Buckinghams at work in the Post Office at least. It was, perhaps, an error of judgment on the part of the Postmaster General, that he did not instantly, on ascertaining the deficiency of the Department, make the facts known to Congress. But had he done so, how many Buckinghams would have found themselves impeached, he would not pretend to say.

Sir, said Mr. B., I know well how the head of the Post Office Department is pressed from every quarter for the purpose of making these improvements and expeditions on mail routes. He had seen something of it; so much so, that, he believed, you could hardly go along any mail line of the United States without hearing of the improvements that were wanted. Take any mail route, and what was the result? The contractor had nothing to do but to get every tavern-keeper on the line, and every man who lived within five miles of it, to sign a petition, and say

that the proposed improvement is desirable, and then send it on to the Department. What, then, was the Postmaster General to do in such a case? He must either attend to it himself, or he must have Assistants who are competent to do so; and if they act, or by their information lead him into error, he surely ought not to be held responsible.

There was a great disposition, Mr. B. said, on the part of contractors and others, to benefit themselves at the expense of the Government, and to lay the responsibility on the Department.

Again: the Postmaster General has, in a great measure, his reputation placed in the keeping of persons whom he did not himself select, but took them on the advisement of others; and he (Mr. B.) did advise him that, when he should find it necessary to displace any persons from office, to fill their places with his own friends—with men allied to him by personal and political considerations, and for whose integrity and capacity he could himself vouch. But he has been confiding, and therefore should not be made more responsible than his own acts deserve.

In what manner the extra allowances have been made, Mr. B. would not say, but he was free to declare, that they were unauthorized, and that he would not vote a dollar for them. They must be paid out of the savings of the Department, for the Treasury should not be burdened to reimburse unauthorized allowances. By refusing this reimbursement, Congress would, in that way, say to the Departments, When you borrow money you must do it on your own responsibility, and know the fund from which it is to be paid.

The Senator from New Jersey had referred to the money raised by Mr. Monroe for the defence of New Orleans, and contended that it was not a case in point, because the money had already been appropriated by act of Congress, though the funds in the Treasury were not available, and, therefore, Mr. Monroe did not act without sufficient authority. In this he entirely concurred with that gentleman. He himself knew an instance in which a gentleman of Kentucky, a paymaster, raised $100,000 for the service of the Government on his own responsibility, not because there was no appropriation, for the money was raised, but because it would not pass. He had a draft of the Paymaster General, and could not raise the money on it; he therefore put his own name on the draft, and got a loan for the amount. This act of Governor Shelby was no violation of the law, for the appropriation was made, and such money as the Government had was placed in his hands; but it not being available, he was obliged to raise money that would pass on his own responsibility, rather than the service of the Government should suffer.

Now, as to the question of printing, before the Senate, Mr. B. said he should not, from any consideration of personal friendship to Major Barry, withhold from the public the necessary information contained in the reports and documents; nor would he, from any pitiful considerations of a pecuniary nature, withhold from them a sufficient number of copies. He should, for himself, prefer a less number of copies than proposed by the gentleman from North Carolina, [Mr. MANGUM,] though he was willing to vote for the motion as it was.

Mr. FORSYTH said that gentlemen had all day been engaged in discussing the merits of this report, and in criticising the conduct of the Department. He did not intend to follow their example. He saw that there was a great difference of opinion in the committee, and he should feel it to be his duty to examine the papers, and to act as he should feel justified by that examination. The only question under consideration now, was, as to printing an extraordinary number of the reports. When this additional number was proposed, he had thought it a useless and wasteful expenditure of the contingent fund, and he thought so still. Nothing which had occurred had shaken this conviction. The Senator from New Jersey had expressed surprise that any alarm should exist, as to the publication of these documents. Where did the Senator see any indications of this alarm? It was not in the power of the majority of the Senate to prevent these publications. When gentlemen looked at the character of the newspapers, and the spirit with which they were conducted, they must feel satisfied that no expenditure on the part of the Senate was necessary to publish these documents, if they were required for party purposes. The publication would be made, and the only question was, whether the contingent fund should be put in requisition to defray the expense. Gentlemen said that it was the practice of the Senate to publish extraordinary numbers of documents. They certainly had published 6,000, and, perhaps, on some occasions, as many as 10,000; but scarcely ever more than 6,000 of the most interesting documents, and, in many cases, this was done without necessity. They did spread 6,000 of the President's protest.

[Several voices: Not the protest.]

Mr. F. resumed. He begged pardon; not the protest. The protest did not find favor here; but they had printed 6,000 copies of the veto message. But the protest had been spread as widely as any document. If they wish to ensure the publication of a document, the best mode was to attempt to suppress it. Was there any utility in this publication? No. The fact that abuses exist, (corruption if you please,) if they do exist, will be fixed in the public opinion, without the aid of the contingent fund, for electioneering purposes. The document will be circulated, and it will not be of the slighest importance to the people whether the reports have been drawn up with partiality or not. If the affairs of the Department have been justly administered, that was all that was necessary. All this trash and investigation of private accounts, would amount to nothing with the people. If the Senate did their duty, the evil would be corrected, and the criminals would be punished before 30,000 of these reports could be sent forth.

The Senator from New Jersey had adverted to an irregular exercise of power by James Monroe; and he had told the Senate plainly, that in that instance there was no violation of law. But if there was no violation of law in that case, there was none in this latter transaction. But this was not the correct view. There was violation of law in both cases. The first was done with the consent of the President of the United States, but it did not appear that the second was. Whether it was so, or not, was not the loan a loan for the Department, and solely for the purpose of the Department? It was paid to the head of a Department for the uses of the Department. But the Senator from New Jersey stated, that in the case of Mr. Monroe, there had been a previous appropriation made for the War Department. So there was. But, was it contended that, whenever a previous appropriation had been made, a Department had a right to go to the banks for the money, in anticipation of the usual course? Gentlemen seemed to have forgotten the curious and anomalous character of the Post Office Department. What money came into that branch, was there under the entire control of the head of the Department, and passed through his hands in countless thousands. But when any of the surpluses of this Department went into the treasury, they were then beyond the power of the Department. No appropriation was ever made from the treasury for the Department, beyond what was necessary for the payment of clerks. So that there being no previous appropriation, could make no difference. He did not say that the cases were exactly parallel. Nor was he now disposed to go into the merits of this case, as he had not yet looked into the reports. He would take an opportu-

nity to examine them, and would then be prepared to express his opinion.

Let gentlemen look into the statute-book. There was a bill making appropriations for the payment of property taken for the public service during the last war. The deposition of a sergeant was taken as sufficient to justify the payment of compensation under this act. The constitution directed that private property shall not be taken for public use; yet not only did the officer doing this escape without censure, but money was granted out of the treasury to make good the loss. There was also the case of James Monroe, and no doubt similar cases in the other Departments. The Clerk of the House, and our Secretary, on whose provision for our daily wants (said Mr. F.) we are subsisting here, borrow the money for our supply from the banks in anticipation. In former times, the clerks received their money in anticipation, and the money was returned as soon as the appropriations were made. These were all abuses: but it seemed hard that the Postmaster General should be the first person on whom the slumbering judgment of the people was to fall.

A word as to one expression of the gentleman from Virginia, [Mr. LEIGH,] on the responsibility of the President. The President acted on his own doctrine of responsibility, and so far (said Mr. F.) as he knew of the existence of this evil, and did not check it, he is responsible according to our principles and his own. But gentlemen were treating the President with a singular want of equity. They had condemned the President for interfering with the means in the treasury; and now they condemn him because he did not interfere with the concerns of the Post Office. He was condemned by gentlemen on one rule in one case, and on a different rule in another case. There could not be one rule for one case, and another rule for the other.

One word as to the warning given, in reference to the two hundred and fifty thousand dollar transaction of Mr. Monroe. He did not know the fact to which the Senator alluded, and therefore did not understand the value of the warning. He had no doubt it was kindly meant, and he thanked the Senator for it; but he had no fears; what he spoke, in all cases, he said without fear.

Mr. LEIGH observed, that he did not rise to vindicate himself from the charge of inconsistency, as imputed to him by the gentleman from Georgia, but he did rise to vindicate himself from the imputation of having done injustice to the President of the United States; and the gentleman from Georgia might feel assured, that the President should at all times have full justice at his hands. The President had told the people of the United States that he, and he only, was responsible for the removal of the public deposites from the Bank of the United States; that he is responsible for the acts of the Secretary of the Treasury, and of all the heads of Departments; that he alone is responsible for all the acts of the Government. I do not believe, and Mr. L., that he is alone responsible. I differ from him *toto cœlo;* and, therefore, I stated that, on the principles he had avowed, he was responsible. I would not make him solely responsible, I would only make him responsible for an act of a subordinate officer after he knows of it and sanctions it.

Mr. FORSYTH made a brief explanation.

Mr. LEIGH continued. Upon the President's principles, he is responsible. On his principles, he ought to send another protest here, because the Senate has dared to interfere with the acts of one of his officers, for which he alone holds himself responsible. If Mr. L. should find that the President directed the borrowing of this money, he would acquit Mr. Postmaster Barry, and throw the blame on his master, as the President thinks himself to be. Some things he had been informed of, Mr. L. said, but he would not touch on them at present. This, however, he would say, that for six months the President has been informed of these transactions of the Post Office, and has continued the head of that Department in employment. He did not wish to accuse Mr. Barry or the President unjustly—he was as far from any such desire as any one in that House—but this he knew, there had been guilt somewhere, and whether Mr. Barry was the sole actor, or had acted under the directions of a higher authority, it was, he thought, the business of the Senate to ascertain.

Mr. FORSYTH said, that he believed that the President was responsible for the acts of Mr. Duane and Mr. Taney; and in like manner, he was responsible for the acts of Mr. Barry. He had understood the Senator from Virginia to say, that the President had no right to interfere. Now, the President should not be condemned in one case, and acquitted in the other. He wished to inquire if gentlemen intended that Congress should adjourn without applying some remedy to the evil. The Department was acknowledged, at the lowest estimate, to be behind $300,000. He did not see that the report suggested the application of any remedy.

Mr. EWING replied, that if the gentleman from Georgia had read the report of the majority of the committee, he would have seen that a remedy was suggested. The majority would not consent to any appropriation of money, but they were disposed to act by legislation, considering that to be the only remedy.

Mr. FORSYTH. What is the legislation?

Mr. EWING replied. No special and detailed provisions are suggested in the report; but it is proposed generally to provide by law a more strict system for the government of the Department; to prescribe to its officers more special rules for the performance of their duties; and especially to take from them their much abused discretion in the acceptance of proposals for contracts, and in granting extra allowances. The bill introduced by the chairman some time ago, does, in many of its provisions, meet with the approbation of a majority of the committee. It is good as far as it goes, but is not sufficient to guard against all the evils incident to the present organization of the Department. Nor has it yet been in the power of the committee, pressed as they have been with other duties, to mature a system on which they are willing to rest. They will, however, if the bill named be amended in some particulars, which some members of the committee intend to propose, concur in its passage, as the best of all practicable temporary expedients. There is believed to be only this difference in the views of the majority and the minority of the committee on the subject: The minority recommend the appropriation of $450,000 from the treasury to set the Department on its feet. The majority do not think it safe to make the appropriation, until there is some further guarantee for its prudent disbursement.

Mr. E. said, he would very briefly notice a few points touched in debate, and first the suggestions of the honorable chairman, as to the legality of allowing a clerk in the Department to be a contractor. The honorable Senator did not seem to be aware that there is a provision in the act of 1825 expressly prohibiting it.

Mr. GRUNDY explained that he had said there was no legislative provision which conflicted with the view he had taken. He had now doubts if that legislative provision covered all the ground.

Mr. EWING resumed. The honorable Senator inquired of me for the provision of law, and being referred to it, he proceeded to construe it away; and tells us that the law, in which this provision is found, was principally intended to regulate the conduct of country postmasters and their clerks. In this he is entirely mistaken. The act of 1825 is entitled "An act to reduce into one the several acts establishing and regulating the Post Office

Department." And it is what it purports to be. And, as the 42d section provides that "no clerk employed in any post office shall be a contractor," there can be little doubt that it is intended to refer to clerks in the General Post Office, as well as in the offices of deputy postmasters. If he would look at the mischief which the law was intended to guard against, it would remove the doubt of the honorable chairman himself. There is little danger of bias, or influence, or partiality, between those who grant contracts here and clerks in the post offices in remote parts of the Union. And there is no danger that such clerks will inspect the bids of other persons, and thereby be enabled to regulate their own bids accordingly; but a clerk in the General Post Office has this advantage over every other person who may be a bidder, and the object of the law was to prevent this, and to prevent partiality toward a dependant, or favorite, at the Department. The memory of the honorable chairman as to ancient transactions, is better than his observation of passing events. He remembers a case in which Phineas Bradley, then a clerk in the General Post Office, had, some twenty years ago, a share in a contract to the amount of one hundred and twelve dollars a year, and that, too, before there was any law forbidding it; but, although he has been long chairman of the Committee on the Post Office and Post Roads, and although this contract for four thousand five hundred dollars a year was given to Doctor Temple, also a clerk, under his very eye, and against the act of 1825, yet this old case of Doctor Bradley is made his moving cause for legislation, and the act of the Department, in granting the contract to Doctor Temple, is passed over and excused. I shall not vote for that provision in the honorable Senator's bill. One express statutory provision is enough if it be regarded, and I do not know that a duplicate act would the better ensure obedience.

A single word, said Mr. E., in reply to the Senator from New Hampshire, [Mr. HILL.] That honorable Senator has read a labored defence of the Post Office Department generally, as a branch of the Government, and has succeeded in proving that it is a great convenience to the country, and, on the whole, a very good thing. To this part of his lecture I can offer no objections, for it falls in with my own preconceived notions on this subject, and, I believe, with the general opinion of the country; and the honorable Senator will be comforted, when I assure him, that it is not the Department itself, as an arm of the Government, to which I object, but to the abuse of it by those who were appointed to watch over and direct it. And that there is not the slightest disposition to injure or destroy the thing itself, but rather to preserve it from that destruction with which it is threatened by those into whose hands it has unfortunately fallen; so that the honorable Senator and his friends are not likely to be deprived, through the agency of the committee, of any convenience or comfort or profit which that Department now affords them. He says that, of all the departments of Government, this is the only one that has sustained itself. Very true still, and this is no new discovery. It has been, and, at the time of its establishment, it was expected to be, a source of revenue. He might as well say, when we complain of abuses in the custom-houses, that our complaints are all unreasonable, because the revenues of the nation are supplied from the customs. It is thought that there may be abuses by those who both collect and disburse, as well as by those who merely disburse the public money, and when abuses are found to exist, we cannot give to those who commit them the credit of creating the fund which, as mere instruments of the law, they receive, and which they lawlessly waste or consume. They should be held amenable to precisely the same extent as if they received the money out of the public Treasury.

The Senator says that there are as many miles of mail transportation in Vermont as in New Hampshire. This I presume correct; indeed, I never questioned it. It is the amount of money paid for transportation in New Hampshire, beyond that paid in Vermont, that attracted the attention of the committee. If small, it would not have been noticed, as it might then have been accounted for by the routes running through both States, and the contractors accidentally residing in New Hampshire. But the difference is so very great, that it can be explained only on the supposition that the New Hampshire contractors are favored in some way, either in extent of contracts or in compensation, that their neighbors are not. The Senator from Tennessee says, that newspaper privilege is granted to contractors pursuant to a provision of law. Be it so. It is not that privilege alone to which the committee objected, even as an abuse; and there are many abuses which are not violations of law. But we object to placing numerous contracts, covering almost a whole State, in the hands of a partisan editor, and accompanying those contracts with the newspaper privilege, which, in effect, gives his papers the almost exclusive circulation in the State. In answer to the inquiries made by the Senator from Virginia near me, [Mr. LEIGH,] I have only to say, that the committee did not discover the misstatement in the Blue Book, of the extra allowance to Peck & Welford, which he has noticed and explained. The committee was aware that Peck & Welford had been very hardly dealt with in an adjustment of their route and that of Wm. Smith, which runs parallel to theirs, by which they lost the transportation of passengers which had used to to be carried on their line. Their case was considered one of great hardship, but it is one which does not seem to admit of a remedy. The error in the Blue Book, attributing to them an extra allowance which was never made them, though it had escaped my notice, does not at all surprise me. It was but a small matter of but a few thousand dollars, and therefore not likely to attract attention, when so many, and much larger cases, were under examination.

The Senator from Georgia [Mr. FORSYTH] objects to printing the number designated in the motion, because he is unwilling to send this trash, as he calls it, before the public. Well as I am acquainted with the honorable Senator's mode of discussion, and his liberal use of epithets, I was somewhat surprised at that expression. The honorable Senator admitted freely, that there were facts disclosed in this paper which were entitled to grave consideration; that transactions were charged against the Postmaster General, and admitted by the minority of the committee, which were against the very constitution of our country, and which could only be excused, but which could not be justified. And yet, before he took his seat, he designated as trash, either the report stating, or the evidence sustaining, these charges; for I knew not which he referred to—

Mr. FORSYTH explained. What he had called trash was that part of the report which went into an examination of private transactions, without giving any opinion upon them. As to loaning money, he agreed with the report, that it was an abuse, but had not other Departments done the same? What he had referred to, was that to which no importance could be attached. If the people were satisfied with the main fact, that there was corruption in the Department, that was all they would want to know.

Mr. EWING. And in order to satisfy the people that there was corruption, the honorable Senator would not send abroad the report of the majority, showing a succession of facts which tend to prove it—the report of the minority giving another color to the several transactions, and excluding the evidence taken before the committee, and referred to by them, on which alone any just judgment can be formed. Mr. E. believed that the proof

would be found satisfactory to every candid mind, that one officer of the Department had made use of the power and influence of his official station to obtain the possession and use of money, if not money itself; and that he had extended official favor to those who had conformed to his wishes and supplied his wants. He alluded to the present chief clerk——

Mr. FORSYTH said, that if it was true that such was the case, the criminals ought to be indicted, tried, convicted, and punished. This was the course the gentleman should have taken; and it was his duty to have taken it.

Mr. EWING. If the gentleman from Georgia will tell me how to go about it, I will promise him to follow very precisely the course he will point out.

Mr. FORSYTH. With great pleasure, after the adjournment.

Mr. EWING. As to the remarks of the honorable Senator from Kentucky, [Mr. BIBB,] they have, in my opinion, much justice in them. The Postmaster General cannot be holden guiltless of any wrong which has been done in that Department; nevertheless, I incline to the opinion that he has been the passive, rather than the active, instrument of the mischief. He has, of course, found enough to solicit him, and he has yielded easily to solicitations; and I have no doubt he has had those about him who have constantly imposed upon him, as to the true condition of the Department.

Mr. KNIGHT said: The remarks of the Senator from Ohio seemed to preclude all other remedies. This was one remedy proposed by the committee, but it did not preclude other remedies being offered. Should a better remedy be presented, I should feel myself at liberty to adopt it. I believe a better remedy may be provided.

Mr. CLAYTON said, that on a future occasion, he should move an amendment to the bill reported by the Committee on the Post Office and Post Roads, so as to embrace his opinions as to this matter. There were many clauses which he thought ought to be inserted, and concerning which he should speak when the subject should be taken up, and he believed there would be no party division on the subject.

Mr. SPRAGUE said: At this late hour of the day, I do not intend to say a word, except as to the precise question before the Senate, that is, the number of copies there shall be printed. The number proposed is certainly large, and opposition has been made to it on two grounds: First, that the matter is not of sufficient importance; and, second, that the distribution will be effected by other means.

It is said by some, that it is not of sufficient moment to justify us in ordering so large a number to be printed. And one of the reasons assigned by the gentleman from Georgia, is that which tends to throw the whole matter into doubt, because there are two reports—a report and the counter-statement of the minority; and it is suggested in a manner which might carry the idea that every thing contained in the report of the majority is denied by the report of the minority, and hence uncertainty may exist as to the whole. I do not so understand it. I learn from the reading of these reports, that the difference between the two, consists in matters of argument and inference, and very little as to matters of fact.

Sir, as to most of the matters of fact, I am sure that the intelligent gentlemen composing the committee, of the majority and minority, could not differ, because they are matters of record; and any man who can read, can, by the inspection of those records, determine what the contents are. I say, upon listening to those two papers, I do not understand, that, as to the leading, prominent facts, with a few exceptions, there is any material difference between them. The difference in the views which they take of the argument, and the inferences which they deduce from it, is comparatively of little importance.

Let the people be put in possession of the facts, and I have the most perfect confidence that they will make the true deduction. Holding, as I do, that the matters of fact disclosed in the report of the majority, and not denied by the paper of the minority—not denied in the speeches of the minority; holding that these matters of undisputed fact are not only important, but of the gravest moment to the whole people of the United States and to the character of our institutions, I, for one, am desirous that the people should be put in possession of that information.

As to the other point, Can this be efficiently accomplished by other means? It is said that the newspapers will distribute these reports throughout the whole country. If that were the fact, unfortunately it so happens, that the newspapers on the one side and the other on the political questions of the day, are so directly opposed in other statements of facts, as well as of arguments and inferences, that one class of persons disbelieve almost every thing contained in the papers supported by their opponents. And hence it often happens, that the documents contained in a paper will not be credited by those who do not believe in its political sentiments.

In illustration of this, I would remark, that I have actually been written to by some of my political friends, to ask me to send them the official paper, published at Washington, containing the President's protest, because the friends of the administration could not be convinced that such a document had emanated from the Chief Magistrate, and they would not believe it. I tried to get them the Globe, but unfortunately the 40,000 copies which are said to have been printed, had disappeared, and I could not obtain it. If it had been proper to record that upon our Journal, I would gladly have voted for the printing of 30,000, in order to have convinced the people that it was an official paper, and sent to us by the President.

Now, I am afraid that some will disbelieve that the President ever arrogated such powers as are asserted in the protest. I am anxious that the Post Office report should go in such a form, being an official document from the Senate, as to convince the people, universally, that it is genuine, and that such a report has been made by a committee of this body. I wish them also to be put in possession of the evidence thereto annexed; and I know of no better way than publishing a large number for distribution. But it will not be universally published by the newspapers; there would be much difficulty in getting it into the newspapers generally. Many of those which are printed in the country could not contain it.

I shall vote for the number proposed, believing it to be a useful, and, in fact, economical expenditure, as it will tend to the correction of most enormous and unprecedented squandering of the public treasure.

Mr. MANGUM said that, it being on his motion that the printing of this extraordinary number of copies of the reports and documents had been proposed, he thought it necessary for him to make some few remarks on the subject. He was very much gratified that the friends of the administration were not unwilling that this number should be printed, because of having the slightest apprehensions of injury to their cause. He was also gratified to find that the only objection to have them printed, was, because it would involve an extravagant waste of public money. Though glad to harmonize with gentlemen in any thing that will tend to save the public money from waste, yet he regarded the circulation of these documents as so important, that he would be willing to print 50,000 copies of them. What had this administration chiefly rested on? It was on economy, reform—and, above all, on their purity. Sir, said he, we have had, for six months, an incessant war waged against the Monster at Philadelphia—the Bank. Was this because the friends of the administration believed that such an institution was not necessary for the

purposes of the Government? On the contrary, the administration and its friends believed that some such institution was necessary. The war, therefore, was waged because of its alleged corruptions and impurities. He should be glad to find that they were as ready to stop these corruptions elsewhere as in the bank. As to any corruptions existing in that institution, he would be willing, at any time, to join in ferreting them out. As he would not join in unfounded invectives against the bank, he would always be ready to give to the charges against it the fullest investigation. He believed in his heart that there was more abuse and more corruption in this administration than there ever has existed in any other period of the Government, and he was anxious, therefore, to give the evidence to his constituents on which his mind had been brought to this conclusion. Sir, what was the situation of this Post Office Department previous to the present administration? It was in a prosperous condition, with increasing routes and increasing facilities of communication between different parts of the country; it was sustaining itself from its own resources, and was flourishing, up to December last, in the highest degree. What was its condition now? Insolvent to the amount of $800,000, and the evidence was conclusive, that corruption had penetrated through all its recesses. In the administration of the former Postmaster General, when mail facilities were afforded to an unexampled degree, far beyond what they are now, yet the Department was remarkable for its punctuality and the strength of its resources; now it was wholly bankrupt. His great object, therefore, was to make these facts known to those most interested. When an objection was made to the expense of printing this extra number of the reports, and he compared that objection with the defences he heard of those extra allowances of the Department, he turned a dull ear to such objections. We have fallen, said Mr. M., on strange times, when we hear gentlemen on this floor defending such extravagant and unlawful waste of the public money as those extra allowances amount to. To hear an honorable gentleman, who has heretofore been regarded as an advocate for strict economy, defending these abuses, was one of the most alarming signs of the times, and showed the startling fact, that the hero not only conquers his enemies, but conquers his friends.

He had understood that 40,000 copies of the President's protest had been printed and distributed. Was it not as important for the people to know of these great abuses in the Post Office Department, as it was to know that the President had been insulted by the Senate for placing his hands on the public treasury? Was it to be expected, as contended by the gentleman from Georgia, that all these documents will be read in the public newspapers? They would not publish the documents. They would publish only the reports, and those in detached parts. He, for his part, did not wish this important information to be given to the people in broken doses. He wished it to be given to them in volumes, for the purpose of reference. They will then be able to estimate the amount of the abuses practised under a corrupt administration—they will then be able to estimate the gigantic influences which have been at work for electioneering purposes. He was willing to send all the documents to the people—to send the bane with the antidote—to send the document of the able chairman of the committee, [Mr. GRUNDY,] with the report of the majority.

Mr. M. said he knew not how the censure of the public was to be distributed among the different officers of the Department, or whether the President, who claims all responsibility for himself, is to take the whole blame. He knew not whether, if his popularity was as unbroken as it was when the proclamation overshadowed the land, it would bear him out in sanctioning these abuses. Perhaps his popularity was not as great now as it was then. Perhaps the head of the Post Office Department is less censurable than the President, and yet may be made the scape-goat. But let the documents go out to the people—they are intelligent—have been accustomed to serve on juries, and will render a true verdict according to the evidence. The honorable gentleman from Georgia had been voting all the winter for extra printing, and the question with him now is, not as to the propriety of the printing, but as to the number of copies. He, Mr. M., should vote for the printing of the largest number, because he was convinced of the importance of disseminating the information as widely as possible. Let the people be informed that the whole force of the administration was employed in electioneering. His State (North Carolina) was considered debatable ground, and the administration had set the whole of their engines at work to gain it. He did not know what would be the result of the contest, but he believed the safest plan would be to let the information go abroad, and to let the people decide for themselves.

Mr. SHEPLEY said that he only rose to notice one of the reasons which had been given for printing so large a number. It had been stated that none of the administration papers in the State of Maine would publish matters which were opposed to their own views. He could give abundant proof that this statement was not deserving of credit. It was altogether an error to say that the protest of the President was not believed, in the State of Maine, to have really emanated from the President, because it was only published in the newspapers of the opposition, and not in the administration papers. He had read all the administration papers, and had seen the protest published there; and if there was any one of the administration papers in the State which had not published it, he would like to be informed as to the name of that paper. The papers in Maine had always published the official documents of the Government, on both sides, with a single exception, and that was, when some of the newspapers opposed to the administration never could be persuaded or driven into the publication of the message which contained the veto of the United States Bank bill. They had been requested to do so, and pressed and talked to, and jeered at, to compel them to publish that document, but it was all without effect. On all other occasions, he was willing to give credit to the papers for a general publication of matters of this kind.

Mr. BROWN said, that, far advanced as the session was, and precious as was their time, yet nevertheless he could not let the present opportunity pass without noticing some of the remarks which had fallen from his honorable colleague, in regard to the question now before the Senate. The honorable Senator had observed that North Carolina was now debatable ground, and that the administration was doing every thing to carry its purposes into effect. Now, the inference to be drawn from this was, that it was making use of its official patronage to carry its point. It might be that efforts of the kind were making by the administration, but if so, they were entirely unknown to him, (Mr. B.) and, indeed, he could not believe that any such efforts were making for any purpose of the kind. If they really were making these efforts, then he emphatically called for the proof, and unless it was shown, he should consider the charge unfounded. But, on the contrary, however, the most industrious efforts were making on the part of the opposition party, with a view to prostrate the friends of the administration, and to carry in triumph the cause of the opposition. He did not make the assertion lightly and without facts. He had been informed that the speeches of members in favor of the bank, and which were printed, as was believed, by order of that institution, had been sent to the State of North Carolina in such quantities as literally to inundate it. He had received information, to that effect, from most indubitable sources. And he was authorized to say in

his place here, by a member of the other House, who represents the State of North Carolina, that he was offered a very large quantity by a certain press in this city, without being charged one cent for them. Now this practice had been resorted to with a view to operate on public opinion, and to break down the administration by calumnies and falsehoods.

His colleague had said that war had been made on the "monster" for the last five or six months by the friends of the administration. If that had been the case, the monster, with its gigantic powers, had resisted the war, backed and sustained as it was by a coalesced party here. What had been done? The committee which was sent to Philadelphia to make investigation into the unexampled corruption, which there was every reason to believe existed, had been driven back by it; while the Post Office concerns, as they always should be, were thrown open to public view, and all its transactions were bared to the public eye. We were informed, one or two weeks before the return of the committee from Philadelphia, by a press devoted to the cause of the bank, published in this city, that members of Congress need have no apprehension that their correspondence would be exposed—that he (the editor) had no doubt that the institution would take care to keep in secrecy that which ought not to be exhibited. Now, the friends of the administration were desirous that the doors of every department of the Government should be thrown open, and that the strictest scrutiny should be made into their affairs; but he (Mr. B.) had been astonished, surprised, and felt the greatest indignation, that members should get up here and vindicate the bank, while they, at the same time, talked about corruption in regard to the Post Office Department, about an investigation, and of disseminating information. If they were enemies and the adversaries of corruption—if they wished to give light to the public as to the affairs of that institution—why should they not set an example in the case of the bank, by having its doors thrown open to an investigation? Why were they not for disseminating light on that subject? Instead of doing that, honorable gentlemen were ready to defend its course, and all its sinuosities, no matter what they might be. And yet they talked about corruption, and of disseminating light among the people, when they were advocating a course which was sustaining corruption, and calculated to shun inquiry and investigation.

Mr. B. had heard the honorable Senator from Ohio say, on that floor, that the very fact of the Postmaster General having negotiated a loan for $1,000, or some small amount of that kind, was, to his [Mr. EWING's] mind, conclusive evidence of corruption.

Mr. EWING. I made no remark of the kind: I merely said that such a negotiation had taken place.

Mr. BROWN resumed. He understood the honorable Senator to use the expression he (Mr. B.) had just named. If he did not intend any imputation on the character of the Postmaster General ——

Mr. EWING. I shall not say what I meant; so that the gentleman may make what he pleases of my intention.

Mr. BROWN proceeded. He should certainly not insist on placing the gentleman on the confessional as to what he meant. But the fact had been stated by the honorable gentleman yesterday, and had since been reiterated by him, that there had been a little pecuniary transaction of $1,000 between the Postmaster General and a contractor. He (Mr. B.) had no doubt of the expression, and, as he understood the honorable Senator, he seemed to cast a reflection on the moral character of the Postmaster General. Now, let the rule be applied elsewhere. Supposing an individual, or individuals, having large pecuniary transactions with the bank, and being members of either House of Congress, having advocated the bank through good and bad report, and having sustained it in all its troubles—then what, he (Mr. B.) would ask, would be the inference? Let honorable Senators opposed to the bank, adopt the rule which those favorable to it acted upon—then how would it operate in that case? That he would leave honorable gentlemen to determine. He would not make the application himself.

With respect to the Post Office Department, he would say that he was not the advocate of abuse there, or in any other department of the Government. Now, honorable gentlemen on the other side, pursuing the course of conduct which they did, and when they talked about economy, did not speak in their vernacular tongue. He would appeal to the Journals of the Senate, to its records, to show the contrary. There it would be seen who had occasioned the extravagant expenditures that had been made. Who had been the means of increasing the expenses of the Government? Why, the opposition—those who had upheld the tariff system, contributed to pass the pension law, which has been the cause of adding greatly to the expenses of the Government. Who had contributed to pass every bill in relation to internal improvements, and making the most extravagant appropriations? He well recollected, when the President, in 1830, thought it his constitutional duty to step forward and interpose his veto to the extravagant and corrupt system going on, and put his veto on the bill making an appropriation for the Maysville road, the denunciations that came from the opposition party. It was called the New York policy; and it was said that the Executive had adopted the Virginia rule of construction. And now honorable Senators reproached him for his extravagance. The Journals of the Senate, however, would show several bills granting large sums of the public money away, but which were either vetoed or retained by the President, and thus were prevented from passing. And yet those honorable gentlemen were now denouncing him for his extravagant administration! He (Mr. B.) believed that there was not a bill passed granting money, but what the opposition party had the most material agency in passing it. The Executive branch of the Government was not to blame; he did not deserve the censure which had been cast upon him. When he had used the veto power to arrest extravagance, he was abused; and when an extravagant law had been passed, he was likewise abused.

The Senate had not evinced much economy by ordering so many books, &c. for their use. Honorable gentlemen ought, therefore, to show a little charity to others; and a regard for truth required that they should take some responsibility upon themselves.

As regarded the Post Office establishment, he did not defend it. He belonged to that old school of politicians who were denounced some years since as radicals. He well recollected that gentlemen of a certain political school in 1823-4, denounced as radicals those who were for bringing the constitution within strict limits and retrenching the expenses of the Government.

Mr. CALHOUN. I wish to know to what party the gentleman refers.

Mr. BROWN. I believe it is that party to which the honorable gentleman from South Carolina belongs.

Mr. CALHOUN. The honorable Senator is entirely wrong.

Mr. BROWN continued. I did not make any direct reference, until called upon to do so. He (Mr. B.) well remembered that the term "radical" was applied, by the political friends of the honorable Senator, as an epithet of reproach, to those who were at that time endeavoring to reduce the patronage of the Government. He (Mr. B.) had a distinct recollection, that, when the extravagant system of fortifications was upheld, the party opposed to it were designated "radicals," and it was a system which absorbed, uselessly, millions of the public money. The system of internal improvement, too, was

advocated at that period by those in power, but the party opposed to it were denounced as radicals.

He was strongly disposed to correct any abuses which might have crept into the Post Office Department, and to introduce a system of economy and retrenchment. He doubted not that there had been mismanagement, but it ought to be remembered that it was in part caused by Congress itself, by having established, from time to time, a number of new routes. Where, then, was that spirit of economy of which the opposition party boasted? Let honorable Senators recollect the importunity the Postmaster General had undergone, on all sides, to extend the facilities of the Post Office Department. He had been importuned, not only by the people, but by members of Congress, who, after having obtained what they requested, now came forward and denounced him for making extra allowances! Yes, it had been said that he had granted extra allowances to favorites; but how had it turned out? Why, that some of them had been made to opposition men. Well, then, he could not have given them for political purposes.

In regard to the loans of money, which it was said the Postmaster General had obtained, the practice was certainly indefensible. It was contrary to law and the principles of economy which the administration ought to carry out. He (Mr. B.) pledged himself to go as far as his honorable colleague, or any other honorable member, in the correction of any abuses that may exist in the Department, but he could not sit still and hear such sweeping denunciations made, without making some reply, for the purpose of reminding the opposition party what had been their course formerly. Doubtless, as he had said before, there had been mismanagement in the administration of the Post Office Department, but, in his opinion, it was greatly exaggerated. Much had been said concerning the two reports on the subject. The report of the majority was greatly relied upon, and he was inclined to pay proper respect to it. It was certainly conceived in a very kind spirit; there was no sort of passion manifested in it at all: none. They began by condemning without bringing proof——

Mr. CLAYTON. Will the gentleman name the cases?

Mr. BROWN. The report, he believed, abounded in instances of that character. It commenced with a decided censure, and the proofs were afterwards given. It was like beginning at the end, and ending at the beginning. The mild and moderate manner in which the gentleman from Ohio spoke, he thought, must have stricken the minds of almost every individual here. He (Mr. B.) should not vote for 30,000, because he did not see any thing in the report, or the circumstances connected with it, which entitled it to precedence over every other document. What, he asked, was the practice of the Senate in regard to the President's message? So far as he was informed, there were never more than 6,000 copies printed. One of the most important reports which had been made to the Senate, was presented by the gentleman from Massachusetts, and related to the removal of the deposites, and of that there were but 6,000 copies printed. He was not aware of any report, no matter how important, of which there had been ordered more than 6,000. Why, then, was there such great solicitude in regard to this report? He had no doubt, if the motion to print 30,000 copies should prevail, they would not be in the possession of the members of Congress until next fall. There was a fact within his own knowledge, and that was, that after the rise of this body last year, some documents which had been ordered to be printed before the adjournment, were not received by himself until September or October, and probably such would be the case with respect to these reports.

Mr. B. said, in conclusion, that, although the public printer might be benefited by ordering so large a number of the reports to be printed, he did not believe it would at all conduce to the public interests, and should therefore vote against printing more than the usual number.

Mr. SPRAGUE observed, that he had to return his thanks to the honorable Senator from North Carolina, [Mr. BROWN,] for defending his (Mr. S.'s) constituents against a supposed attack made by him on their intelligence. He had no doubt they would return the honorable gentleman their thanks, for interposing his ample shield between them and their representative. The honorable gentleman, however, would do well to understand the facts before he volunteers in their cause. He (Mr. S.) did not say that the people of Maine did not know whether the protest of the President, as published in the papers, was genuine or not. He said he had been written to by one or two individuals, requesting him to send a copy of the official paper, that they might convince some of the incredulous that such a document did emanate from the President of the United States.

[Mr. BROWN explained.]

Mr. SPRAGUE continued. The language of the honorable gentleman was, that the people of Maine had been charged with want of intelligence to understand that the protest was an official paper. Did the honorable gentleman, if this was not his meaning, think it necessary for him to come all the way from North Carolina, to defend some two individuals in Maine against the imputation of not knowing that the President's document was genuine?

While up, Mr. S. said he would take notice of some of the remarks of the honorable gentleman, in return for the kindness he had shown in volunteering for the defence of the people of Maine. The honorable gentleman gives his reasons why he will not vote for the printing, and he does it by assailing the report of the majority of the committee. He says that they first adjudged the cause, and then gave the evidence. That is, the committee, after considering for four months, drew their conclusions from the evidence before them, and then recapitulates that evidence, which is just as if a judge should say, "I think from the evidence that the plaintiff is entitled to recover;" and then state the evidence at large, instead of stating the evidence first, and pronouncing his opinion afterwards. But where was the gentleman's evidence, before he ventured on his condemnation of the committee? May not this committee, from the evidence before them, and after a long examination, make up their opinions, state them, and then give the evidence on which they were founded, without being charged with having prejudged the case? But we have in the gentleman's speech a topic which, at all times and under all circumstances, is to answer all charges against the administration, and to shield all its corruptions from investigation. It is the monster the bank. The moment you attempt to look into any irregularities in any department, the cry is, "The bank! the bank!" Mr. S. would like to know how any supposed corruption in the bank is to show that the Post Office Department has not violated the laws. He should like to see the logical deductions from such a position; he should like to see the links of the chain by which the gentleman would connect his conclusions with the assumption. But the gentleman admits that the conduct of the Department is indefensible; that its borrowing of money was without the authority of law, and in violation of the constitution. Well, if this be so, how is it that the committee should be charged with having prejudged the case?

The gentleman says there have been great and lavish expenditures of the public money, and charges them on the opposition to the administration. What, sir! The minority in the Government to be charged with the public

expenditures? Is the minority, the weaker party, to bear the blame of the acts of those who hold the power of the Government? Are those who have no power to do any thing, to be charged with doing every thing?

He did not intend to go so far into this debate, and he had said more than he intended when he first rose. He would conclude, however, with making one more remark. His colleague [Mr. SHEPLEY] had said that the opposition papers in Maine did not quote the public documents truly, and that those papers in favor of the administration did. Now, he did not understand how that could be. For himself, he had been under a different impression. He did not, however, refer to any unfairness on the part of the papers on the other side. But he did say, that such was the difference in the politics of the two parties in that State, that the one side did not believe the papers of the other.

Mr. BROWN explained. The gentleman from Maine considered my defence of his constituents inappropriate. The gentleman had charged him with having introduced the "monster" into the debate. Now, he (Mr. B.) had not the honor of introducing the monster. It was first introduced by the gentleman from New Jersey, and then by his (Mr. B.'s) honorable colleague, [Mr. MANGUM.] The gentleman from Maine was correct in trying to escape from the monster to the Post Office, as he must be naturally anxious to get out of such bad company.

Mr. WRIGHT said, it was upon his motion that the yeas and nays were ordered upon the question of printing 30,000 copies of these reports. He would not still have troubled the Senate with any remarks upon the subject, had not a private conversation of his been introduced into the debate, connected with other subjects and with individuals, which compelled him to notice the references made. But being thus called up, he felt bound to say that he could not enter into the debate upon the merits of the questions involved in the two reports, as he was not able, from the mere reading of documents of the length of these reports at the Secretary's table, to remember sufficiently their contents to debate them upon their merits. He could not remember in what material particulars those reports contradicted each other, and wherein they corroborated each other. He could not even say what were the material points in issue between the different members of the committee, and much less could he undertake to say, from his recollection of the reading of those documents, what were the facts and inferences of the two reports relative to those points. He had ever made it his practice to possess himself of the facts before he attempted to discuss the questions arising from those facts, because he had always believed it was better parliamentary practice to understand the facts, and then discuss the questions, than to discuss the questions and then obtain an understanding of the facts. Thus much, Mr. W. said, he thought it his duty to say in relation to the pending debate, which he understood to be upon the merits, or what gentlemen assumed to be the merits, of the questions involved in the reports, while the reports were long, and had been merely read here and ordered to be printed. They must, therefore, have left the Senate chamber for the printer's office two days ago, and must be now in the hands of the printer. It ought to be expected that, in a day or two, we shall have copies of the reports printed and laid upon our tables, and when he could have time to examine them, he should be ready to enter into a discussion of any questions which they might be found to involve.

His objection to the printing of this unusual and extravagant number of copies of these reports, arose from the fact that he was fully satisfied that before these extra copies could be furnished by the printer to the Senate, the reports would go, through the public papers, to every section and corner of the country. He found, by a very simple calculation, that, in case this large number should be printed, he should be entitled to from 600 to 625 copies, and he felt sure that he could not send to his State a single one of those copies until they would be familiar to every person to whom he might send, by an earliar copy furnished through the newspapers. Instead, therefore, of communicating information to his constituents, he should communicate dead and useless mattter, except to those who might be in the habit of preserving and binding up documents of this important character, furnished to them in a form susceptible of that disposition. Entertaining these impressions, he was compelled to think that the expense would be a useless and injudicious expenditure of the public money, and therefore unjustifiable. Mr. W. said he would most cheerfully vote for the printing of a number of these reports equal to the highest number of copies which it was the practice of the Senate to print of any document whatever. This number, he believed, was 6,000, and he could not believe that any thing in relation to these documents required that we should tax the public treasury to print five times the highest number known to the Senate.

Mr. W. said he must notice another point which had been brought into the discussion by the honorable Senator from North Carolina, [Mr. MANGUM.] He alluded to the Bank of the United States, and to the effort of the honorable gentleman to charge with inconsistency those who supported the administration, in their conduct towards the bank and towards the Post Office Department. How was the fact? It was not charged as a fact, either in the reports, or in the debate, that the Post Office Department had expended money for political objects; but it was said that suspicions were entertained that such expenditures had been made. It was admitted by all, that the bank had, within the last four years, expended more than eighty thousand dollars, purely for political objects, and for the printing and distribution of speeches in Congress, and other political matter. Had the Senate taken any steps to investigate that expenditure? He was aware of none, other than the effort made upon the motion of the honorable Senator from Missouri, [Mr. BENTON,] at an early period of the session, and promptly rejected by the vote of the body. Where, then, was the inconsistency of the friends of the administration? The bank has made political expenditures without investigation from the Senate, but an unsupported suspicion against the Post Office has called from this body a prompt investigation. Still, the fact of political expenditures is not established, but merely suspected, and the bank remains undisturbed with the fact admitted. Again: the doors of the Post Office Department have not been shut against investigation; but every call of our investigating committee has been promptly answered. All the facts called for have been furnished, and no complaint is made of resistance to the efforts of the committee. Can the honorable gentleman say this for the bank? Has it opened its doors to the committees of Congress, and spread the truth before us? No, sir, it has shut its doors and refused investigation. Shall we then be accused of inconsistency and partiality, because we oppose printing this extravagant number of these reports? Mr. W. said, he must hope that the honorable Senator would abandon his charge of inconsistency and partiality, until he had gone as far in his efforts to expose the abuses of the bank, as the friends of the administration had gone in their willingness to expose and lay open to the public the whole affairs of the Post Office Department. He repeated, he would vote to print a number of these reports equal to the highest number known to the practice of the Senate; but he would not vote to print five times that number, when he was satisfied the extra documents would be so late as to convey no valuable information to the public, which would not have

been preceded by the same information conveyed through the newspapers.

Mr. W. said, this closed all he had to say in relation to the question properly before the Senate. He felt bound, however, to reply to some remarks from the honorable Senator from North Carolina, [Mr. MANGUM,] of a character, so far as he was able to discover, not in any way connected with the subject under discussion. He hoped he should not be held out of order, as he would pledge himself to the Senate to confine his reply strictly to the remarks made, and to be as brief as possible.

The Albany Regency had been again introduced upon the floor of the Senate, and a private conversation of his in reference to that undefined body, had been referred to, which demanded a reply. He had now concluded to make the reply which, upon a former occasion, he had refrained from making, because the subject was too painful to his feelings, and because he did not then consider the introduction of the subject into the Senate as authorizing, from him, any extended remarks. Now, to quiet all apprehension from any quarter, he said he had concluded to give a full statement of the facts, and to leave to the Senate and the public its pertinency here, and its importance any where.

He would not undertake to be precise as to time, but, as his recollection was, within the last month the Attorney General of his State, a gentleman of high standing as a citizen, of such standing at the bar of the State as to entitle him to the office he had received, by a very unanimous vote of the State Legislature, and in all respects a worthy individual, had, after a most laborious official employment of more than four months, during the annual session of the Legislature, and with health seriously impaired during the time of the prevalence of that fearful pestilence, the cholera, in the city of Albany, in the summer of 1832, and not yet restored, left his residence and travelled to this city, mainly for the benefit of his health. Mr. W. said he was not aware that any individual accompanied the Attorney General, who had excited alarm here. Some two days after him, the printer of the State, two of the members of the Senate of the State, and one of the circuit judges of the State, came on together from the city of New York to this city, and here they united with the Attorney General at the same hotel, and, for some two or three days, remained fellow-lodgers at the same house. These five individuals, thus situated, at once obtained in the Senate the appellation of the "Albany Regency;" but whether they obtained that appellation elsewhere, he was unable to say. His first information of the existence of the reputed body in this city was obtained in his seat, and by the introduction of this "Regency" into this hall. At the time, the circumstance gave him unpleasant feelings, as all the individuals were personal friends, men whom he had long known, and who, from personal knowledge, he could say, were gentlemen of character, patriotism, intelligence, and integrity, second to no men he did know; and he would make no exception whatever.

It was true, that, after the mention of these individuals in the Senate, the honorable Senator from North Carolina [Mr. MANGUM] came to him, Mr. W., in the recess of the Senate, and the conversation was held which the honorable gentleman had truly recited.

[Here Mr. MANGUM explained. He said he would not say that he had recited the conversation truly. It was partially jocose, and he had not laid it up in his recollection. He had not referred to it from any ill feeling, but he had entertained a curiosity as to that body, called the Albany Regency, and he had an anxiety to see the individuals composing it.]

Mr. WRIGHT proceeded. He said he had not understood the honorable gentleman as referring to this subject from any ill feeling or personal disrespect, and he surely should not have made the frank reply he had, if he had not understood the allusion to have been made in good temper and in good feeling. He could not say who were this frightful body, called the Albany Regency. At home it was wholly undefined. Here it seemed to have taken a definite shape, and in that shape it was that he had spoken of the individuals. He intended to have fulfilled his engagement to the honorable Senator, and to have given him the introduction he wished; but, on the morning after the request, all the gentlemen, save one, a member of the Senate of New York, left town, and, as he, Mr. W., supposed that the gentleman's curiosity would be wholly disappointed if he failed to see the group, he did not call upon the honorable Senator and put him to the trouble to visit the hotel for the mere purpose of seeing the single individual that remained; though he could assure him and the Senate, that that gentleman would have been found intelligent, gentlemanly, and in every sense worthy of his acquaintance and respect.

Mr. W. said he had himself, for several years, been honored with a reputed membership in this body, called the Albany Regency; and he had not been sensible, during any portion of the period, of any change, moral or political, wrought upon him by the association. It gave him pleasure to state that all the individuals who were most commonly designated as his Regency associates, while this reputed connexion continued, were men of the first standing as to capacity and integrity, and none stood stronger with the people of the State.

New York tactics, too, Mr. W. said, had, upon the present occasion, been the subject of remark. He presumed he must have been a bad scholar in this branch of the so-much-dreaded New York politics, for he could assure the honorable Senator, that, so far as tactics, drill, discipline, or management, were evidenced by action, he had never seen, any where, stronger evidences of a perfect system, than he had uniformly witnessed in this chamber, and prevailing in full force with those who differed with him here, and who were the opponents of the administration.

Mr. WILKINS said, I am not going to speak of the Albany Regency, or of New York tactics, nor of the bank, nor of nullification, nor of the force bill. I hope, for the sake of harmony, we shall let those topics alone. Nor will I speak of internal improvement, or of the American system; I am too much attached to those two objects to talk much about them. I will merely say that I shall vote in the negative of the proposition now before the Senate, because I think it an extravagant waste of the public money. To print so great a number of copies, would be to throw upon the hands of honorable Senators more than they could possibly distribute at this late period of the session. I am willing, for the sake of disseminating knowledge—an object which comes home to every man in society—to vote for six, eight, or ten thousand copies. I differ from many of my friends, as to the expediency of circulating so many of these documents in pamphlet form. I know that they will be highly prized by a vast portion of the community. I am aware that many valuable documents are disseminated through the newspapers, especially those of a large size, which are costly, and can only be taken by those who are, comparatively speaking, wealthy. But those papers which are published in the small villages, and circulated amongst the honest yeomanry—the farmers of Pennsylvania—are, from their small size, unable to contain such documents as we now propose to print; therefore, these pamphlets will disseminate knowledge among them in regard to the Post Office, in the operations of which, almost every man in the community feels an interest.

Mr. W. then asked for the yeas and nays.

Mr. GRUNDY rose to state the reasons why the vote he

was now about to give, would be different from that he first intended, and as he had intimated to the Senate the other day. When the proposition to print thirty thousand copies of these documents was made by the Senator from North Carolina, [Mr. MANGUM,] he thought the number too great. But, on hearing the remarks of gentlemen yesterday and to-day, in which were statements on subjects they could not possibly understand, without a proper examination of the documents, and under the belief that they could scarcely remember all that they heard read, and notwithstanding made declarations certainly very incorrect, he was willing to vote for printing the whole number proposed. He wanted to correct these misapprehensions and misstatements, and what was the best corrective? Why, it was to throw the whole subject before the people; and odious as these extras of the Department had become, he would, for the benefit of his friend on his right, [Mr. MANGUM,] even vote for the printing of extras upon extras of these reports. He would therefore vote for the whole thirty thousand copies, though he still believed the number too great.

The question was now taken on printing thirty thousand copies of the report of the committee, and the statement of the minority, and decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Bibb, Calhoun, Chambers, Clayton, Ewing, Frelinghuysen, Grundy, Kent, Knight, Leigh, Linn, Mangum, Naudain, Poindexter, Preston, Robbins, Robinson, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Webster.—26.

NAYS.—Messrs. Benton, Black, Brown, Forsyth, Hendricks, Hill, King of Alabama, King of Georgia, Morris, Shepley, Tallmadge, White, Wilkins, Wright.—14.

On motion of Mr. CLAYTON, the printing of the documents was ordered to be done under the direction of the committee.

The Senate then adjourned.

THURSDAY, JUNE 12.

LYME (CONN.) MEMORIAL.

Mr. TOMLINSON presented a memorial signed by a large number of inhabitants of the town of Lyme, in the county of New London, and State of Connecticut, condemning the removal of the public deposites, and praying that Congress would speedily re-charter the national bank, with suitable modifications, and replace the public funds in its custody.

With several of the memorialists, Mr. T. said he was acquainted; and he had great pleasure in saying that they were highly respectable, and entitled to the public confidence. They state that formerly the population of New London county was composed principally of farmers; but that, within a few years, large investments had been made in manufactories, and in the whaling business; that, until near the close of the last year, their agricultural, manufacturing, and commercial interests, had been constantly improving; that every industrious man could find employment; that there was a ready demand for the produce of their diversified labors; that money was sufficiently abundant, the circulating medium equal to gold and silver; and that their county presented an almost uninterrupted scene of thriving and contented industry. The memorialists further represent that, within a short period, they have witnessed in that county a most distressing and unexpected change, laborers without employment, manufactories shut up, the products of industry selling at prices ruinously low, and credit annihilated, which they deem the natural results of the ill-judged measures and rash experiment of the Executive, in relation to the national currency. They add, that if the evils they suffer and deplore, in common with others, had been produced by any cause which human agency could not control, they would have borne them as becomes patriots and Christians; but, considering it in the power of the National Legislature at once to remove these evils, the memorialists earnestly implore Congress to attend to the subject, and restore the country to its wonted prosperity.

The memorial was referred to the Committee on Finance, and ordered to be printed.

TOMPKINS COUNTY (N. Y.) MEMORIAL.

Mr. WEBSTER presented the memorial of nine hundred and thirty-seven citizens and electors of Tompkins county, in the State of New York. The memorial, he said, was short, and to the point. The signers declared—

"That they have for several years past, and until the last six months, enjoyed, in common with the people of the United States, great and increasing prosperity. Trade and commerce flourished; agriculture, manufactures, and all mechanic skill yielded a fair profit to industry and ingenuity; the currency of our country was considered safe, and a sufficient supply was in circulation for all business transactions. This state of prosperity continued until the unfortunate "experiment" of removing the public moneys, which has brought ruin and dismay to many of our most enterprising citizens, and loss and inconvenience to all. The produce of the agriculturist does not yield an adequate return for his labor; the enterprise of the merchant is paralyzed; the manufacturer, artist, and laborer, look in vain for their accustomed business and the reward of their toil. Your memorialists, witnessing the deranged state of the currency, and the general prostration of business, call upon you, as their agents, who possess the power to give them relief. The constitution has vested you with ample power, and your memorialists call upon you to exercise it for the relief of your constituents. We are no bank applicants—we ask for a national currency placed beyond the power of any one man, with which to try experiments. This will restore confidence, and money will circulate in its accustomed channels. Business-men, and all, will be cheered at the prospect of returning prosperity. With the hope that some measure may be immediately adopted, they pray," &c.

The county of Tompkins, Mr. W. said, was an inland county; he had not had the pleasure of visiting it, but knew its interests to be the great interests of the country. The memorialists were not bank men; not men who were panic makers, nor men who are panic struck. They ask Congress to look to the interests of the people, and act wisely for the whole country, and they are confident their own interests will then be safe. They demand a safe currency; they desire security for property, and encouragement to labor.

Mr. President, we have now received memorials, lamenting and deprecating the course of Government, from almost every quarter of the Union. Notwithstanding the signs which some branches of the Government manifest, to resist all change in the present unhappy and disastrous state of things, and notwithstanding the near approach of the end of the session, these memorials continue to make their appearance daily. I hardly know, sir, when any one act of the administration has spread so widely, and affected so universally, the daily comfort and prosperity of a whole community. The circumstance proves how intimately the happiness of all its members is blended with the operation of law, and how deeply Government is responsible for the happiness of society.

The memorial was ordered to be printed.

After the reception of sundry reports of committees, and disposing of some resolutions and bills—

The Senate, on motion of Mr. WILKINS, proceeded to the consideration of Executive business; and, after remaining for some hours with closed doors,

The Senate adjourned.

FRIDAY, JUNE 13.

LORD STIRLING'S HEIRS.

The bill for the relief of William A. Duer, John Duer, and Beverly Robinson, heirs of Lord Stirling, was read, considered as in Committee of the Whole, and the report and documents were read.

Mr. MOORE stated that Lord Stirling was a meritorious officer in the Revolution, and that application was now made for part of his compensation which had not been paid, by the trustees of the estate of Sarah Alexander, deceased, his only heir, in pursuance of a resolution of Congress.

The bill was reported to the Senate, with amendments.

Mr. KING, of Georgia, opposed the bill, on the ground that the claim was not good, and had been several times rejected by the Legislature of New Jersey.

Mr. SMITH advocated the bill, and argued that the Legislature of New Jersey had no right to act on the claim; that the claim was valid by a resolution of Congress, and that it had never been paid; that the debt was most meritorious and beyond all controversy; that the claim of the heir was at all times as good as that of the original creditor; that the bond given by Lord Stirling to the State, was considered as cancelled by the immense sacrifices on the sale of his property; and even if it was not, Congress had no right to present this bond, in plea for the non-payment of an honest debt; that Congress was, therefore, bound, in default of payment by the State of New Jersey, to pay the debt; that after the sale of Lord Stirling's property, the trustees reported that his debts had been paid, and they had a large amount of money remaining; paper money being then, by a law of the State, a legal tender. The Legislature made no reply until they had repealed this law, and rendered the money useless. Mr. S. commented strongly on the hardship and unfairness of this proceeding. In 1806, after repeated applications, which were disregarded, the Legislature, for the first time, came out with the old bond, to cancel Lord Stirling's claim on Congress for compensation. Mr. S. considered this bond as entirely cancelled by the circumstances which he had stated. He thought a claim was never more just, and that the principle on which it rested was strong and unquestionable.

Mr. PORTER argued that, if Congress did not pay Lord Stirling's claim, it was liable to be called on by the State of New Jersey, and could not escape the payment of this honest debt. He thought Congress would most properly pay the heirs of the claimant, and let the State look to them for what might be due from them to the State.

Mr. KING, of Georgia, specified the particular cases and circumstances in which this claim had been rejected. He thought the judgment of the New Jersey Legislature on the subject ought to be considered decisive. He remarked, how easily a claim might be got up after such a lapse of time. His chief object, however, was to prevent the allowance of interest, in accordance with the usual practice of Government, where its own agents were not in fault. The delay of payment, he thought, was owing to the neglect of the parties interested.

Mr. LEIGH argued in favor of the bill, and more particularly confirmed the statements made by Mr. SMITH.

Mr. FRELINGHUYSEN, in explanation, said, that New Jersey presented no claim here, and interposed no objection to the allowance of the claim; and though the money was reported to be in the hands of the trustees who sold the property, no legal tender of it had been made to the State.

Mr. LEIGH stated further, that the money was lost both to the State and Lord Stirling. He observed that the act of limitation in regard to the payment of such claims, was designed to control the officers of Government, and not Congress; that if New Jersey had paid the debt, it would have been placed to her credit by Congress. He thought the whole default was in Congress and the State of New Jersey, and that Congress were, therefore, bound to pay both principle and interest, in accordance with an obligation (which Mr. L. read) to that effect.

Mr. FRELINGHUYSEN vindicated the State of New Jersey from having acted in any way improperly in this matter. Mr. F. read an extract from the deed of trust, for the purpose of showing that the State of New Jersey had nothing to do with the subject, but that it was an affair entirely between the trustees of Lord Stirling, and his lordship himself. Under a general act, the trustees were directed to sell the property of Lord Sterling to pay his debts, and if any thing remained, after that had been done, it was to be transmitted to his lordship. The trustees, in this case, applied, in the year 1780, to the Legislature, and stated that all the debts of Lord Stirling had been paid; that a large sum remained still in their hands, and that they wished to be instructed in the disposal of it. The Legislature, knowing the law upon this subject, viz. that after an individual's debts had been liquidated, the remaining sum ought to be remitted to him, declined to interfere in the matter. The trustees afterwards offered to put the money into the Treasury of the United States, but the Treasurer refused to receive it; saying that it was a matter entirely between them (the trustees) and Lord Stirling.

The debate upon this bill was further continued by Messrs. LEIGH, SOUTHARD, FORSYTH, and others.

Mr. SPRAGUE moved to amend the bill by striking out "land scrip," and inserting "money."

Mr. CLAY advocated the motion, on the ground that it made no difference with the Government, and that the issuing of scrip in this way was likely to be disadvantageous to the claimants, and so present a strong temptation to speculate in scrip, before persons in public offices.

Mr. WHITE also spoke in favor of the motion, and of the applicants, as the descendants of a much-loved and most meritorious officer.

Mr. SPRAGUE's amendment was adopted.

The bill was then ordered to be engrossed for a third reading.

FRENCH SPOLIATIONS.

The CHAIR having announced as the special order, the bill to provide for the satisfaction of claims due to certain citizens for spoliations committed on their commerce by the French, prior to the 30th of September, 1800—

Mr. FORSYTH, after some remarks, moved to postpone the bill until the first Monday in December next.

After some remarks from Messrs. CHAMBERS, WEBSTER, and POINDEXTER, the question was taken, and the motion to postpone was decided in the negative, as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Forsyth, Grundy, Hendricks, Hill, Kane, King of Ala., King of Geo., Tallmadge, Tyler, White, Wright.—16.

NAYS.—Messrs. Bell, Chambers, Clay, Clayton, Frelinghuysen, Kent, Knight, Leigh, Linn, McKean, Moore, Naudain, Poindexter, Prentiss, Preston, Robbins, Robinson, Shepley, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Webster, Wilkins.—26.

On motion of Mr. POINDEXTER, the bill was then postponed to, and made the order of the day for Tuesday next.

The bill to amend an act for the payment of horses and arms lost in the military service of the United States against the Indians, on the frontiers of Illinois and the Michigan Territory, passed the 19th of February, 1833, was, after a debate, on motion of Mr. CLAYTON, postponed to, and made the order of the day for to-morrow.

On motion of Mr. PORTER, the Senate proceeded to the consideration of Executive business; and when the doors were opened, adjourned.

SATURDAY, JUNE 14.

WILLIAM SHALER.

On motion of Mr. TOMLINSON, the bill for granting pensions to persons therein named, was taken up.

The question being on striking out of the second section the name of William Shaler—

Mr. TOMLINSON stated the history of the case of William Shaler. This was an application for the payment of a pension from 1814 to 1827. In the opinion of the committee, such an extension of the pension act would be improper. During a great portion of the time, the applicant received the full pay of a lieutenant, and was ultimately promoted to a captaincy. He submitted this case for the consideration of the Senate. If this application were to be allowed, it would establish a precedent on which innumerable claims would be founded, and if the money asked for were paid to Shaler, it would be as justly due to others. It was not a question merely in reference to this individual, but to every officer and to every soldier in the army at that time, and even go back to the army of the Revolution. The sum claimed now would amount to about four thousand dollars; and if the request should be complied with, it would be throwing open the doors of the Treasury, and it would be impossible to tell where it might end. He did not think it just.

Mr. EWING was of opinion, that if justice were done to the officer, he would have the allowance made to him. The case of revolutionary pensions rested on other grounds altogether. He spoke of the merits of the individual, and stated the fact that his continuance in the army after having been wounded, deprived him of the opportunity of devoting his time or talents to some more lucrative employment.

Mr. WRIGHT called for the yeas and nays on the question.

Mr. PRENTISS said it appeared, as had been stated, that the person named in the provision of the bill under consideration, was an officer in the army of the United States, and, on his retirement from the service, became entitled to, and received a pension as an invalid. The bill proposed to go back to a period anterior to the applicant's discharge from the army, and to allow him a pension for several years while he was in the service, and actually receiving full pay as an officer of the rank to which he belonged.

The main argument urged in support of the provision of the bill, appeared to Mr. P. to be more specious than solid. It was said that the pension is to commence only from the time the applicant offered to resign his commission; that, if his resignation had been accepted when offered, he would have been immediately placed upon the pension roll, and some other person must have been appointed to supply his place in the army; that, in that case, the Government would have been obliged to advance the applicant his pension, and also the regular pay to the person appointed to fill his place in the army; and the argument was, that, by the provision in the bill, the Government would be subjected to no greater expenditure than it must have incurred, if the resignation of the applicant had been accepted when first presented. To this argument, Mr. P. said, there were, to his mind, two very satisfactory answers. The first was, that the applicant did not in fact resign, or, rather, his resignation was not accepted, but he submitted to continue in the service, receiving his pay as an officer. It was to be taken for granted, that when a person accepts a commission in the army, he contracts to serve until he is regularly discharged, and it was optional with the Government to discharge him or not; but in the case before the Senate, the presumption appeared to Mr. P. to be, that the applicant was retained in the army from motives of favor to him, and probably in consideration of his meritorious services. The further answer was, that, if the resignation of the applicant had been accepted when first tendered, he would have received only one-half the amount he actually did obtain by continuing in the service: in other words, he had received double the sum he would have been entitled to as a pensioner.

Mr. P. said he did not profess to be very familiar with subjects of this sort, but it appeared to him to be repugnant to principle, as well as new and unprecedented in practice, to allow a pension to any one while in the service and receiving his pay as an officer or soldier. A pension was not granted as a compensation for a wound or injury received, for that was one of the risks assumed on entering into the service; but upon the ground that the individual, by reason of the wound or injury, was unfit for military service, and unable to obtain a subsistence by labor, and he ought not to be thrown upon the world without some provision for his support. The principle, thus understood, Mr. P. admitted was founded in the clearest policy and justice; but it ought not to be extended beyond what policy and justice require. If it was extended, as proposed in the bill, it would not only go beyond what had been the policy and practice of the Government, but would probably open the way to numerous other applications of the kind, and occasion an expenditure, the extent of which could not be foreseen.

Mr. CLAYTON and Mr. TOMLINSON mutually replied.

Mr. KANE thought it inconsistent that an officer, receiving full pay for his services, should also be entitled, at the same time, to a pension. It was a principle which was never acted upon in this or in any other country.

Mr. CHAMBERS supported the amendment.

On the question being taken, the amendment was agreed to, by the following vote:

YEAS.—Messrs. Bell, Bibb, Black, Calhoun, Frelinghuysen, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Knight, Leigh, Linn, McKean, Mangum, Moore, Morris, Poindexter, Porter, Prentiss, Preston, Robinson, Shepley, Silsbee, Smith, Swift, Tipton, Tomlinson, Tyler, Webster, White, Wilkins, Wright.—34.

NAYS.—Messrs. Chambers, Clayton, Ewing, Kent, Naudain, Robbins, Southard, Waggaman.—8.

After some other amendments, striking out the name of William P. Shaw and others, the bill was ordered to be engrossed and read a third time.

JAMES FIFE.

The bill for the relief of James Fife, a Creek Indian, was next taken up.

When this bill was read the third time, it was opposed by Mr. POINDEXTER, who moved to postpone it indefinitely, and, after a debate, in which Messrs. POINDEXTER, PRESTON, WHITE, MOORE, and FRELINGHUYSEN, took part, the question was taken on Mr. POINDEXTER's motion, by yeas and nays, and lost, as follows:

YEAS.—Messrs. Bell, Black, Brown, Calhoun, Hill, King of Alabama, King of Georgia, Leigh, Mangum, Poindexter, Preston, Robbins, Wright.—13.

NAYS.—Messrs. Benton, Bibb, Chambers, Clay, Frelinghuysen, Grundy, Hendricks, Kent, Knight, Linn, McKean, Moore, Naudain, Porter, Prentiss, Robinson, Shepley, Silsbee, Smith, Southard, Swift, Tallmadge, Tipton, Tomlinson, Waggaman, White.—26.

The bill was then passed without a division.

INTEREST TO STATES FOR ADVANCES.

The bill to provide for the final settlement of claims for interest to the several States for services during the late war, was next considered; when,

Mr. HILL rose and said: This bill is for the payment of interest on the claims of the several States, for money advanced and services rendered, during the late war with Great Britain. Not only does it introduce a new principle in the computation of interest, but it opens accounts which have been settled many years since; and which most of the States had considered as finally closed.

It is to be remarked, that, in settling the several claims of the States, a uniform principle of allowance was pursued at the Treasury Department; that the claims passed the scrutiny of the accounting officers, under the superintendence of agents especially appointed on behalf of the States; and that the claims about which there was little doubt, were allowed at once, or as soon as they could be examined. In making these settlements, more or less of the claims were disallowed. The claims were not, in all instances, for money advanced by the States. Volunteer militia frequently turned out in cases of alarm, and were in service for a short period only. These, and other services, were performed, in many instances, with no expectation of charging either the State or the United States. But, as was natural, when it was understood that payment would be assumed by the General Government, the several States made up their accounts, embracing services and expenses of every kind, including as well those expenditures that were unauthorized, as those that were authorized by the General Government. It is believed that the allowances ultimately made were considered by most of the States to be very liberal.

It will be remarked, that these State claims do not present as strong an appeal to the public justice as do the claims of individuals, which were settled on similar principles. The services were, in many instances, made for the defence of the States themselves; and on the subject of military defences, the several State Governments had a joint interest with the Government of the United States. It was not expected, in those cases where the service was not especially ordered by the General Government, that the United States would assume this expense as a matter of course. It was a matter of grace that the United States paid any part of such claims. Now, if interest is to be allowed on these claims, how strong must be the claims of individuals who have had accounts settled on the same principles? In many cases the sums allowed to States were the claims of individuals—the States as such had never advanced any thing; but, after the allowances were made to the States, these individuals, for the first time, received their pay. Now, if the accounts shall be re-opened, and further allowances shall be made, will the States pay those individuals, according to their several claims, or will they retain the whole amount?

Let us for a moment reflect what will be the effect of the precedent presented by this bill. If interest must be allowed to the States for expenditures in which the States had an equal interest with the United States; if settlements made fifteen or twenty years ago with the States, are to be opened at this time for the purpose of allowing such interest—can we hereafter deny to individuals who have had settlements made, and allowances paid, the re-opening of their accounts? If we allow those settlements with States to be opened for services during the last war, shall we not be bound to re-open the accounts of individuals for any and every service and expenditure made by private individuals from the commencement of the war of the Revolution to the present moment? We have, Mr. President, but commenced the payment of our national debt, if the principle adopted in this bill shall prevail. A hundred millions of dollars will not satisfy all the claims that may be made perhaps with equal justice as those which are allowed in this bill.

As to how much will be immediately taken from the treasury if this bill shall become a law, after diligent inquiry, I have not been able to ascertain the amount. Two years ago, that vigilant and faithful officer who has had much to do in the settlement of these accounts, the Third Auditor, was requested to make a calculation of what would then be the amount which would be due on the bill allowing the States interest which then passed both Houses of Congress. He answered that it was impossible to tell, as there were no data in his Department by which it could be ascertained at what time interest should commence. He did, however, attempt a rough estimate, and from this he supposed the amount in that bill then due would exceed one million three hundred thousand dollars. His estimate, undoubtedly, was below the mark.

There are some claims in most of the States which have been rejected by the rules adopted for the settlement of the army accounts. It is believed that the Government has been extremely liberal in allowing these claims; and that the States have little cause to complain of those parts of their claims which have been denied. This law, Mr. President, will reverse the usual order of things—it will place those claims, which are of doubtful merit, in a better position than those about which there is no doubt; because those claims which have been longest delayed are the claims which will be best paid.

Since the commencement of the present administration, a portion of the claim which has long been preferred by Massachusetts, amounting to something like half a million of dollars, has been allowed by Congress and paid. If interest shall be allowed on that allowance, the amount to be paid will be greater than that which has been already paid. But this is not all—Massachusetts holds behind a still greater amount of claim. I believe her demand is now about half a million of dollars more; and her interest account at this time will be greater than the principal.

It is well recollected that the State of Massachusetts refused to call out her militia during the late war with Great Britain, as they were required by a law of the Government. When that State was invaded by a foreign enemy, she held herself back—she failed to drive that enemy from her borders, when it was in her power to do it. Nay, it seemed for a time that her real intention in calling out troops was rather to turn her arms against our own Government, than against the foreign enemy. The moral sentiment of the country was shocked at the conduct of that State, sustained as the course of her Executive was by both her Legislature and her Judiciary. But, on the principle of this bill, her claim will be better treated in the end than that of any other State. If she had obtained the money years ago, she would not have had it in her power to invest it at par in Government six per cent. stock; and of course it is better that until this time she has never been paid, if she shall get her whole claim in the end.

I cannot consent, Mr. President, to pay Massachusetts the enormous amount which this bill will give her. The amendment proposed by a Senator from that State, [Mr. SILSBEE,] contemplates interest not only on what she has obtained, but on all she shall obtain hereafter.

The bill which passed the Senate two years ago, and was vetoed by the President, is, I believe, similar to the bill now under consideration. Had that bill become a law, not only would millions have been drawn from the treasury to pay the interest on the principal sums which had already been allowed, but the States would have pressed the several items of account that had been justly disallowed. The State of Massachusetts, having seized with greedy eagerness on her half a million for interest on that part already allowed, would have further pressed her great claim, long held back, for the purpose of taking principal and interest on that also.

I am myself a native of Massachusetts; and never in my life did I converse with a sensible, honest democrat and friend to his country, belonging to that State, on the subject, who did not confess that the Government would be

right never to allow a dollar of her claim. The friends of the late administration dared not to urge this claim when a citizen of Massachusetts was at the head of the Government; but the same party were very adroit to throw the allowance of half a million of that justly repudiated claim on the administration of General Jackson, and they now as adroitly attempt to impose on his administration the payment of interest, equal to, if not exceeding in amount, the original allowance.

I must confess that the calls which have been made on the treasury since the commencement of the present administration have been most extravagant. By no means the least extravagant will be the amount directly allowed by this bill. Is it the system of the opposition who make up the majority of this body, to support every extravagant expenditure, that the treasury may become bankrupt? Does this opposition wish to see the tax on tea and coffee, on salt and other necessaries and conveniences of life, which have been taken off, again put on, that "American industry" may be encouraged? If, at a time when, according to the stories which have daily dinned our ears for the last six months, business of every kind is prostrated and the country is ruined; if, at such a time, the great manufacturers at Lowell can divide, as they lately have divided, at the rate of twelve per cent. per annum profit on their capital, do we want further taxes on the people for the protection of manufactures?

I ask gentlemen if the estimates of the Secretary of the Treasury, which anticipated that the receipts might equal the expenditures during the present year, included the items of nearly a full million of dollars for the Cumberland road—three hundred and fifty thousand dollars for the Baltimore railroad company—a million of dollars additional subscription to the Chesapeake and Ohio canal company—an annual half million of dollars for the benefit and relief of the District of Columbia, besides some three hundred thousand dollars paid, in this year, principally for extra publications, to pet opposition printers within the District—an unlimited amount of money for French claims, prior to the year 1800, and now, two or three millions of dollars, as the first fruits of this interest bill? If these items, and others of a kindred character, have not been anticipated by the head of the Treasury, what can we expect but bankruptcy in that Department, before another year shall come round?

Taking up the National Intelligencer of this morning, I observe the following paragraph, commenting on the very decisive disposition, in another place, of certain resolutions relating to the deposites, that not long since passed the Senate:

"The public money, therefore, will remain in the local banks, where it now is, or wherever else it may be, until the next session of Congress at least, unless it should be the pleasure of the President of the United States, in the plentitude of his omnipotential authority, to transfer its custody elsewhere. We shall be agreeably disappointed if, by the time Congress gets together again, there will be much of the public treasure accessible to deposite or to transfer any where."

Very complacent, to be sure! Can any thing exceed the insolence of these bloated parasites and panders of a corrupt monopoly, who are not only feasting on the fruits of their corruption, but who have thrown themselves upon the treasury, in opposition to the will of the people, and are actually receiving between one and two hundred thousand dollars of the public money, in the very year in which they anticipate a bankrupt treasury? Is it for contemning the people, that these men are fed from the public crib? They anticipate that there will not be much of the public treasure accessible after the present year! Well, indeed, would it have been for the people, if there had been no surplus money in the treasury to pay them for extra jobs, surreptitiously authorized by resolutions smuggled through one or the other branch of Congress, as a mere matter of favor to them. If there be no other advantage in an empty treasury, that of preventing the waste of hundreds of thousands on opposition printers, will be some consolation to an abused people.

Taunted as we are by the printers of the bank, and by others in Congress, with the prospect of an empty treasury, I trust that neither this bill, nor some others of a like character, will be suffered to pass both branches of Congress at the present session.

Mr. PRESTON renewed the opposition which he had made to this bill the other day. He could not satisfy himself that Government, under any circumstances, ought to pay interest. When a case of peculiar hardship came forward, it could always be provided for by special legislative action. This debt arose to the States for defending themselves and the United States from a foreign enemy. There seemed to be less claim for compensation on that ground than on any one else. The money which they expended was expended for their own individual and local protection. He thought, as he had said on a former occasion, there was a proclivity for mercenary purposes: patriotism, charity, every thing, was converted into a system by which to make money. It was the fault and negligence of the States that the money was not paid at the time. By the principle of this bill, a reward was held up to the States to delay making their claims. Interest was a compensation for the use of money, and a payment for the risk. The rate of interest should be according to the risk. In Government security there was no risk; and, therefore, instead of six per cent., as was provided in the bill, four or five would be sufficient. But there was a proposition to alter the law, and to make it more than six per cent., by the mode of calculating it. This was unjust. He proposed to make an alteration in the bill, to reduce the interest to five per cent., and then, by the mode of calculating, the amount would be brought up to what South Carolina and Virginia had received. It would otherwise establish a dangerous precedent. The calculation was correct as it related to man and man, but not in a case between the Government and the States. If the bill were passed, the accumulation of demands on the treasury would be such as the country could not foresee. He moved that the bill be recommitted, with instructions to the committee to insert, at the end of the third line, the words "five per cent."

Mr. CHAMBERS regretted that the honorable Senator from South Carolina had seen it to be his duty again to bring forward his views upon the bill. His views were erroneous, and his arguments in direct opposition to the settled principles of the Government. The Senator doubted the policy of expending the money. It was spent in defending the property and persons of the citizens of the States. It was what the United States was bound to do; and it was as much in accordance to command Maryland to provide a fleet and defend her seaboard, as to provide a militia. It subverted at one blow the highest benefits expected to be obtained. When Congress, by legislation, undertook to reimburse the States, it recognised the principle contended for, and contemplated the payment of interest. All that his State wished for, was to be reinstated in the position which they held before. The principal ought not to leave the agent to pay the cost of agency, whilst he received the emoluments. It was simply a question of reimbursing. He was not aware that in any of the States the interest paid was less than what was proposed in the bill.

Mr. PRESTON replied to the Senator from Maryland, and concluded by moving that the whole of the bill be recommitted.

After a few further remarks from Messrs. CHAMBERS and BIBB, the question was taken by yeas and nays, and resulted as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Moore, Morris, Preston, Robinson, Shepley, Tallmadge, Tipton, Tyler, Waggaman, White, Wright.—25.

NAYS.—Messrs. Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Knight, McKean, Naudain, Poindexter, Porter, Prentiss, Silsbee, Smith, Sprague, Swift, Tomlinson, Webster.—19.

So the bill was recommitted.

After acting upon several other bills—

On motion of Mr. POINDEXTER, the Senate went into Executive session, and immediately after the doors were re-opened, adjourned.

MONDAY, JUNE 16.

REVENUE STATEMENTS.

The VICE PRESIDENT presented a communication from the Secretary of the Treasury, transmitting the amount of duties upon imports, during the first quarter of the year 1834, and furnishing estimates of the probable receipts of the remaining quarters of the year.

After the Secretary had commenced the reading of the communication,

Mr. WEBSTER moved that the further reading be dispensed with, and the communication and documents be referred to the Committee on Finance, and ordered to be printed.

Mr. BENTON intimated that this was an important paper, and he desired to hear it read. The reading was then proceeded in: when it was completed—

Mr. BENTON rose, and said that this report was of a nature to deserve some attention, before it left the chamber of the Senate, and went to a committee, from which it might not return in time for consideration at this session. It had been called for under circumstances which attracted attention, and disclosed information which deserved to be known. It was called for early in May, in the crisis of the alarm operations, and with confident assertions that the answer to the call would prove the distress and the suffering of the country. It was confidently asserted that the Secretary of the Treasury had over-estimated the revenues of the year; that there would be a great falling off—a decline—a bankruptcy; that confidence was destroyed—enterprise checked—industry paralyzed—commerce suspended! that the direful act of one man, in one dire order, had changed the face of the country, from a scene of unparalleled prosperity to a scene of unparalleled desolation! that the canal was a solitude, the lake a desert waste of waters, the ocean without ships, the commercial towns deserted, silent, and sad; orders for goods countermanded; foreign purchases stopped! and that the answer of the Secretary would prove all this, in showing the falsity of his own estimates, and the great decline in the revenue and importations of the country. Such were the assertions and predictions under which the call was made, and to which the public attention was attracted by every device of theatrical declamation from this floor. Well, the answer comes. The Secretary sends in his report, with every statement called for. It is a report to make the patriot's heart rejoice! full of high and gratifying facts; replete with rich information; and pregnant with evidences of national prosperity. How is it received—how received by those who called for it? With downcast looks, and wordless tongues! A motion is even made to stop the reading! to stop the reading of such a report! called for under such circumstances! while whole days are given up to reading the monotonous, tautologous, and endless repetitions of distress memorials, the echo of our own speeches, and the thousandth edition of the same work, without emendation or correction! All these can be read, and printed, too, and lauded with studied eulogium, and their contents sent out to the people, freighted upon every wind; but this official report of the Secretary of the Treasury upon the state of their own revenues, and of their own commerce, called for by an order of the Senate, is to be treated like an unwelcome and worthless intruder; received without a word—not even read—slipped out upon a motion—disposed of as the Abbé Sieyes voted for the death of Louis the Sixteenth, *mort sans phrase!* death, without talk! But he, Mr. B., did not mean to suffer this report to be despatched in this unceremonious and compendious style. It had been called for to be given to the people, and the people should hear of it. It was not what was expected, but it is what is true, and what will rejoice the heart of every patriot in America. A pit was dug for Mr. Taney; the diggers of the pit have fallen into it; the fault is not his; and the sooner they clamber out, the better for themselves. The people have a right to know the contents of this report, and know them they shall; and if there is any man in this America whose heart is so constructed as to grieve over the prosperity of his country, let him prepare himself for sorrow; for the proof is forthcoming, that never, since our America had a place among nations, was the prosperity of the country equal to what it is at this day!

Mr. B. then requested the Secretary of the Senate to send him the report, and comparative statement; which being done, Mr. B. opened the report, and went over the heads of it to show that the Secretary of the Treasury had not over-estimated the revenue of the year; that the revenue was, in fact, superior to the estimate; and that the importations would equal, if not exceed, the highest amount that they had ever attained.

To appreciate the statements which he should make, Mr. B. said it was necessary for the Senate to recollect that the list of dutiable articles was now greatly reduced. Many articles were now free of duty, which formerly paid heavy duties; many others were reduced in duty; and the fair effect of these abolitions and reductions would be a diminution of revenue even without a diminution of imports; yet the Secretary's estimate, made at the commencement of the session, was more than realized, and showed the gratifying spectacle of a full and overflowing treasury, instead of the empty one which had been predicted; and left to Congress the grateful occupation of further reducing taxes, instead of the odious task of borrowing money, as had been so loudly anticipated for six months past. The revenue accruing from imports in the first quarter of the present year, was 5,344,540 dollars; the payments actually made into the treasury from the custom-houses for the same quarter, were 4,435,386 dollars; and the payments from lands for the same time, were 1,398,206 dollars. The two first months of the second quarter were producing in a full ratio to the first quarter; and the actual amount of available funds in the treasury on the 9th day of this month, was eleven millions two hundred and forty-nine thousand four hundred and twelve dollars. The two last quarters of the year were always most productive. It was the time of the largest importations of foreign goods which pay most duty—the woollens—and the season, also, for the largest sale of public lands. It is well believed that the estimate will be more largely exceeded in those two quarters than in the two first; and that the excess for the whole year, over the estimate, will be full two millions of dollars. This, Mr. B. said, was one of the evidences of public prosperity which the report contained, and which utterly contradicted the idea of distress and commercial embarrassment which had been propagated, from this chamber, for the last six months.

Mr. B. proceeded to the next evidence of commercial prosperity; it was the increased importations of foreign goods. These imports, judging from the five first months, would be seven millions more than they were two years ago, when the Bank of the United States had seventy

millions loaned out; and they were twenty millions more than in the time of Mr. Adams's administration. At the rate they had commenced, they would amount to one hundred and ten millions for the year. This will exceed whatever was known in our country. The imports, for the time that President Jackson has served, have regularly advanced from about 74,000,000 to 108,000,000. The following is the statement of these imports, from which Mr. B. read:

1829 - - - -	$74,492,527
1830 - - - -	70,876,920
1831 - - - -	103,191,124
1832 - - - -	101,029,266
1833 - - - -	108,118,311

Mr. B. said that the imports of the last year were greater in proportion than in any previous year; a temporary decline might reasonably have been expected; such declines always take place after excessive importations. If it had occurred now, though naturally to have been expected, the fact would have been trumpeted forth as the infallible sign—the proof positive—of commercial distress, occasioned by the fatal removal of the deposites. But, as there was no decline, but, on the contrary, an actual increase, he must claim the evidence for the other side of the account, and set it down as proof positive that commerce is not destroyed; and, consequently, that the removal of the deposites did not destroy commerce.

The next evidence of commercial prosperity which Mr. B. would exhibit to the Senate, was in the increased, and increasing, number of ship arrivals from foreign ports. The numbers of arrivals for the month of May, in New York, was 223, exceeding by 36 those of the month of April, and showing not only a great, but an increasing activity in the commerce of that great emporium—he would not say of the United States, or even of North America—but he would call it that great emporium of the two Americas, and of the New World; for the goods imported to that place, were thence distributed to every part of the two Americas, from the Canadian lakes to Cape Horn.

A third evidence of national prosperity was in the sales of the public lands. Mr. B. had, on a former occasion, adverted to these sales, so far as the first quarter was concerned; and had shown, that instead of falling off, as had been predicted on this floor, the revenue from the sales of these lands had actually doubled, and more than doubled, what they were in the first quarter of 1833. The receipts for lands, for that quarter, were $668,526; for the first quarter of the present year they were $1,398,206; being two to one, and $60,000 over! The receipts for the two first months of the second quarter, were also known, and would carry the revenue from lands, for the first five months of this year, to two millions of dollars; indicating five millions for the whole year; an enormous amount, from which the people of the new States ought to be, in some degree, relieved, by a reduction in the price of lands. Mr. B. begged, in the most emphatic terms, to remind the Senate, that at the commencement of the session, the sales of the public lands were selected as one of the criterions by which the ruin and desolation of the country were to be judged. It was then predicted, and the prediction put forth with all the boldness of infallible prophecy, that the removal of the deposites would stop the sales of the public lands; that money would disappear, and the people have nothing to buy with; that the produce of the earth would rot upon the hands of the farmer. These were the predictions; and if the sales had really declined, what a proof would immediately be found in the fact to prove the truth of the prophecy, and the dire effects of changing the public moneys from one set of banking-houses to another! But there is no decline; but a doubling of the former product; and a fair conclusion thence deduced that the new States, in the interior, are as prosperous as the old ones, on the seacoast.

Having proved the general prosperity of the country from these infallible data—flourishing revenue—flourishing commerce—increased arrivals of ships—and increased sales of public lands, Mr. B. said that he was far from denying that actual distress had existed. He had admitted the fact of that distress heretofore, not to the extent to which it was charged, but to a sufficient extent to excite sympathy for the sufferers; and he had distinctly charged the whole distress that did exist to the Bank of the United States, and the Senate of the United States—to the screw-and-pressure operations of the bank, and the alarm speeches in the Senate. He had made this charge; and made it under a full sense of the moral responsibility which he owed to the people, in affirming any thing from this elevated theatre. He had, therefore, given his proofs to accompany the charge; and he had now to say to the Senate, and through the Senate to the people, that he found new proofs for that charge in the detailed statements of the accruing revenue, which had been called for by the Senate, and furnished by the Secretary of the Treasury. Mr. B. said he must be pardoned for repeating his request to the Senate, to recollect how often they had been told that trade was paralyzed; that orders for foreign goods were countermanded; that the importing cities were the pictures of desolation; their ships idle; their wharves deserted; their mariners wandering up and down. Now, said Mr. B., in looking over the detailed statement of the accruing revenue, it was found that there was no decline of commerce, except at places where the policy and power of the United States Bank was predominant! Where that power or policy was predominant, revenue declined; where it was not predominant, or the policy of the bank not exerted, the revenue increased, and increased fast enough to make up the deficiency at the other places. Mr. B. proceeded to verify this statement by a reference to specified places. Thus, at Philadelphia, where the bank holds its seat of empire, the revenue fell off about one-third; it was 797,316 dollars for the first quarter of 1833, and only 542,498 for the first quarter of 1834. At New York, where the bank has not been able to get the upper hand, there was an increase of more than 120,000 dollars; the revenue there for the first quarter of 1833, was 3,122,166; for the first of 1834, it was 3,249,786 dollars. At Boston, where the bank is again predominant, the revenue fell off about one-third; at Salem, Mass., it fell off four-fifths. At Baltimore, where the bank has been defeated, there was an increase in the revenue of more than 70,000 dollars. At Richmond, the revenue was doubled, from 12,034 dollars to 25,810 dollars. At Charleston, it was increased from 69,503 dollars to 102,810 dollars. At Petersburg, it was slightly increased, and throughout all the region south of the Potomac, there was either an increase or the slight falling off which might result from diminished duties without diminished importations. Mr. B. said he knew that bank power was predominant in some of the cities to the South; but he knew, also, that the bank policy of distress and oppression had not been practised there. That was not the region to be governed by the scourge. The high mettle of that region required a different policy: gentleness, conciliation, coaxing! If the South was to be gained over by the bank, it was to be done by favor, not by fear. The scourge, though so much the most congenial to the haughty spirit of the moneyed power, was only to be applied where it would be submitted to; and, therefore, the whole region south of the Potomac, was exempted from the lash. Mr. B. paused to fix the attention of the Senate upon these facts. Where the power of the bank enabled her to depress commerce and sink the revenue, and her policy permitted her to do it, commerce was depressed, and the revenue was sunk, and the prophecies of the distress orators were fulfilled; but where her power did not predominate, or her policy required a different course, commerce

increased, and the revenue increased; and the result of the whole is, that New York and some other anti-bank cities, have gained what Philadelphia and other bank cities have lost; and the Federal Treasury is just as well off, as if it had got its accustomed supply from every place.

This view of facts, Mr. B. said, must fasten upon the bank the odium of having produced all the real commercial distress which has been felt. But at one point, at New Orleans, there was further evidence to convict her of wanton and wicked oppression. It was not in the Secretary's reports, but it was in the weekly returns of the bank; and showed that in the beginning of March, that institution had carried off from her branch in New Orleans, the sum of about 800,000 dollars in specie, which it had been collecting all the winter by a wanton curtailment, under the pretext of supplying the amount of the deposites taken from her at that place. These 800,000 dollars were collected from the New Orleans merchants in the very crisis of the arrival of Western produce. The merchants were pressed to pay debts, when they ought to have been accommodated with loans. The price of produce was thereby depressed; the whole West suffered from the depression; and now it is proved that the money was not wanted to supply the place of the deposites, but was sent to Philadelphia, where there was no use for it, the bank having more there than she can use; and that the whole operation was a wanton and wicked measure to coerce the West to cry out for a return of the deposites, and a renewal of the charter, by attacking their commerce in the market of New Orleans. This fact, said Mr. B., would have been proved from the books of the bank, if they had been inspected. Failing in that, the proof was intelligibly found in the weekly returns.

Mr. B. had a further view to give of the prosperity of the country, and further evidence to show that all the distress really suffered was factitious and unnatural. It was in the great increase of money in the United States during the last year and a half. He spoke of money; not paper promises to pay money, but the thing itself—real gold and silver—and affirmed that there was a clear gain of from eighteen to twenty millions of specie, within the time that he had mentioned. He then took up the custom-house returns to verify this important statement, and to let the people see that the country was never so well off for money as at the very time that it was proclaimed to be in the lowest state of poverty and misery. He first showed the imports and exports of specie and bullion for the year ending the 30th of September, 1833. It was as follows:

Year ending September 30, 1833.

	Imports.	Exports.
Gold bullion,	$48,267	$26,775
Silver do.	297,840	
Gold coin,	563,585	495,890
Silver do.	6,160,676	1,722,196
	$7,070,368	$2,244,861

Mr. B. having read over this statement, remarked upon it, that it presented a clear balance of near five millions of specie in favor of the United States on the first day of October last, without counting at least another million which was brought by passengers, and not put upon the custom-house books. It might be assumed, he said, that there was a clear accession of six millions of specie to the money of the United States on the morning of that very day which had been pitched upon by all the distress orators in the country to date the ruin and desolation of the country.

Mr. B. then showed a statement of the imports and exports of specie and bullion, from the first of October, 1833, to the 11th of June, instant. It was as follows:

From October 1st to June 11th.

	Imports.	Exports.
Gold bullion,	$304,491	$11,177
Silver do.	256,617	1,376
Gold coin,	410,907	87,570
Silver do.	10,156,909	898,638
	$11,128,924	$998,761

Mr. B. remarked, upon this statement, that it presented a clear gain of more than ten millions of dollars. He was of opinion that two millions ought to be added for sums not entered at the custom-house, which would make twelve millions; and added to the six millions of 1833, would give eighteen millions of specie of clear gain to the country in the last twenty months. This, he said, was prosperity. It was wealth itself; and besides, it showed that the country was not in debt for its large importations, and that a larger proportion of foreign imports now consisted of specie than was ever known before. Mr. B. particularized the imports and exports of gold; how the former had increased, and the latter diminished, during the last few months; and said that a great amount of gold, both foreign and domestic, was now waiting in the country to see if Congress would raise gold to its fair value. If so raised, this gold would remain, and enter into circulation; if not, it would immediately go off to foreign countries, for gold was not a thing to stay where it was undervalued. He also spoke of silver, and said that it had arrived without law, but could not remain without law. Unless Congress passed an act to make it current, and that at full value as money, and not at the mint value, as bullion, it would go off.

Mr. B. recapitulated the evidences of national prosperity—increased imports—revenue from customs exceeding the estimate—increased revenue from public lands—increased amount of specie—above eleven millions of available funds now in the treasury—domestic and foreign commerce active—the price of produce and property fair and good—labor every where finding employment and reward—more money in the country than ever was in it at any one time before—the numerous advertisements for the purchase of slaves, in the papers of this city, for the Southern market, which indicated the high price of Southern products—and affirmed his conscientious belief, that the country was more prosperous at this time than at any period of its existence; and inveighed in terms of strong indignation against the arts and artifices, which, for the last six months, had disturbed and agitated the country, and done serious mischief to many individuals. He regretted the miscarriage of the attempt to examine the Bank of the United States, which he believed would have completed the proof against that institution for its share in getting up an unnatural and factitious scene of distress, in the midst of real prosperity. But he did not limit his invective to the bank, but came directly to the Senate, and charged a full share upon the theatrical distress speeches, delivered upon the floor of the Senate, in imitation of Volney's soliloquy over the ruins of Palmyra. He repeated some passages from the most affecting of these lamentations over the desolation of the country, such as the Senate had been accustomed to hear about the time of the New York and Virginia elections. "The canal a solitude! The lake a desert waste of waters! That populous city lately resounding with the hum of busy multitudes, now silent and sad! A whole nation, in the midst of unparalleled prosperity, and Arcadian felicity, suddenly struck into poverty, and plunged into unutterable wo, by the direful act of one wilful man!" Such, said Mr. B., were the lamentations over the ruins, not of the Tadmor in the desert, but of this America, whose true condition you have just seen exhibited in the faithful report of the Secretary of the Treasury. Not even the "baseless fabric of a

vision" was ever more destitute of foundation, than those lamentable accounts of desolation. The lamentation has ceased; the panic has gone off; would to God he could follow out the noble line of the poet, and say, "leaving not a wreck behind." But he could not say that. There were wrecks! wrecks of merchants in every city in which the bank tried its cruel policy, and wrecks of banks in this District, where the panic speeches fell thickest and loudest upon the ears of an astonished and terrified community!

But, continued Mr. B., the game is up; the alarm is over; the people are tired of it; the agitators have ceased to work the engine of alarm. A month ago he had said it was "the last of pea-time" with these distress memorials; he would now use a bolder figure, and say, that the Secretary's report, just read, had expelled forever the ghost of alarm from the chamber of the Senate. All ghosts, said Mr. B., are afraid of the light. The crowing of the cock—the break of day—remits them all, the whole shadowy tribe, to their dark and dreary abodes. How then can this poor ghost of alarm, which has done such hard service for six months past, how can it stand the full light, the broad glare, the clear sunshine of the Secretary's report? "Alas, poor ghost!" The shade of the "noble Dane" never quit the stage under a more inexorable law than the one which now drives thee away! This report, replete with plain facts, and luminous truths, puts to flight the apparition of distress, breaks down the whole machinery of alarm, and proves that the American people are, at this day, the most prosperous people on which the beneficent sun of heaven did ever shine!

Mr. B. congratulated himself that the spectre of distress could never be made to cross the Mississippi. It made but slow progress any where in the Great Valley, but was balked at the King of Floods. A letter from St. Louis informed him that an attempt had just been made to get up a distress meeting in the town of St. Louis, but without effect. The officers were obtained, and according to the approved rule of such meetings, they were converts from Jacksonism; but there the distress proceedings stopped, and took another turn. The farce could not be played in that town. The actors would not mount the stage.*

Mr. B. spoke of the circulation of the Bank of the United States, and said that its notes might be withdrawn without being felt or known by the community. It contributed but four millions and a quarter to the circulation at this time. He verified this statement by showing that the bank had twelve millions and a quarter of specie in its vaults, and but sixteen millions and a half of notes in circulation. The difference was four millions and a quarter; and that was the precise amount which that gigantic institution now contributed to the circulation of the country! Only four millions and a quarter. If the gold bill passed, and raised gold sixteen to one, there would be more than that amount of gold in circulation in three months. The foreign coin bill, and the gold bill, would give the country many dollars in specie, without interest, for each paper dollar which the bank issues, and for which the country pays so dearly. The dissolution of the bank would turn out twelve millions and a quarter of specie, to circulate among the people; and the sooner that is done the better it will be for the country.

The bank is now a nuisance, said Mr. B. With upwards of twelve millions in specie and less than seventeen millions in circulation, and only fifty-two millions of loans, it pretends that it cannot lend a dollar, not even to business men, to be returned in sixty days; when, two years ago, with only six millions of specie and twenty-two millions of circulation, it ran up its loans to seventy millions. The president of the bank then swore that all above six millions of specie was a surplus! How is it now, with near double as much specie, and five millions less of notes out, and twelve millions less of debt? The bank needs less specie than any other banking institution, because its notes are receivable, by law, in all federal payments; and from that circumstance alone would be current, at par, although the bank itself might be wholly unable to redeem them. Such a bank is a nuisance. It is the dog in the manger. It might lend money to business men, at short dates, to the last day of its existence; yet the signs are for a new pressure; a new game of distress for the fall elections in Pennsylvania, New York, and Ohio. If that game should be attempted, Mr. B. said, it would have to be done without excuse, for the bank was full of money; without pretext, for the deposite farce is over; without the aid of panic speeches, for the Senate will not be in session.

Mr. B. said, that among the strange events which took place in this world, nothing could be more strange than to find, in our own country, and in the 19th century, any practical illustration of the ancient doctrine of the metempsychosis. Stranger still, if that doctrine should be so far improved, as to take effect in soul-less bodies; for, according to the founders of the doctrine, the soul alone could transmigrate.† Now, corporations had no souls; that was law, laid down by all the books; and of all corporations, moneyed ones, especially, and above all, the Bank of the United States, was most soul-less. Yet, the rumor was, that this bank intended to attempt the operation of effecting a transfer of her soul; and after submitting to death in her present form, to rise up in a new one. Mr. B. said he, for one, should be ready for the old sinner, come in the body of what beast it might. No form should deceive him, not even if it condescended, in its new shape, to issue from Wall-street, instead of Chestnut!

A word more, and Mr. B. was done. It was a word to those gentlemen whose declarations, many ten thousand times issued from this floor, had deluded a hundred thousand people to send memorials here, certifying what those gentlemen so incontinently repeated, that the removal of the deposites had made the distress, and nothing but the restoration of the deposites, or the renewal of the charter, could remove the distress! Well! the deposites are not restored, and the charter is not renewed; and yet the distress is gone! What is the inference? Why that gentlemen are convicted, and condemned, upon their own argument! They leave this chamber to go home, self-convicted upon the very test which they themselves have established; and after having declared, for six months, upon this floor, that the removal of the deposites made the distress, and nothing but their restoration, or the renewal of the bank charter, could relieve it, and that they would sit here until the dog-days, and the winter solstice, to effect this restoration or renewal; they now go home in good time for harvest, without effecting the restoration or the renewal; and find every where, as they go, the evidences of the highest prosperity which ever blessed the land. Yes! repeated and exclaimed Mr. B. with great emphasis, the deposites are not restored—the charter is not renewed—the distress is gone—and the distress speeches have ceased! No more lamentation over the desolation of the land now; and a gentleman who should undertake to entertain the Senate again in that way, in the face of the present national prosperity—in the face of the present report from the Secretary of the Treasury, would be stared at, as the Trojans were accustomed to stare at the frantic exhibitions of Priam's distracted daughter, while vaticinating the downfall of Troy in the midst of the heroic exploits of Hector.

Mr. WEBSTER here made some remarks, when

* About the same time a similar failure took place at Crawfordsville, Indiana.

† From the Greek, *meta*, again; *en*, in; *psyche*, the soul; *i. e.* The Soul again in.

Mr. CHAMBERS rose and said, that when lessons were administered on this floor avowedly for the edification of the American people, it might not be amiss to qualify general remarks by proper limitations and restrictions to conform to the actual condition of the subject. Now, sir, if any portion of the American people shall be led to suppose that any thing in the report of the Secretary now read is calculated to show the inoffensive character of the late Executive measures, he would say they would be led to a conclusion utterly fallacious.

I am one of those, Mr. President, by whom predictions have been made, as well in regard to the ruinous consequences of the Executive conduct as to its probable effect on the revenue. I had the honor to be among the first, perhaps the first, on this floor, to venture the result of a feeble judgment as to the probable consequences upon the importations and the revenue. Nothing in this report lessens, in the slightest degree, my confidence in the opinions heretofore advanced. How should it?

The report informs us of the amount of importations, and the accruing revenue, for the first quarter of the present year. I so understand it, from hearing a part of it read at your table: no other means have been afforded me to ascertain its contents, much less to prepare full notes for a speech upon the report, as the Senator from Missouri [Mr. BENTON] seems to have done. Well, sir, does any thing in the character or amount of importations in the first three months of this year prove any fact in regard either to the effect of the Executive measures, or to the accuracy of our predictions? Most certainly not. Every man who knows any thing of the subject, knows well that there are two principal seasons of importations; one in the spring, for the demand and consumption of spring and summer, and another in the summer or early fall, for the demand and consumption of fall and winter. We all know that the goods thus imported are ordered a considerable time before they arrive in this country; that they are made, manufactured to order, before they are shipped from abroad. If, then, these importations mentioned in the report were ordered in the usual way of trade, in season for the orders to have been received abroad, the goods purchased and shipped, and to arrive in the United States before the first of May—and of these facts no doubt could be entertained—it was evident they afforded not the smallest proof whatever of the influence of measures which operated at a much later period. It is idle to attempt to apply any prediction made here to the period embraced in this report. Mr. C. said he happened to have in his drawer one of those letters upon which he had ventured the opinion expressed; and to show how far it can be tortured into a speculation upon the state or amount of importations ending on the first of April, he would read an extract. The letter says, "The dry good merchants have not (they say) ordered more than one-half their usual supply of goods for the fall. This will affect the revenue of this and the next year, in which case the remnant of the debt will lie over, that the 'experiment' may have a full trial." Now, sir, let the administration and its friends, in the absence of any better occasion for joy, make themselves happy in the glorious triumph which they announce; and let them flap their wings and crow because the importations of the first quarter do not show the diminution which we predicted would occur in the third quarter, and the last.

There was some difficulty in meeting such an argument as the Senate had just heard. In one part of it, we are distinctly told there is no distress, no pressure, no pecuniary embarrassment; on the contrary, the country never was more prosperous, business never more active or profitable, money never more plenty. These positions are boastingly made, and stand out prominently in the speech which has cheered this report as the extinguisher of all the fondest hopes and speculations of the opposition. Well, sir, if this is the issue, we are prepared to meet it; the country is prepared to pass upon it, and we think that melancholy experience will enable every man to give his verdict. But, sir, with an incongruity which is incomprehensible, the loud peals of triumphant exultation have not ceased to vibrate on our ears before, in the speech, we find it distinctly asserted, and reiterated in terms of the harshest denunciation and "invective," that the bank has caused the distress—that panic speeches in the Senate have caused the distress—have produced "wreck of merchants in every city." It is certainly difficult to reconcile two positions apparently so utterly opposed. To believe that the bank or the Senate, or both, have produced a degree of distress which filled our cities with "wrecks," and at the same time to believe that this report and other evidences "utterly contradicted the idea of distress and commercial embarrassment which had been propagated from this chamber for the last six months"—that "never since America had a place among nations was the prosperity of the country equal to what it is at this day" —will require, in my poor opinion, more credulity than is to be found in the most benighted region of this widespread Union. Sir, it is fully to tell a man sinking and dying with disease, and conscious of his condition, that all his symptoms indicate health and strength and vigor, and promise long life; and yet such is the experiment now made. The good people of the country, the farmers, the merchants, the manufacturers, mechanics, and laborers, who feel themselves diseased and dying under the fatal malady of Executive rashness and indiscretion, are calmly asked to believe that they were never so prosperous, never so happy, never so independent. They will not be persuaded or cajoled by any report of a Secretary, nor will they be conviced by any studied commentary upon it.

I can tell you what they say, sir; a letter is this instant on my desk, received by this morning's mail from a valued friend who resides in the interior of my State—far from the city—holding no office, desiring none—pursuing his honest avocations with industry, and neither tempted nor corrupted by the expectation of political honor or emolument. [Mr. C. here read from a letter, giving account of the state of feeling in the writer's district.]

Since I have known any thing of public affairs, never have I known our yeomanry so perfectly to understand, so generally to discuss, and so cordially to destest, any measure of the Federal Executive, as its course in relation to the United States Bank. They feel its effects; they writhe under them; and if every Congressional district in the United States be equally intelligent and equally honest, after the next election, the President will not have a single friend returned to the House of Representatives.

I do not mean, Mr. President, to go over the beaten ground of bank distress or panic-speech distress. The varied tones of assault upon the bank are now understood. One day the insolvent institution, which in a little month should be prostrate at the Executive foot-stool; the next, the gigantic monster, which, like the golden calf, was the object of our idolatry, now useless and insufficient, and capable of nothing but what local banks might effect; and now the fearful engine whose resistless power would crush the liberties of the nation, and bring its Government into subjection, as it had brought our people into distress and ruin. The history of the bank operations, happily for those who desire to arrive at truth, is contained in official documents. The extent of loans and curtailments, expansion and contraction, may be known by authentic proof.

One idea advanced and attempted to be sustained by the authority of this report of the Secretary, is certainly as novel as it is amusing. We are told that in the bank cities commerce had declined, and in the anti-bank cities had increased; where the bank had the upper hand the revenue was less; where it had not, the revenue was

greater. Philadelphia on the one hand, and New York on the other, are selected as illustrations. We are gravely told that in Philadelphia, the location of the bank, the residence of the directors, amidst their relations, connexions, friends, and families, they have wickedly exerted the utmost of their means to ruin and destroy the trade and commerce of their citizens and their own, to drive their community into their views, while it is perfectly known that almost every individual of that community, man, woman, and child, are, and always have been, loud in their denunciations of the Executive attack upon the bank, and ardently anxious to have it re-chartered.

And we hear it said with equal gravity, that in New York, from whence it has been supposed the first idea of putting down the bank was conceived; in New York, which, it is by many shrewdly supposed, designs to put down a "Chestnut-street" bank, to build on its ruins a "Wall-street" bank—an opinion based upon the fact, which you, sir, know is sometimes alleged, that New York does not always march to her object by the most direct road; in New York, where every motive existed to induce the bank to make proselytes and strengthen her interest—there, it is said, she has forborne to exert her destructive operations; and trade and commerce are increased. Sir, the importations of the year, from January to March inclusive, were not affected, for good or for evil, by the Executive "experiment," and this report will prove any other fact as well as it will that for which it has been used.

If the bank has the means and the inclination to "distress" the country, why should they not be exerted as well in New York as in Philadelphia—as well in Baltimore as in Boston? The idea suggested in regard to the South, affords a key to some matters, which perhaps would be a little difficult of explanation by any other theory. It seems, it is thought, the South will not bear the "lash." Perhaps this conviction may account for the singular fact that, in the "high-mettled" region of South Carolina, it was deemed prudent to leave the deposites in the United States Bank, when they were removed at other places. We are referred to sundry particulars, to demonstrate the extraordinary prosperity of the country at this time. Let us see how that matter stands.

The increase in the number of arrivals at New York, from foreign ports, was no more than the regular and uniform growth of the country required; nothing more than the history of our commerce proved to be the case in every year. These importations, however, as well as the sales of public lands, of which this report gives us the amount, were made before the destructive effects of the Executive measures were experienced.

The importation of specie had also been alluded to as an evidence of great national prosperity. It is certain that a large amount of specie had been imported; and it might not be amiss to remark, that the much-abused bank had imported a very large portion of it. Finding itself threatened by the vast power of the Executive, which makes itself felt through every artery of the country, by means of its army of office-holders and dependants, the bank, at a very early period, resorted to this means of preparing itself to meet the assault. It was not the result of prosperity, but the embarrassments of the country then expected—now realized—that induced this importation. Foreign capitalists had been induced, it was believed, by the declension of our stocks, to introduce specie for its purchase. While money was plenty abroad, and produced but from two to three per cent., our depression here had increased its value to such an extent as to invite it from abroad. Our stocks, yielding six, eight, and ten per cent., had been below par, and our citizens, who had heretofore enjoyed the benefits of these profitable investments, were now reduced to the necessity of seeing them go into the hands of foreigners, because our rash Executive measures had empoverished our citizens, and ruined our currency. It was said, however, that stocks were rising, and the tone of triumph in which this was urged, would seem to import that stocks were no longer depressed by the destructive "experiment."

I am at a loss to conceive on what authority such an assertion can be advanced. If it be intended to say that, depressed as they are, they are yet not quite so bad as they were a few weeks since, there may be some foundation for the remark. But if it be intended to say, that they are at all at the point at which the "experiment" found them, then nothing can be said more wide of the fact, as I understand it. I will speak what I know. I am a stockholder in the pet bank in Baltimore. When the President assumed the control of the public treasure, and through his Secretary ordered the removal of the deposites, that stock was at eighty-one or two dollars per share, the par being seventy-five. At a sale lately made—made at auction, so that holders might be influenced to interpose and purchase, to save the character of the stock; made certainly upon terms well calculated to secure a full price—it commanded less than fifty dollars.

The price of slaves was also alluded to as rising, and this was a further evidence of national prosperity. In regard to this matter, I make the same remark as in relation to stocks. Slaves may possibly sell for something more than they would command a few weeks since. I do not know that the fact is so, but it is possible. That they are of less value, by twenty to thirty per cent., than they were before the Executive plan of finance was commenced, I do not know. I live in a slave county; and, although neither a purchaser or seller, I profess to know how the fact is; and I assert that slaves will not, in Maryland, command a price within from twenty to thirty per cent. as great as they did prior to the "experiment," either in the domestic market, or for the South.

Again: we have the price of grain introduced as conclusive evidence of our prosperity. I will not allow myself to be drawn again into details upon the subject. The frequent repetition of an error cannot make it less an error. Do we not see in every newspaper statements from different places in the country, showing the remarkable scarcity of corn? Do we not learn that at some points there is scarcely a bushel for consumption? Do we not all know that it is solely for immediate and home consumption that it is required? and can it be necessary again and again to urge that this, and this alone, has caused an increase in the price—an increase of a few cents only beyond the price at which it sold when harvested last fall, and very much less than it would have been but for the mad policy of "the Government?"

Mr. President, there is nothing in the report, nothing in the condition of the country, to show that we misconceived the character or consequences of Executive rashness and folly. Every thing verifies our prediction. The experience of men in all departments of business will sanction the assertion, that pecuniary distress and embarrassment, deep and pervading, afflicts the country, caused by folly and by passion, uselessly caused and obstinately continued.

Sir, I still think as I have thought, that when the period shall arrive to enable us to ascertain the influence of the late Executive measures on our foreign commerce and the revenue, they will be found to affect both injuriously. It may be, that to some extent, the importations which the crippled condition of our merchants will not permit them to order, may be made by foreigners, as suggested by my friend from Massachusetts, [Mr. WEBSTER;] but I do not think the deficit will be supplied in that way. The country is too much empoverished by the "experiment" to pay for the amount of importations which we

should have received, but for the fatal shock to the currency and to credit.

I still think, as I have thought heretofore, that these "Executive measures" have carried throughout this whole country desolation and wretchedness, prostrating the hopes of thousands of honest and useful men, robbing the laborer of his hire, and industry of its just reward, and producing an aggregate of national mischief and ruin, which years of prudent discretion will not compensate.

Mr. WEBSTER now modified his motion to refer to the Committee on Finance, and moved that the communication he laid on the table and printed; which was agreed to.

HARRODSBURG (KY.) MEMORIAL.

Mr. BIBB presented the memorial of a large and respectable meeting of inhabitants of Harrodsburg, that portion, Mr. B. said, of his State which, during this session, had been so unfortunate as to be disfranchised. Under these circumstances, he felt himself peculiarly called upon to present this memorial, and to speak in its favor. He was acquainted with the officers who presided at this meeting, and he felt assured that they would not designate it as numerous and respectable unless it were so in reality.

Mr. B. here alluded to the manner in which the memorialists had been deprived of their member in the other House, and stated that the conduct of the sheriff of the county, by whose instrumentality this result was effected, had produced an expression of the highest reprobation on the part of the popular branch of the Legislature of Kentucky; the members of that part of the Legislature to which he referred, had almost unanimously expressed their desire that the act of the sheriff should be made a penitentiary offence.

Mr. B. moved that the memorial be read, printed, and referred to the Committee on Finance. It was so ordered.

KENHAWA (VA.) MEMORIAL.

Mr. LEIGH presented the memorial of above seven hundred citizens of Kenhawa county, Virginia, stating that the operation of their business was very much embarrassed, and that they were suffering under grievous distress. Whether this was caused by the bank, or by speeches in this House, or by Executive interference, Mr. L. would not now undertake to determine, but he must be allowed to say, that the memorialists knew better what they felt, than those who undertook to show it by analogical arguments. They stated that their profit was derived from the manufacture of salt, which is now in a state of embarrassment and distress. They felt also another distress, in common with every citizen of this community, that the constitution and the laws of the country have been trampled under foot. They expressed their opinion in strong and indignant terms, that the act of the Executive in removing the deposites, was contrary to the laws and constitution of the United States, and they represented farther, that the protest of the President set up a claim to power which was little short of monarchical. Mr. L., on account of the state of business in the Senate, and his anxiety to adjourn, in common with other Senators, would only ask that the memorial be read, referred, and ordered to be printed; which was ordered accordingly.

FOREIGN SILVER COINS.

On motion of Mr. WEBSTER, the Senate proceeded to the consideration of the bill from the House to regulate foreign silver coins.

Mr. W. said that this was a measure of great importance to the commercial community, and he hoped that there would be no delay in passing on it. He had some amendments, which the Committee on Finance had proposed, and which he would briefly state. The bill, as it came from the House, did not regulate the weight of coins. He had received a communication from the director of the mint, and also one from the committee of the other House, on the subject, and he believed they were right in the opinion that the weight of coins should be established. The first amendment, therefore, proposed, was to make the limitation of the dollar to the weight of 415 grains; the next to establish the weight of the French five-franc pieces at 384 grains.

These amendments having been read, were agreed to.

Mr. W. then said he had another amendment to propose, which had been suggested to him by the director of the mint; it was on fixing the fineness of the South American dollar. The Senate would recollect that, by the bill, the dollar was regulated, "when of not less fineness than ten ounces, fifteen pennyweights, and twelve grains, of pure silver, in the troy pound of twelve ounces of standard silver, at one hundred and sixteen cents and one-tenth of a cent per ounce." Now it was proposed to strike out these 12 grains, which would still leave the South American dollar of the value of one hundred cents; but if the twelve grains were retained, it would exclude a great many of the South American coins which were worth the American dollar. He therefore moved to strike out the twelve grains; which was agreed to.

There being no further amendments offered, the question was on ordering the bill to be engrossed for a third reading; when,

Mr. CALHOUN hoped the Senator from Massachusetts would consent to lay the bill on the table for the present. The measure was a very important one, and demanded some consideration; he thought it would have the effect of increasing the issues of bank paper. If the object of the bill was to increase the amount of bank discounts, the measure was a very judicious one. Banks would find it to their interest or convenience, to pay out their specie by weight instead of by tale, and a majority of the community would not receive it unless by the former method. The bill, he repeated, was an important one, demanded some consideration, and he, therefore, moved to lay it on the table.

Mr. WEBSTER requested the gentleman from South Carolina [Mr. CALHOUN] to withdraw his motion for a moment; which request having been acceded to, Mr. W. said, if the gentleman would permit the bill to be engrossed for a third reading, he would, at its last stage, make further explanations. His object was, at this late period of the session, to save time. He had received many communications from gentlemen in the commercial world, showing the great anxiety there was for the passage of this bill, and its importance to their interests. There was some importance, he thought, in regulating the South American coins.

Mr. EWING thought the honorable gentleman from South Carolina was mistaken. The bill did not provide that foreign coin should pass by weight, but by tale: if it had been made to pass by weight, the effect of making the coin pass current would have been defeated.

Mr. CALHOUN expressed himself satisfied with the honorable Senator's explanation.

Mr. CHAMBERS observed, that he would have a provision inserted, making it a legal tender.

Mr. WEBSTER said it was so understood; the bill set forth that the coin should pass current, as money, in the payment of debts, therefore that must make it a tender.

The amendments were then ordered to be engrossed, and the bill passed to its third reading.

COMPENSATION TO Mr. POTTER.

The resolution submitted by Mr. WRIGHT, to compensate the honorable Elisha R. Potter, for his attendance while claiming a seat in the Senate, under the au-

thority of a certificate of the Governor of Rhode Island, was taken up.

Mr. WRIGHT then made some observations in favor of the resolution.

It was opposed by Messrs. POINDEXTER, CLAY, and WEBSTER.

Mr. BIBB moved to strike out the words "is entitled to receive his compensation," and to insert in lieu thereof, "ought, under the circumstances, to be paid;" which

Mr. WRIGHT accepted as an amendment.

Mr. CLAY then moved to refer the resolution to the Judiciary Committee.

Mr. WRIGHT expressed himself favorable to the reference, and the motion was agreed to.

GENERAL APPROPRIATION BILL.

Mr. WEBSTER, in pursuance of notice given, moved to take up the bill making appropriations for the support of Government for the year 1834.

Mr. POINDEXTER would suggest to the honorable member, as the day was far advanced, the propriety of postponing the bill until to-morrow.

Mr. WEBSTER remarked, that to-morrow was set apart for the consideration of another subject. He had no intention of pressing the bill to a decision to-day, but he thought they might now get through some of the amendments.

Mr. PRESTON hoped the honorable Senator from Massachusetts would postpone the consideration of the bill for the present.

Mr. WEBSTER repeated, that, as to-morrow would not be an open day, the Senate had better take up the bill, and make some progress in the amendments.

Mr. PRESTON should greatly prefer that it be postponed. Indeed, he was by no means sure that the bill should not be laid upon the table, till other matters, of an important nature, were disposed of. Where, he would ask, was the Treasury of the United States? What control had Congress now over it? He would suggest to honorable Senators the propriety of considering, before they passed any appropriations, whether something ought not to be done in regard to securing the Treasury of the country. He, for one, was extremely indisposed to go into the consideration of the appropriation bill at all, until the Treasury was secured under the provision of law, and taken from irresponsible hands, and put into those which were responsible.

Mr. WEBSTER said, that he should move to take up the bill to-morrow morning, immediately after the reading of the Journal, if the gentleman who had given notice to call up another important subject, would give way. At all events, he should not be willing to defer the matter beyond Wednesday next.

Mr. PRESTON said, that he had thrown out the suggestion which he had made, that gentlemen might consider whether it would be proper to go into the consideration of the general appropriation bill, until they knew where the Treasury was. He would not, however, pledge himself to any course.

Mr. FORSYTH said, that if the Senate went into the consideration of the bill, they might act on the amendments only, and defer the consideration of general merits till some other time.

The bill was then postponed until to-morrow.

The resolution submitted by Mr. CLAY, calling on the Treasury Department for the amount of scrip issued to satisfy Virginia military land warrants, and warrants for officers of the continental line, with the number and extent of the warrants, was considered, and, after some remarks from Messrs. CLAY, TYLER, BIBB, and LEIGH, the resolution was adopted.

The Senate then adjourned.

TUESDAY, JUNE 17.

DUTIES ON LEAD.

On motion of Mr. FRELINGHUYSEN, the bill concerning duties on lead, which was lying on the table, was taken up for consideration.

A verbal amendment, proposed by Mr. FRELINGHUYSEN, having been agreed to—

Mr. FRELINGHUYSEN briefly explained the character of the bill. It had been rendered necessary, by the attempts which had been made to evade the duties imposed by the tariff act of 1833. The importers had adopted the practice of introducing lead in busts, and other forms, so that instead of paying the proper duty of three cents per pound, imposed by the act, they had only paid a duty of fifteen per centum *ad valorem*, thus producing great injury to the public revenue. It is provided, by the act of 1833, that a duty of three cents shall be imposed on all lead, except where specific exceptions are made by the act.

He moved to amend the bill, by introducing the following proviso:

"*Provided*, That this bill shall not extend to, or affect the existing duties on red and white lead, shot, and litharge."

Mr. CALHOUN expressed his entire willingness to agree to any measure, the object of which was to prevent the commission of fraud, but he was not disposed to sanction any proposition which went to extend the protective duties. For the purpose of further looking into the bill, he would move to lay the bill on the table.

Mr. FRELINGHUYSEN (the motion having been withdrawn) said, that all the provisions of this bill looked to that sole object, of preventing fraud, except that clause which imposes a duty of two cents on lead ore; and this duty had been suggested by one of the Senators from Missouri, as absolutely necessary for the protection of our own interests. He was instructed by the gentleman from Missouri to say, that the quantity of lead ore produced at our mines was sufficient, and more than sufficient, for our own consumption. But if any objection should be made to the clause, he would willingly withdraw it.

Mr. CALHOUN renewed the motion to lay the bill on the table.

Mr. CLAY (the motion being again withdrawn) stated, that there seemed to be two objects contemplated by this bill: one was the prevention of fraud, and the other was an increase of the duty on lead ore. To the extent of the prevention of fraud, the bill was certainly a proper one, and ought to pass. He should certainly have no objection to the bill to this extent; but however proper the additional duty may be, he hoped the clause would not now be pressed.

Mr. PRESTON expressed some doubt as to the propriety of striking out the clause in dispute. He should feel regret if the motion made by his colleague should have the effect of destroying the bill. He went on to suggest, that the better course probably might be, to follow the example set by Congress last session, in the measure then adopted for the purpose of preventing frauds in the importation of sugar, which had been imported from some of the West India islands in the form of sirup. He thought that the best course might be to confine the present bill to the bill which had passed to prevent that kind of fraud. He hoped that his colleague, if he persevered in his motion to lay the bill on the table, would fix as early a day as possible to take it up for consideration and decision.

Mr. CALHOUN said, that the principle for which he contended was an obvious one. Every thing should be done which could have the effect of preventing fraud, but nothing ought to be sanctioned which looked beyond that purpose. He only desired so much time as would

enable him to make a more deliberate examination of the bill, and it was not probable that he should require longer than to-morrow morning.

On motion of Mr. CALHOUN, the bill was then laid on the table.

MOSES SHEPHERD.

On motion of Mr. HENDRICKS, the bill for the relief of the legal representatives of Moses Shepherd was taken up.

Mr. BLACK opposed the passage of the bill.

Mr. BENTON was aware of the grounds of the objection. It was before the Senate in 1825, but there were evidences now which would remove all scruples. The items now claimed had never been settled, while the claims of all the other contractors had been paid.

Mr. LEIGH advocated the passing of the bill. The charge was for work actually done, and a difference occurring between the charge made by Shepherd and the report of the surveyor for the Government, Shepherd was paid so much as there was no dispute about, and the remainder was left for future consideration.

Mr. KING, of Alabama, said that it was suspected that the charge made covered more work than was actually performed. Persons were employed to survey it. As the contractors had been paid according to their statement, therefore this man thought himself entitled to the whole charge. The law contemplated a final settlement, and that settlement was made at the time. The claim was so doubtful as to be rejected by the Government, rejected by the commissioners, rejected by Congress, and rejected by the party himself. He could not vote for the bill.

Mr. HENDRICKS replied. The law of 1825 was for a specific amount for certain items, not one of which was mentioned in the present charge. The bill was brought in just before the close of a session; there was no time to examine the accounts, and a specific sum was given, and the remainder was left for future adjustment.

Mr. SMITH thought the bill ought to pass. He put it on the ground of a settlement between two parties, where certain charges were mutually agreed upon and paid, leaving those in dispute for future settlement.

Mr. LEIGH went into a history of the case.

Mr. SHEPLEY was a member of the committee which reported the bill, and thought that the facts were not exactly as they had been stated by the honorable Senator from Virginia. He gave a statement of the case, from which it appeared that there was a collision between the contractor and the superintendent. The work was measured again, and the result differed from both of the former measurements. The whole claim and proceedings were referred to the Secretary of the Treasury. The Secretary adjusted the amount during the recess between 1824 and 1825, and allowed a little larger sum than the committee of the House had allowed, but not so much as was now claimed. There had been an equitable settlement made, and as the present claim was for an equitable settlement, after an equitable settlement had been made, he was opposed to the bill.

Mr. HENDRICKS said the remarks of the honorable Senator from Maine did injustice to the bill. He read over some of the former reports connected with the subject, to show that Mr. SHEPLEY'S statement was not correct. He wished to refer it again to the Secretary of the Treasury.

Mr. BLACK again spoke in opposition to the bill.

Mr. FORSYTH said, that his view of the case was, that because the memorialist could not settle with the Treasury, he applied to Congress for an equitable settlement; Congress made it, and, not yet satisfied, he wished to refer it again to the Secretary of the Treasury. The only way to settle it would be to let a committee examine the case and report the amount.

Mr. TYLER said, if Shepherd was allowed pay according to Thomson's measurement, he had no right to stand before the Senate; if he had not, he came there for justice. That he was not settled with was obvious; and, therefore, upon all the examination which had been given to the case this morning, he thought the bill ought not to pass.

Mr. FORSYTH moved that the bill be referred to the Committee on Roads and Canals.

Mr. BIBB said, every claim the man had was granted, and he read a report which gave a part of the history of the case, and showed that the differences between the Government and Shepherd had been settled.

Mr. POINDEXTER said, that all the contractors had been allowed payment according to Thomson's measurement, except Shepherd, and the question was, whether there should be a difference.

Mr. SHEPLEY briefly replied.

The question on ordering the bill to a third reading was then taken, and decided as follows:

YEAS.—Messrs. Chambers, Clay, Ewing, Frelinghuysen, Hendricks, Knight, Leigh, McKean, Naudain, Poindexter, Porter, Prentiss, Robbins, Robinson, Silsbee, Smith, Tallmadge, Tomlinson, Tyler, Webster.—20.

NAYS.—Messrs. Bibb, Black, Brown, Calhoun, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Linn, Mangum, Moore, Morris, Preston, Shepley, Southard, Swift, Waggaman, White, Wright.—21.

DUTIES ON LEAD.

Mr. CALHOUN then moved to take up the bill concerning the duties on lead; which was agreed to; when the proviso offered by Mr. FRELINGHUYSEN was adopted.

Mr. CALHOUN moved to strike out that part of the bill imposing duties "on all lead in whatever shape imported," and insert in lieu of it, that the article shall be subject to a duty of "double the value of the raw material;" which was adopted.

On Mr. C.'s motion, the bill was further amended, by striking out the duty of two per cent. per pound, inserted by the House; when, after some conversation between Messrs. CLAY, CALHOUN, and LINN, the bill was ordered to be engrossed for a third reading.

On motion of Mr. TYLER, the Senate proceeded to the consideration of Executive business. When the doors were opened, the Senate proceeded to the consideration of the

FRENCH SPOLIATION BILL.

[This bill provides for the satisfaction of claims due to certain citizens for spoliations committed on their commerce prior to the 30th day of September, 1800.]

After the adoption of several unimportant amendments,

Mr. CHAMBERS spoke at length in favor of the bill, and was followed by Mr. FORSYTH against, and Mr. WEBSTER in favor of it; who both declined going at large into the merits of the bill, reserving their views for another occasion.

Mr. FORSYTH then moved that its further consideration be postponed to Thursday next, and that it be made the special order for that day; which was agreed to.

After taking up and going through with various other business,

The Senate adjourned.

WEDNESDAY, JUNE 18.

TOLLAND COUNTY (CONN.) MEMORIAL.

Mr. SMITH presented a petition signed by 736 of the citizens and electors of the county of Tolland, in the State of Connecticut, on the subject of the removal of the public moneys from the United States Bank, and the measures of the Executive generally, in relation to the

finances. The people of Connecticut, Mr. S. said, particularly that part of the State from which the memorial came, were not yet satisfied, notwithstanding all they have heard to induce them to that belief, that their pecuniary embarrassments have been produced by speeches in the Senate, or have resulted from the action of the Bank of the United States. These respectable petitioners, of the number of 736, as he had just stated, say that their business as agriculturists, mechanics, and business men generally, was formerly prosperous, but that now, in consequence of Executive measures, they find an exceedingly limited market for the produce of their farms, and the products of their workshops, and their manufactories; and that many manufactories, once thriving, had been under the necessity of stopping their spindles and discharging their workmen. These petitioners, said Mr. S., have been accustomed to read and reflect; they perfectly understand the condition in which they are placed, and without entering into any argument, they express their honest opinions on the pecuniary embarrassments of the country, and pray Congress to restore the public deposites to the bank, and to re-charter it, with certain modifications, as the only means of relieving the general distress.

The petition was read, referred, and ordered to be printed.

Mr. McKEAN said he did not rise to interfere with the prerogative of the honorable Senator from Connecticut, nor would he obtrude upon the Senate his opinions of the merits or demerits of the memorial just presented by the honorable gentleman. He had generally found it to be the best policy to mind his own business; but he considered the present a legitimate occasion, in parliamentary order, as connected with the same subject, to correct some misstatements which were going the newspaper rounds, in reference to himself. It had, he knew not how, got into print, that he should have said, in his place as a Senator, that a majority of the citizens of Pennsylvania were opposed to the removal of the deposites. Now he averred, in the face of the whole Senate, that he had never, publicly or privately, said any such thing; nor should he now presume an opinion, the one way or the other. What he had said on that subject was strictly confined to the opinions of the petitioners whose memorial he was at the time about to present, and then only in cases where he had been, by letter or otherwise, requested to do so. Why, sir, said Mr. McK., it might be considered presumptuous, if not impertinent, for a Pennsylvania Senator to venture an opinion on this floor as to the general political character of that State, when there are so many other gentlemen, on either side of the question, who seem to understand precisely not only what the political sentiment of the people of Pennsylvania now is, but what it will be in all time to come. And from these erroneous statements, it had been ungenerously inferred that he, Mr. McK., was not quite as good a Jackson man as he ought to be. It was not, he said, because he was apprehensive that if this should reach the ears of the Executive, that it would deprive himself and family of their daily bread, that he noticed it, but he did not like to risk the injurious effects that might result to his State and constituents by thus insidiously frittering away his well-known influence with the present administration. He had on another occasion said he would vote to restore the deposites, not because his own mind had changed, nor because he believed the restoration would afford the desired relief, but because a very large majority of his constituents, who had expressed an opinion on the subject, had asked for the restoration as a measure of relief, and for so doing he had been proscribed and denounced as a traitor by a certain well-disciplined corps, who had ceased not day nor night to pursue him since a certain period in 1829. He did not complain of this; very far from it. He ought rather to rejoice: for, though he could in truth boast of as true and faithful friends as any man ever had, he had long been convinced that his enemies had rendered him more essential service than his friends.

But, said Mr. McK., how stands this case? He held in his hand a statement, made by one of the under secretaries, from the Senate files, showing the number of individuals from Pennsylvania who had petitioned that body to restore the deposites, and also the number of those who had remonstrated against the restoration. This included all who had actually signed memorials on both sides, which had been presented to the Senate, during the present session, from Pennsylvania, and stands thus: from the counties of Union, Cambria, Northampton, Cumberland, Montgomery, Adams, Mifflin, Northumberland, Bradford, Susquehannah, Chester, Delaware, Lycoming, Huntingdon, Franklin, Lancaster, Schuylkill, Berks, Alleghany, Philadelphia county and city, Pittsburg, Moyamensing and Southwark, Oxford, Byberry, Waynesborough, Tamaqua, Germantown, Bristol, Pottsville, and Muncy creek, (towns and villages,) forty different memorials, signed by thirty-eight thousand and seven hundred freemen of Pennsylvania, complaining of distress, and praying for the restoration of the deposites; and opposed to this, from Pennsylvania, are six, and only six memorials, from Philadelphia, Pittsburg, and the county of Schuylkill, signed by only five hundred and seventy-one individuals, who remonstrate against the restoration of the deposites, exhibiting a disparity of more than sixty-seven to one, and an aggregate majority of thirty-eight thousand one hundred and twenty-nine in favor of restoring the deposites. What is the duty of a faithful representative of the people under such circumstances? Shall he, because all have not complained, turn a deaf ear to the thirty-nine thousand who have laid their petitions at his feet? In giving his vote for the restoration of the deposites, he had not consulted the mere will of the Executive, nor that of any other individual; nay, he had not consulted his own will. He was, what he professed to be, the sincere friend of Andrew Jackson, though he detested many of the reptiles that were basking in the beams of his effulgence, and, without authority, presuming to act and speak in his name. But he was, also, on that floor, the humble representative, in part, of the people of Pennsylvania; and, if he understood their interest, and knew their will, on questions of mere expediency, he would advocate the one, and obey the other. Please or displease whom it might, he was a party man as far as conscience would permit. He abhorred and condemned alike a captious opposition and a blind and sycophantic devotion to any administration.

He desired to examine this matter a little further. He had another statement, made out by the same officer, from the files of the Senate, which showed that there have also been presented to the Senate, from Pennsylvania, resolutions and proceedings of thirty-five meetings of the people in their primary assemblies; also eleven corporate bodies, and resolutions and proceedings of one general State convention; making in all forty-seven, all recommending that the public deposites be restored: and on the other side there have been only resolutions of twelve meetings of citizens opposed to the restoration presented to the Senate from Pennsylvania.

Supposing the question be tested exclusively on party ground, and let the friends of General Jackson only be heard, he was certainly within bounds when he said, that, of the 38,700 petitioners, there were at least 8,000 of them General Jackson's sincere friends, and very many of them his most active supporters; and several of them, as well as himself, were members of the electoral college in 1832, and gave him their votes. Then we have 8,000 against 571; about fourteen Jackson men in favor, to one Jackson man opposed to the restoration. So, consider it

in what light you please, either as a question of general expediency, or as purely a party question, his vote was correct, if the will of the people, as expressed, was to be considered at all binding upon the representative. He had conscientiously listened to the complaints of the people; and, if that be treason, let his enemies make the most of it.

PENNSYLVANIA AND KENTUCKY MEMORIALS.

Mr. CLAY said that he rose to discharge a duty in presenting certain memorials which had been intrusted to him. The honorable Senator from Pennsylvania had used language, and sentiments, in reference to the course which he intended to pursue, which reflected the highest honor upon him; and if that gentleman had waited a few moments, he would have the opportunity of swelling considerably the number of those citizens of Pennsylvania, who had transmitted hither their disapprobation of the acts of the Executive.

Mr. C. said he was charged with the presentation of a memorial from Huntingdon county, Pennsylvania, condemning the course of the Executive in withdrawing the public deposites from the United States Bank, and expressing their desire for the establishment of a national bank. Also, a memorial from another part of Pennsylvania, highly respectable, and not perhaps much better known to the Senators from Pennsylvania than to himself, as he had not very long since passed through it. This memorial was from Cannonsburg, where there was established a seminary of learning of a very high character. In this memorial, the petitioners express also their disapprobation of the removal of the deposites, and their desire for the renewal of the charter of the bank; and also their condemnation of the protest of the President. They declare the sentiments expressed and the powers claimed in this protest, if carried out into practical operation, would convert our republican system into a despotism; and they further express, in the highest terms, their approbation of the conduct of the Senate.

He had also received similar proceedings and resolutions from two counties in Kentucky; one in the northern part of the State, near Cincinnati, which was represented in the other House by his colleague, Colonel Johnson. These proceedings indicate similar sentiments from the inhabitants of Boon county, as to the withdrawal of the deposites and the re-charter of the bank; and express also a decided approbation of the conduct of the Senate. There was a similar proceeding from Bowling Green, in the south part of the State, conveying the sentiments of a very large meeting, disapproving of the act of the President in withdrawing the public deposites, and removing the Secretary of the Treasury; and also disapproving the claims to power, set up in the protest of the President, and approving of the course of the Senate in resisting those claims.

He would ask that these memorials and proceedings be, without reading, referred to the Committee on Finance. But he could not deny to himself the present opportunity of saying, that it was now upwards of twelve months since the country had had any Secretary of the Treasury, appointed by and with the advice and consent of the Senate. We had now reached the seventh month of the session without any nomination of a Secretary of the Treasury, in pursuance of the constitution. And now we had but ten days, including this day, remaining of this long and protracted session; and he would repeat, that, up to this moment, there had been no nomination of a Secretary of the Treasury for the consideration and decision of the Senate. He would not say what was the design of the President in thus delaying his nominations; he was incapable of ascertaining the motives of the Executive; no human being could do so; but whether or not he so designed, the effect would be to delay the nomination to the last moments, and in a moment of pressure of other business, either to prevent the nomination of any Secretary, or that deliberate consideration which is necessary and becoming, concerning the nominations submitted to them by the President.

While he was up, he would also say, that it might be well, to use the language of the President, to examine whether we have had any Secretary of the Treasury, legally appointed, since September last. Certainly there had none been appointed by and with the advice and consent of the Senate. He considered it, however, doubtful whether the Secretary of the Treasury had ever been constitutionally appointed by the President.

He would briefly state the grounds on which he had come to this conclusion. By the constitution, it had been declared that the President should have power to fill vacancies happening during the recess, by granting commissions which shall expire at the termination of the next session. How was the fact? In the last days of the month of May in last year, the President had removed the Secretary of the Treasury, by placing him at the head of the Department of Foreign Affairs, and put Mr. Duane at the head of that Department. He doubted whether the President had a right to create a vacancy which had not actually happened. That point, however, he was not now disposed to stir again. The President appointed the Secretary about the 30th May, and in making that appointment, he gave him, in conformity with the provision of the constitution, a commission, on the face of which it was stated that it would expire at the termination of the next session. Thus Mr. Duane passed into office, the tenure of which had been fixed by the constitution, the commission being made out to expire at the end of the next session. Now, it had been contended on this floor that, if the President had sent in the gentleman now at the head of the Treasury for confirmation, and he had been rejected, he would have still had a right, under his commission, to remain in office until the termination of the present session. Now, if the constitution was binding, in this provision, on the Senate, it was also binding as respected the President. It must be equally obligatory on all. How then could the President derive the power, after giving to Mr. Duane a commission which would not expire until the end of the session, to turn Mr. Duane out, and to give to Mr. Taney a similar commission? What part of the constitution had given him this power? Was it the power of dismissal? He did not now mean to call up a discussion on this point, and he regretted the impossibility of taking up the resolutions which he had offered some time ago, at the present session, pledging himself, should he be here at another session, to call them up then; but he meant to ask if the power of dismissal, as it existed, was an express power to be found in the constitution in so many words. It was an implied power, a power deduced, and not a power expressed. If it was an implication, were gentlemen prepared to maintain their proposition in an implied power, and, in his opinion, doubtfully implied, to change the duration of the officer's term from the time specified in the commission? Gentlemen might assume the ground that it was strange that the President should have the power to discharge a Secretary of the Treasury at his pleasure, and yet should not have the power to discharge a Secretary while the term of his commission was unexpired. But if the provision of the constitution be specific and obligatory, it was not for gentlemen to reason away that provision, but to comply with it. They could not show that the power of dismissal could set aside a declaration of the constitution that the commission of a Secretary appointed during the recess, should continue until the termination of the next session.

The clause in the constitution was unconditional. The President shall fill up vacancies by commissions which shall expire at the end of the next session. How, then,

could he exercise the power to terminate one of these commissions at an earlier period, however he might differ from the officer in opinion?

If he was right in these views, the solicitude manifested by the memorialists, as to the alarming condition of the United States, was entitled to attention. He would not, however, consume any more of the time of the Senate, but would conclude with asking a reference of the memorials.

The memorials were then referred, and ordered to be printed.

KENT COUNTY (R. I.) MEMORIAL.

Mr. KNIGHT rose and said: Mr. President, I am requested to present the memorial of upwards of 400 inhabitants of the county of Kent, in the State of Rhode Island. They state that this county contains a population of upwards of twelve thousand inhabitants; that more than half the population are agriculturists; that they have numerous manufacturing establishments in all parts of the county, furnishing ready markets for the productions of the farmer, and employment for the laborer. As the business of the manufacturer declines, the market and employment decline also. If the manufacturing business is ruined, all feel its loss. The memorialists speak of the currency of the country, and of the vast importance a sound and stable currency is to them, and pray Congress to adopt such measures to sustain the currency as experience and sound legislation may dictate; and also a restoration of the deposites to the United States Bank.

Sir, the manufacture of cotton, which has given such an impetus to industry, and to commerce and agriculture, was early established in this county. The second cotton-mill erected in the United States, was erected in this county. From this little beginning (and little it was) more than seventy-five thousand spindles, with their workshops, machinery, and villages, have sprung into being in this county alone—and I wish it were in my power to cheer them on, and to assure them of a fair prospect of their industry meeting its reward. Not even the last prayer of the memorialists can be looked to with any hope. The House of Representatives has already placed its veto on the resolution of the Senate, directing the deposites to be made in the United States Bank, after the first of July next.

But, sir, there is a gleam of hope held out to them. It is said the distresses of this country has attracted the attention of Rothschild and other capitalists of Europe, who are now transmitting funds to this country, to be invested in such stocks as shall afford them a better and greater profit than they can obtain at home. I am willing, sir, to receive this little aid, and hope it will, in some measure, relieve our citizens from some of their embarrassments.

It is also said, more specie was imported into the country within the last year than in former years. This, sir, to my mind, is the natural tendency of things in the commercial world. Whenever bullion or specie is of greater value in one country than another, it will find its way to that country until an equilibrium is produced. If specie is very scarce in this country, and will pay a better freight than other merchandise, it will be brought here in preference to other merchandise, paying less freight. A merchant will never bring specie when he can make a larger profit by bringing coffee, tea, or other merchandise, and he will not bring coffee or tea if he can make more by bringing specie. So, on the contrary, when specie is of greater value in Europe than in this country, it will be shipped there, notwithstanding the great hazard and dangers that a cargo of specie (if it may be called a cargo) may be exposed to on the high seas. We all know there is more danger in a shipment of specie than other merchandise. Pirates and freebooters seek for it, when other merchandise might pass in safety.

Sir, it is also stated that less specie was exported the last year than usual. The increased importation has been partly attributed to its great value here, and the exportation has been lessened in part by the same cause. But, sir, the operations of the United States Bank is another cause why it has not been exported. It is now known, that, instead of shipping specie to Europe, and even to Canton, as used to be the practice of merchants, the bills of the Bank of the United States are sent—they answer all the purposes of specie in Canton—they pay for cargoes there—thence are sent to Europe, and thence to this country, performing all the purposes of specie; leaving the specie in this country to perform the office of a circulating medium, or as the basis of a paper currency.

Sir, there is another cause, still greater, why specie has not been exported, and that is, the establishment and support of manufactures. If we manufacture for ourselves, we are not under the necessity of sending specie to Europe to purchase the cotton and woollen cloths, axes, spades, shovels, and other things we need and consume, as we must do were we not manufacturers. If our surplus produce is not paid for in manufactures of other countries, it will be paid for in specie, and the specie will be imported, and not the manufactures of foreigners. This appears to me to be a great cause of specie remaining in the country.

But, sir, if we compel manufacturers to abandon their business, we must import similar productions; and, if we import all the manufactures we consume, it will take much of the specie of the country to pay for them.

I move, sir, that the memorial be printed, and referred to the Committee on Finance. Agreed to.

GENERAL APPROPRIATION BILL.

On motion of Mr. WEBSTER, the bill making appropriations for the support of Government for the year 1834, was taken up.

A long discussion then took place, on a motion by Mr. PRESTON to postpone the consideration of the bill until Tuesday next.

In this debate, Mr. PRESTON, Mr. WEBSTER, Mr. FORSYTH, Mr. CLAY, and Mr. GRUNDY participated.

Mr. PRESTON then withdrew his motion to postpone.

The Senate then proceeded to consider the amendments reported by the Committee on Finance.

Several intervening amendments having been agreed to—

The last amendment was arrived at, which proposes to strike out the second section (including the clause in relation to the compensation of officers of the customs) and insert in lieu thereof the following:

And be it further enacted, That the Secretary of the Treasury be, and he is hereby authorized to pay to the collectors, naval officers, surveyors, and their respective clerks, together with the weighers and markers of the several ports of the United States, out of any money in the Treasury not otherwise appropriated, such sums as will give to the said officers, respectively, the same compensation in the year one thousand eight hundred and thirty-four, according to the importations of that year, as they would have been entitled to receive if the act of the 14th of July, one thousand eight hundred and thirty-two, had not gone into effect; and that the clerks employed by the respective collectors, naval officers, and surveyors, together with the markers of the several ports, shall be paid for the year one thousand eight hundred and thirty-three, as if they had been specifically included in the third section of the act of the second of March of said year, entitled "An act making appropriations for the civil and diplomatic expenses of Government for the year one thousand eight hundred and thirty-three:" *Provided*,

however, That in no case shall the compensation of weighers, gaugers, markers, or appraisers, whether by salaries, fees, or otherwise, exceed the sum of two thousand dollars each per annum; nor shall the union of any two or more of these officers in one person, entitle him to receive more than the sum of two thousand five hundred dollars per annum: *And provided, also*, That no officer shall receive under this act a greater annual salary or compensation than was paid to such officer for the year one thousand eight hundred and thirty-two.

Mr. WEBSTER, in support of this amendment, gave a brief explanation of its provisions; and, after discussion by Messrs. CLAY, WEBSTER, SILSBEE, and WRIGHT,

Mr. PORTER, after some remarks, proposed an amendment to the amendment, providing that the number of officers of the customs shall not be increased; when, after debate,

On motion of Mr. FORSYTH, the Senate adjourned.

[The following are the remarks of Mr. SILSBEE in the debate on the last amendment to the above-mentioned bill, being the only notes taken of the brief and desultory conversation which grew out of the various propositions to amend by the Committee on Finance:]

Mr. SILSBEE said, that he had, for some time past, believed the existing rates of pay of the officers of the revenue to be so unequal as to call loudly for revision; and that, under this impression, he presented to the Senate, two years ago, a resolution calling for such information as would enable the Senate to revise the acts by which this pay is established, and that he was informed, towards the close of the last session of Congress, by the then Secretary of the Treasury, that such information had been collected, as would enable him to make a report upon the subject at the commencement of the present session. But, finding on my arrival here in December last, (said Mr. S.,) that the information on this subject, which had been collected by the Secretary, had been destroyed by the burning of the Treasury office, I offered a resolution, early in this session, directing an inquiry by one of the committees of this body, whether any, and, if any, what alterations might advantageously be made either in the amount or mode of payment of these officers. This inquiry led me (as a member of the committee to which the resolution referred) to an examination which, though it has not yet afforded sufficient information to found a report upon, has convinced me that there is even a greater necessity for a revision of the existing laws upon the subject than I had anticipated; and my principal object in addressing the Senate at this time, is to communicate some of the information which this examination has afforded me; but, before doing this, I am induced to say, that the Committee on Finance of the last session, (of which I was a member,) were, according to my recollection, induced to recommend that provision of the general appropriation bill of the last year to which my colleague has alluded, (and which does not, I think, differ materially from a part of the amendment which he has reported to the bill now under consideration,) by a belief that, without such provision, some of the principal officers of the revenue would get but little pay for their services for that year, in consequence of the decrease of duties on a number of articles, and admission of some others free of duty, under the act of July, 1832, which would cause a considerable reduction of their emoluments, and which could not, at that late period of the session, be otherwise provided for; and, (said Mr. S.,) the reasons which influenced me to sustain that provision at that time, will induce me to vote for the similar provision now reported by the committee, with a hope, however, that, before the close of another session, some act will be passed upon this subject, of a permanent character.

That part of the amendment now under consideration, which fixes the *maximum* of emoluments to some of these officers, is, in my judgment, (said Mr. S.,) preferable to the provisions of the second section of the bill, for which this part of the amendment is offered as a substitute. The second section of the bill provides that "in no case shall the compensation, by salary, fees, or otherwise, be permitted to exceed—of a collector, $3,000 per annum; of surveyors and naval officers, $2,500; and of weighers, gaugers, markers, appraisers, and all others connected with the collection of the customs, $2,000 per annum."

By the existing laws, the emoluments at seven of the collection districts are limited to $4,000 for the collectors, $3,000 for the naval officer, and $2,500 for the surveyor. At all the other districts they are limited to $3,000 for the collector, $2,500 for the naval officer, and $2,000 for the surveyor. And, by the amendment, the emoluments of the weighers, gaugers, measurers, markers, and appraisers, are limited to $2,000 per annum; except when two or more of these officers are united in one person, who may, in such case, receive $2,500. So that the only difference between the bill and the amendment, in relation to these limitations, is, that by the bill no collector can receive more than $3,000, and no naval officer or surveyor more than $2,500; but by the existing laws, seven collectors may receive $4,000 each, and seven naval officers $3,000 each; which limitations are not disturbed by the amendment: and where the weighers, gaugers, measurers, or appraisers, discharge the duties of more than one officer, they may, by the amendment, obtain $2,500 per annum.

Believing, as I do, said Mr. S., that $3,000 is not enough, and that $4,000 is not too much, for the collector of such a district as that of New York, I prefer the amendment to the second section of the bill, and shall give it the support of my vote.

I will, now, said Mr. S., communicate, as concisely as I can, the information which I have gathered in the examination of this subject, to which I have alluded.

The act which may be considered the basis of the present rates of pay to most of these officers, is that of March 2, 1799, and the pay established by that act is as follows: to some of the collectors, fees and commissions varying from ¼ of 1 per cent. to 3 per cent.; and, to the other collectors, fees and salaries varying from $100 to $1,600; to naval officers and surveyors, fees, or fees and salaries, to inspectors $2 for every day "actually employed;" to measurers 30 cents per 100 bushels of grain, 50 cents per 100 bushels of salt, and 60 cents per 100 bushels of coal. For weighing and marking, 1¼ cent per 112 pounds in Boston, New York, Philadelphia, Baltimore, and Charleston; 1½ cent per 112 pounds in Norfolk, and two cents per 112 pounds in any of the other districts. For gauging and marking, eight cents per cask, three cents per case upon wine or spirits, and one cent per dozen for counting bottles of beer, &c.

By the act of April, 1802, it is provided that no collector shall realize a higher pay than $5,000; no naval officer more than $3,500; and no surveyor more than $3,000. By the act of April, 1816, fifty per cent. was added to the pay of inspectors, weighers, gaugers, and measurers, as established by the act of March, 1799; making the present rate of compensation, to inspectors $3 per day; to measurers 45 cents per 100 bushels of grain, 75 cents per 100 bushels of salt, and 90 cents per 100 bushels of coal; for weighing and marking 1⅞ cents per 112 pounds at Boston, New York, Philadelphia, Baltimore, and Charleston, 2¼ cents per 112 pounds at Norfolk, and 3 cents per 112 pounds at all the other districts; for gauging and marking 12 cents per cask, 4½ cents per case of wine, &c., and 1½ cents per dozen for counting bottles of beer, &c.

By the act of May, 1822, the emoluments of the collect-

ors, naval officers, and surveyors at Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, and New Orleans, were limited to $4,000 for the collector; $3,000 for naval officers, and $2,500 for surveyors; and at all the other districts, they were limited to $3,000 for the collector; $2,500 for the naval officers, and $2,000 for the surveyors; and these are the existing limitations to the emoluments of these officers. The naval officers and surveyors are paid by fees, or fees and salaries; some of the collectors by fees and commissions, others by fees and salaries—the rate of commissions to the collectors varying from 3 per cent. to one-sixth of one per cent. Of this class of officers there are now in the public service, 96 collectors, 13 naval officers, and 51 surveyors. Of the 96 collectors, 11 of them receive each $5,000 and over, 5 of them receive from 2 to $3,000, 21 of them receive from 1 to $2,000, 30 of them from 500 to $1,000; and 29 of them receive under $500 each, per annum. Of the 13 naval officers, 4 of them receive each $3,000; 1 receives $2,175; 3 of them from 1 to $2,000 each; and 5 of them from 500 to $1,000 each. Of the 51 surveyors, 4 of them receive over $2,000 each; 5 of them from 1 to $2,000 dollars; 9 of them from 500 to $1,000; and 33 of them under $500 each.

The emoluments of some of the subordinate officers exceed those of *any* of the superior ones, and the emoluments of a large number of the subordinate officers exceed those of many of the superior ones. For instance, there are four of the weighers, gaugers, and measurers, the pay of each of which, for the last year, exceeds that of any one of the collectors, viz: In Philadelphia a weigher received $6,079; in New Orleans a weigher received $6,403, a gauger $5,822, and a measurer $4,835; while the highest rate allowed to any collector is $4,000. I think, said, Mr. S., that, after the collectors, the appraisers may be considered amongst the next most important officers of the revenue. No appraiser (except three of those at New York, who get $2,000 each) can receive more than $1,500 per annum, but there are 54 weighers, gaugers, measurers, and markers, who received, last year, $149,995, equal to $2,777 each, and nearly double the rate of pay of appraisers. There are 29 of these officers whose pay, the last year, equals that of 37 of the highest paid collectors; and there are 37 of these officers whose pay exceeds the 37 highest collectors by $32,548; there are only 12 collectors whose pay exceeds the average of these 54 weighers, gaugers, measurers, and markers.

The business of "marking" is, by law, a part of the duty of the weigher and the gaugers, and included in the rate of pay allowed to them; but, in two or three of the largest districts, it is made a distinct duty, with distinct pay, from that of weigher and gauger; but by what authority I have been unable to discover.

Inspectors are entitled to three dollars per day for "every day he shall be actually employed;" and this provision of the law seems to be generally complied with in the smaller districts; but in the larger districts every inspector (and at the port of New York there are 127 of them) receives three dollars per day for every day in the year, or $1,095 per annum.

There should, certainly, be a sufficient number of officers, in each and in every port, to enable them to discharge all the duties which may devolve on them, in such manner as to prevent any unnecessary delay to those who have business to transact with the custom-house; but it seems to me, said Mr. S., to be hardly possible that 127 inspectors can be "actually employed" at New York every day in the year. Of these officers, there are 273 who receive $1,095 each, or $3 per day the year round, and 20 more who receive but a fraction short of $1,095; making 293 who received, last year, $319,802, or over $1,092 each; being a higher rate of pay than was received by nearly two-thirds of the collectors. A deputy inspector at Philadelphia is reported to have received, last year, $3,481; and the surveyor of that port seems to have received $2,900; when, by the act of May, 1822, no surveyor is to receive more than $2,500.

In the list of revenue officers in the "Blue Book," there are a number of names against which the pay is not stated; but there are 1,271 officers whose pay is given, and that pay amounts to $1,035,191 60; which is rather over $814 per man.

Mr. S. made the following statement of the number of weighers, gaugers, measurers, inspectors, accountants, and clerks, employed in each of the six principal collection districts, in the years 1824, 1828, and 1833, and their pay in 1833:

	1824	1828	1833	PAY IN 1833.
				Dolls. Cts. Dolls. Cts.
AT BOSTON.				
Weighers and Gaugers,	7	8	7	26,003 67, or 3,714 81 each
Measurers,	6	5	5	12,280 70, or 2,456 14 do.
Inspectors,	20	22	25	1,095 each.
Accountants & clerks,	11	11	11	700 to 1,000 each.
Markers,				
Watch,				
NEW YORK.				
Weighers,	9	13	14	26,679 58.
Gaugers,	6	6	8	14,483 30.
Measurers,	13	12	13	18,462 47.
Inspectors,	55	63	127	1,095 each.
Accountants & clerks,	29	50	94	500 to 1,050 each.
Markers,	–	–	9	1,095 to 4,331 57 each.
Watch,	–	–	31	547 50 each.
PHILADEL'A.				
Weigher,	1	1	1	6,097 49.
Gaugers,	1	2	2	1,547 17 each.
Measurers,	4	4	3	1,247 76 do.
Inspectors,	21	35	39	1,095 00 do.
Accountants & clerks,	13	13	14	600 00 to 1,000 each.
Markers,				
Watch,	–	–	2	360 each.
BALTIMORE.				
Weigher,	1	1	1	1,667 25.
Gauger,	1	1	1	1,317 75.
Measurer,	1	1	1	2,674 17.
Inspectors,	18	20	17	1,095 00 each.
Clerks,	4	4	5	700 00 to 1,000 each.
Marker,	–	1	1	360 00.
Watch,	–	–	4	360 00 each.
CHARLESTON.				
Weigher,	1	1	1	2,808 39.
Gauger and Inspector,	1	1	1	1,095 00.
Measurers,	1	1	2	1,095 00 to 3,972 97.
Inspectors,	26	4	14	1,095 00 each.
Clerks,	6	4	4	350 00 to 1,000 each.
Marker,				
Watch,				
N. ORLEANS.				
Weigher,	1	1	1	6,403 01.
Gauger,	1	1	1	5,822 30.
Measurer & Marker,	–	1	1	4,835 34.
Inspectors,	11	13	11	1,095 00 each.
Clerks,	4	5	9	600 00 to 1,500 each.
Watch,				

Whole number of officers in each of the four largest districts, and amount of their pay, viz:

	1824.		1828.		1833.	
	Officers.	Pay.	Officers.	Pay.	Offi.	Pay.
At Boston,	93	88,830 dolls.	100	87,693 dolls.	70	102,360 dolls.
New York,	133	127,975	174	174,712	322	335,888
Philadelphia,	50	60,123	65	83,785	75	92,259
New Orleans,	31	37,068	39	49,674	38	61,125

Amount of commissions and fees received by the collectors at each of the four principal districts, in the year 1833, showing about the quantity of business done at each of them, viz.

At Boston,	$20,238	
New York,	- - - -	54,517
Philadelphia,	19,918	
New Orleans,	23,594	
	$63,750,	being

one-sixth more than at New York.

	At Boston, Philad., & N. Orleans.	*At N. York.*
No. of inspectors,	75	127
Clerks, &c.	34	94
Weighers, gaugers, meas'rs,	21	35
	130	256

By which it appears that at Boston, Philadelphia, and New Orleans, where the amount of commissions and fees were one-sixth greater than at New York, only about half as many of these officers were employed.

Mr. S. said, that since the present rates of pay of the officers of the revenue were established, the business of many of the districts had changed; in some of them it had greatly increased, and in others it had as greatly diminished; that his object in making these statements was to show the great inequality, and, as he thought, injustice of the present rates of pay to these different officers—the different apportionment of the business, and of its emoluments, in different districts—and the necessity of an early revision of the existing laws upon the subject.

THURSDAY, JUNE 19.

TOULON ACCIDENT.

A message was received from the President of the United States, transmitting despatches received from our minister to France, covering a letter from Capt. Ballard, of the frigate United States, detailing a fatal accident, which led to the death of some French seamen, in firing a salute, three of the ship's guns being charged with ball. The message recommended Congress to grant pensions to the heirs of the deceased, and to the wounded seamen, at the same rate as is allowed in similar cases in the naval service of the United States.

Mr. WAGGAMAN moved to refer the message and documents to the Committee on Naval Affairs; but withdrew the motion at the suggestion of a member of the Committee on Foreign Relations, and moved to refer it to that committee.

Mr. CLAY observed, that he had conversed with the chairman of the Committee on Foreign Relations, on the subject of this message of the President; and, from this conversation, and other considerations, he had arrived at the conclusion that the most proper reference would be to the Naval Committee, as first proposed by the gentleman from Louisiana. On hearing the message read, he perceived that the President recommended the same provision to be made for the families of the two unfortunate French seamen, as the laws provided for the families of our seamen killed in action. Mr. C. heartily accorded with this recommendation of the President, and hoped it would be carried into effect by the two Houses of Congress: but he still thought that the most proper reference would be to the Committee on Naval Affairs, as they were most conversant with the principles on which allowances are granted to the widows and orphans of deceased seamen, and can, therefore, frame a bill to suit this peculiar case. He had heard that there was, on this unfortunate occasion, an unpardonable negligence on the part of the gunner of the American frigate, and that he had been put in irons, and, at the last accounts, was awaiting his trial. Be this as it may, it was impossible for any one yet to say who was to blame; but he had no doubt, if there was culpable neglect of duty on the part of any one in the American frigate, it would meet with condign punishment.

Mr. WAGGAMAN assented to Mr. CLAY's suggestion, and, on his motion, the message was referred to the Committee on Naval Affairs, and ordered to be printed.

SIGNERS OF THE U. S. BANK MEMORIALS.

The CHAIR communicated an additional report from the Secretary of the Senate, made in compliance with a resolution of the Senate, showing the number of signers to the various memorials presented to the Senate of the United States, on the subject of the national finances, and the expediency of a national bank, for and against the measures of the Executive on these subjects; and, on motion of Mr. CLAY, to print them for the use of the Senate,

Mr. FORSYTH asked for the reading of the Secretary's report; and the report having been read,

Mr. FORSYTH said his object was to ascertain from the Secretary whether any attempt had been made to purge these memorials, to learn how many signatures were to be found on different sides. Memorials and counter-memorials had been sent in, in both of which, in many instances, the same names were to be found. He recollected the many memorials from Philadelphia, coming from classes, separated into merchants, mechanics, professional and business men, and young men also, like the stage-players, where one man represents several different characters. There was another circumstance, also to be taken into consideration, and that was, the natural disposition of human nature to complain. Those who were satisfied with the present state of things were not so apt to come before Congress with complaints as those in the opposition, whose object is to magnify imaginary grievances. The largest meeting, he believed, from which a memorial had come was the one at Baltimore, and that was against the bank. Mr. F. said, he would not, however, oppose the printing, though he believed it perfectly unnecessary. The Senate might take the question, and decide as it pleased.

Mr. CLAY said, it was somewhat remarkable that the honorable Senator, though he thought the petitions and memorials which had been presented to the Senate were no test of public opinion, and were of very little value, should have taken so much pains to blunt the effect of the hundred and fifty thousand names of individuals who had solicited relief. If it was worth nothing, the honorable Senator had better reserve his speech for a more suitable occasion than the present. What! was the right of petition worth nothing? Was it of no consequence to honorable Senators that thousands of their fellow-citizens should send to them petitions and memorials, complaining of an act of Executive authority? Why, the honorable member had said, that there were a great many of his friends who would have come here, but they were apprehensive lest they should find unwilling ears. Now, who could believe it? Why, then, did they not go to the House? What sort of ears would they find there? Honorable Senators knew, that, in point of fact, memorials had generally been in duplicate, and the same number had been sent here as to the other House. Why not go there? But the honorable member had said there were many instances in which the names of those whose petitions had been presented here did not appear. So there were, and he (Mr. C.) wished that all of them could be obtained. In proof of

what the honorable Senator had said, he alluded to the Philadelphia meeting, which was attended by 15,000, and the Baltimore meeting, consisting of 6,000. Now, he (Mr. C.) believed that there was a much less number at Baltimore, and a greater at Philadelphia. That, said Mr. C., would make our number 165,000, and the honorable Senator's 23,000.

So far from petitioning and memorializing Congress being no proof of public opinion, he (Mr. C.) considered it one of the best tests of public opinion, next to the evidences which the ballot-boxes afford, and that the honorable Senator would get too soon for his comfort. "The Campbells were coming," and the gentleman would hear next fall what evidence the ballot-boxes afforded of public opinion. Now, the honorable Senator asked seriously the question, whether the Secretary had purged the memorials? He (Mr. C.) would ask the honorable Senator seriously, whether he expected an answer? What did they know as to the course the gentleman's friends pursued in Philadelphia? There was a petition got up in Philadelphia relative to a glass factory, and some of the honorable Senator's friends abstracted a part of the list of names attached to it, and tacked it to a memorial in favor of the removal of the deposites. He (Mr. C.) would repeat his wish, that all the names could be had. If, however, they could be obtained, the gentleman would find himself in a much more slender minority than at present.

With regard to the *figurante* of this drama, they are confined to the gentleman's own theatre. In one of the memorials from New York were to be found the names of John Doe and Richard Roe, and also the worthy name of yourself, sir, (meaning the Vice President,) who could not possibly be suspected of signing such a memorial, and certainly a great many others that were improperly affixed to petitions. Purge the memorials! The Senator might as well try to purge the General Post Office. It could not be done: he (Mr. C.) wished it could. Why, if the memorials were purged, the honorable gentleman's 17,000 names would be melted down to 6,000. He (Mr. C.) was glad to see that, worthless as the names were alleged to be by the honorable Senator, he was willing to allow them to be printed. Mr. C. begged to tender him his most profound acknowledgments, and trusted that the names would be printed. After the order for printing should have been taken, he would then move that another thousand should be printed.

The question was then taken, and the printing of the report was ordered.

On motion of Mr. CLAY, it was ordered that an extra thousand copies of the report be printed.

COMPENSATION TO Mr. E. R. POTTER.

Mr. CLAYTON, from the Committee on the Judiciary, to whom was referred the resolution providing for the compensation of the Hon. Elisha R. Potter, reported the same to the Senate, with a request that the committee be discharged from the further consideration of the subject.

Mr. C. then explained the reasons why the committee reported against the allowance of compensation to Mr. Potter.

After some conversation between Mr. WRIGHT, Mr. KING of Alabama, and Mr. CLAYTON, upon a point of order, the committee were discharged.

Mr. WRIGHT then submitted an amendment to the resolution, with a view of testing the sense of the Senate as to the allowance of pay to Mr. Potter, instructing the Committee on the Judiciary to report a bill making the allowance, upon which he asked the yeas and nays; which were ordered.

Mr. CLAY and Mr. CLAYTON opposed the amendment.

Mr. WEBSTER thought Mr. Potter was entitled to one day's pay and mileage, which ought to be provided by law.

Mr. WRIGHT briefly supported the amendment.

Mr. KNIGHT was in favor of allowing an equitable compensation to Mr. Potter, to be provided for in an appropriation bill.

After some further remarks from Mr. BIBB, Mr. KNIGHT, Mr. CLAY, and Mr. TALLMADGE, the question on the resolution, as amended, was determined in the affirmative, by the following vote:

YEAS.—Messrs. Benton, Bibb, Brown, Chambers, Grundy, Hendricks, Hill, Kane, King of Alabama, Knight, Linn, McKean, Moore, Morris, Preston, Robinson, Shepley, Silsbee, Tallmadge, Tyler, Waggaman, White, Wilkins, Wright.—24.

NAYS.—Messrs. Bell, Black, Clay, Clayton, Ewing, Forsyth, Frelinghuysen, Kent, King of Georgia, Leigh, Mangum, Naudain, Poindexter, Porter, Prentiss, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, Webster.—22.

FRENCH SPOLIATIONS PRIOR TO 1800.

The special order being the bill to provide for the indemnification of American citizens who had suffered by French spoliations previous to the year 1800, was then taken up for consideration.

Mr. FORSYTH moved to postpone the consideration of the bill to the next session of Congress; saying that the attempt to pass it this session was utterly hopeless.

Mr. WEBSTER did not think the attempt hopeless, and he trusted the friends of the bill would now give it due consideration.

Mr. CHAMBERS expressed a similar opinion, and said the bill stood as good a chance of passing through the other House now, as if it had been presented months ago.

Mr. TYLER said this was a very important bill; the principle involved was important, and he considered the subject entitled to the most mature consideration of the Senate; now, whether Senators would take it up at this late period of the session, was for them to decide. He believed the claims did not stand upon any sound foundation, and when the time of the final passage of the bill arrived, he should express his reasons for voting against it.

Mr. CALHOUN hoped the bill would be postponed. If this were not done, a discussion would certainly take place upon it; and the Senate had not now one moment to spare for such a purpose. The only object in taking up the bill at this time was, to procure the sanction of the Senate by a vote—and he submitted whether Senators were prepared to give a vote upon the subject. The principle upon which the bill was urged, would lead to an expenditure of thirty millions of dollars; and would induce a debt half as large as that of the Revolution. The question was one which demanded the greatest deliberation; and he ventured to say, that, beyond the committee, not a single Senator had bestowed the least attention upon the subject.

Mr. SPRAGUE said, the bill was no new thing; reports had been made upon it from many committees, and only one of these reports had been opposed to it. The subject had been up for many years; the opinions of all were fixed in regard to it; and he was content to take a vote upon it now. There were thousands of claimants under this bill; and their claims were as clear as any that were ever due between man and man. He hoped the matter would now be settled: and to prevent the expenditure of time in discussion, he would recommend that the friends of the bill should say as little as possible, suffering the opposite party to say as much as they pleased.

Mr. POINDEXTER was one of those who implored the Senate to defer an adjournment, till they could see the absolute condition of the business before the Senate; but he had been overruled by his friends, who were desirous

of adjourning at once. They had now nearly arrived at the close of the session, with the Post Office, the general appropriation bill, and much other important business, still before them. This was a question of great importance, and the claimants had suffered by a long delay; but Mr. P. had not examined the case fully; he had not made up his mind on the subject; and he thought the time spent upon it would be precious time thrown away, which could not be spared from other important business. Mr. P. would therefore reluctantly vote to postpone the subject.

Mr. BIBB, also, had not had time fully to examine the subject, and he thought it would take him some time to make up his mind on the right or wrong of the question. The provisions in the treaty of 1800, in relation to these claims, had been expunged, and later treaties had not provided for this description of cases. The question of indemnity rested on the course which the United States had pursued in relation to these claims; and if, on an examination of national law, Mr. B. should be convinced of the justice of the claims, he should be disposed to vote in their favor. The great amount of the claims could not alter the principles involved in the question, but it imposed on him the task of examining the subject with more care and diligence. It was not pretended that there would be any compromise on the claims; if part of them were allowed now, they must be all ultimately allowed. In the present hurry of business, he was, therefore, in favor of a postponement.

Mr. CLAY would express his thorough conviction that the claimants had a right to indemnity to some extent, a right which was founded on the principle, that a sacrifice had been made of their property, for the advantage of the United States, by obtaining from France a relinquishment of the guarantee made by the United States in the treaty of 1779, to the possession by France of the West India islands. On that ground the United States had yielded up these claims on account of spoliations. These claims, being once relinquished, the United States could not again set them up against France; the claimants therefore had a just right to compensation to some extent, from the United States; and that extent must depend on the estimated value of their chance, prior to 1800, of ultimately obtaining indemnity from France. To this, at least, a satisfactory appropriation might be made. But, under present circumstances, Mr. C. thought it was better to defer the subject till the next session.

Mr. CHAMBERS reminded the Senator from Kentucky, that he (Mr. C.) had brought this subject forward early in the session, and had delayed it for the purpose of permitting the consideration and passage of his resolutions; and to what extent this was a generous return, Mr. C. would refer to his own candor.

Mr. CALHOUN would have examined this case with great care, if he had supposed that it would be taken up the present session. But he had not sufficiently examined it, and other Senators were also in want of information; he therefore hoped it would not now be pressed.

Mr. BENTON alluded to documents in relation to this subject, which had been recently published by order of the Senate; he had not read them, and at present there was not time to read them.

Mr. WEBSTER did not expect that public necessary business should give way to this, but he insisted that there was no propriety in giving any other private business a preference. The settlement of the question had been long delayed; the parties were growing old, many were dead, and were represented by their wives and children; the claims were just—the next session would be short, and he therefore hoped that the measure would be now permitted to proceed. He thought the examination might be made with very great readiness.

Mr. TALLMADGE remarked, that his constituents also were interested in this subject; but he had not examined it sufficiently, and as the measure would not pass the other House at this session—[Mr. WEBSTER said he did not believe it.] Mr. T. said it was his belief, and for these reasons he was in favor of a postponement. If he now voted, he should vote against the bill.

Mr. SPRAGUE thought that if the Senator would turn his attention to this subject till to-morrow at 11 o'clock, he would be entirely satisfied as to these claims. They did not require an extensive investigation—the principles were plain—and were those of common honesty.

The reason why there had been no treaty providing for these claims was, that, according to the decision of a judicial tribunal, they had been released by the United States in the treaty of 1800. If this had not been done, indemnity would have been provided for under that treaty.

Mr. TYLER denied that the case was very plain in favor of the claimants. The case would open all the questions of national law. When the convention sat, the case was reported to a committee of the Senate, and they reported against it. Another communication was afterwards made to another committee of the Senate, and that committee made a report corresponding with that of the former. The votes in the House of Representatives were currently against the claim up to a certain time; which time he did not remember. This claim, like old wine, had improved by age, like other claims.

The question on postponing was then taken, and the result was—

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Clay, Forsyth, Grundy, Hill, Kane, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Morris, Poindexter, Porter, Robinson, Swift, Tallmadge, Tyler, White, Wright.—24.

NAYS.—Messrs. Bell, Chambers, Clayton, Ewing, Frelinghuysen, Kent, Knight, McKean, Moore, Naudain, Prentiss, Robbins, Shepley, Silsbee, Smith, Southard, Sprague, Tipton, Tomlinson, Webster, Wilkins.—21.

So the bill was postponed to the next session.

GENERAL APPROPRIATION BILL.

The Senate then resumed the consideration of the bill making appropriations for the civil service of the United States, for the year 1834.

The question being on the last amendment reported by the Committee on Finance, as recited in yesterday's debate—

Mr. SOUTHARD moved to amend the amendment, by adding the words—

"*And provided further*, That the said collectors, naval officers, and surveyors, shall render an account quarterly to the Treasury, and the other officers herein named or referred to, shall render an account quarterly to the respective collectors of the customs where they are employed, to be forwarded to the Treasury, of all the fees and emoluments whatever by them respectively received, and of all expenses incident to their respective offices, which accounts shall be rendered on oath or affirmation, and shall be in such form, and be supported by such proofs, to be prescribed by the Secretary of the Treasury, as will, in his judgment, best enforce the provisions of this section, and show its operation and effect."

The amendment was accepted by Mr. WEBSTER.

Mr. CLAY then moved to strike out all the amendment from the enacting words to the word "that," in the 58th line, so that the amendment should read:

"*And be it enacted*, That, in no case, shall the compensation of weighers, gaugers, markers, measurers, or appraisers, whether by salaries, fees, or otherwise, exceed the sum of two thousand dollars per annum; nor shall the union of any two or more of these officers in one person entitle him to receive more than the sum of two thousand five hundred dollars per annum. *And provided, also*, That no officer shall receive, under this act, a greater salary

or compensation than was paid to such officer for the year 1832"—

With the addition moved by Mr. SOUTHARD.

On this question a debate ensued, in which the proposition was defended by Mr. CLAY, and opposed by Mr. WEBSTER, Mr. CHAMBERS, Mr. WRIGHT, Mr. SHEPLEY, Mr. WILKINS, and Mr. TALLMADGE.

The motion was rested by Mr. CLAY on the enormous increase of officers in the custom-house at New York, and the general suspicion that the officers had been in the practice of contributing twenty-five per cent. of their salaries for political objects. It was contended, on the other side, that, supposing there were abuses in New York, it would be too hard to make all the custom-house officers in other ports, where there were no abuses, or suspicions of abuses, suffer because of the irregularities in New York, in the same proportion with the guilty.

Mr. CLAY finally, at the suggestion of Mr. WEBSTER, and, on his assurance that the subject should be looked into at the next session, withdrew his amendment.

Mr. SILSBEE then moved to strike out the words "weighers, gaugers, markers, measurers, or appraisers," and to insert, in lieu of those stricken out, the words "any other officers than collectors, naval officers, and surveyors;" which motion was agreed to.

Mr. WEBSTER moved an amendment, to insert an appropriation to cover sundry small claims; which was agreed to.

Mr. WEBSTER then moved, in compliance with a request from the Department of State, to increase the contingent fund for that Department, by adding $6,000 for carrying on the statistical examination ordered by certain resolutions of Congress, of February, 1833, and March, 1834; which was agreed to.

Mr. WILKINS moved to amend the bill, by adding an appropriation of $5,100 for completing a Digest of Commercial Regulations, ordered by the House of Representatives in 1831, and which has been prepared by General Smith, of Baltimore; which was agreed to.

Mr. BIBB moved to amend the bill by introducing an appropriation of $400 for recording the proceedings of the Supreme Court.

Mr. WEBSTER called the attention of the Senate to the contract made by the Secretary of State, under the law of last session, for the publication of a Documentary History of the Revolution. He stated the nature of the contract, which was for 1,500 copies folio, and might be continued to fifty volumes. The committee had sent for the contractors, and struck down the number of copies to 1,000, and limited the number of volumes to twenty, at furthest.

Mr. WILKINS made some additional remarks, corroborating what had fallen from the chairman of the Committee on Finance.

Mr. FORSYTH asked what progress in the work had been made by the contractors? He had heard that the work would cost $300,000.

After some further observations by Mr. FORSYTH, Mr. WILKINS, and Mr. MANGUM, who moved to adjourn,

Mr. WILKINS gave notice that he should to-morrow move to go into Executive business.

FRIDAY, JUNE 20.

PENSIONS TO FRENCH SEAMEN, &c.

A bill granting pensions to French subjects accidentally killed by discharging a salute from the United States frigate United States, in the harbor of Toulon, having been reported and ordered to a second reading,

Mr. SOUTHARD hoped the Senate would, by general consent, permit it to be read the second time at once, for the purpose of expediting its final passage.

Mr. BIBB moved to amend the bill, by increasing the pensions granted to twenty dollars per month, in each case. The circumstances attending the unfortunate occurrence, by which these French seamen lost their lives, were such as to call for larger pensions than were given under the regulations of the navy pension fund, which he believed were somewhere about ten or twelve dollars per month.

Mr. SOUTHARD said that the committee, in framing this bill, had taken the recommendation of the President, as perhaps the safest guide. The amounts of the pensions, to be sure, were not large, but they appeared to the committee to be as large as could be expected, from the nature of the case. He thought, however, if the pensions were to be increased, if they were not to be granted in the ordinary way, they ought not to be taken from the navy pension fund.

Mr. CHAMBERS would suggest to the Senator from Kentucky, whether it was not better not to press the second reading at this time. He threw out this suggestion that the bill might be printed before further amendments were offered. At present he doubted the propriety of taking these pensions out of the navy pension fund.

Mr. BIBB had no idea of taking this money out of the navy fund at all. A fund set apart for the peculiar benefit of American seamen, ought not to be diverted from its object on extraordinary occasions. Besides, he thought, by making the appropriation directly from the treasury, and to a larger amount than usual, it would be manifesting, on the part of the Government, a degree of sympathy and liberality suited to the object, and in conformity with the example set by the officers and crew of the American frigate, who, he learned, had promptly subscribed the sum of five thousand francs for the relief of the sufferers.

Mr. CHAMBERS also doubted the propriety of taking this money from the navy pension fund, which he conceived set apart for the peculiar use of our own seamen. He also was in favor of some amendment that would increase the amount of the pensions.

Mr. SOUTHARD said he had no solicitude whatever as to the manner in which the appropriation was made. It would make no earthly difference to the pension fund or to the treasury, from which source these pensions were to be taken; as, from the manner in which the fund was constituted, the treasury was bound to make good any deficiency that might by any means occur in it. He moved, however, to lay the bill, for the present, on the table; which motion was agreed to.

In a subsequent part of the day, the bill was again taken up; when

Mr. BIBB moved to amend the bill, by directing the pensions to be paid out of any money in the treasury not otherwise appropriated, instead of out of the navy pension fund, making the pensions double the amount paid to American seamen and their families, in cases of death or wounds in action, but otherwise directing them to be paid under the regulations of the said navy pension fund.

After some remarks from Messrs. CLAY, SOUTHARD, CHAMBERS, TALLMADGE, and MANGUM, the amendment was agreed to, and the bill was ordered to be engrossed for a third reading.

SALES OF PUBLIC LANDS.

Mr. POINDEXTER, from the Committee on Public Lands, who had been directed, by a resolution of the Senate, to inquire into certain frauds said to have been committed in the sales of the public lands, made a report thereon, in part, accompanied with sundry documents. Mr. P. said he now laid before the Senate all the evidence the committee had been able to collect during the present session. Immediately on the Senate's instituting

the inquiry, the committee had caused commissions to issue, for the purpose of collecting testimony, directed to individuals in Mississippi, which did not reach them until two months after they were sent from hence. The clerk of the committee was willing to make affidavit that he, on the first of April last, directed and put into the post office here, five letters to individuals in Mississippi, and here was an answer to one of them, dated at Clinton, June the first.

Mr. P. here read the letter, by which it appeared that the gentleman did not receive the letter directed to him until the day previous to the date of his answer. He mentioned these facts, Mr. P. said, for the purpose of explaining why the committee were unable to report in full. One of the depositions taken by the committee was from a Mr. Emanuel Rowe, a gentleman of integrity and respectability, and whose character was vouched for by the honorable James Barbour, of Virginia, and his brother, the honorable Judge Barbour. He wished this deposition to be read, in order that the Senate might have some idea of the kind of frauds that had been practised on the public at their land sales.

The deposition of Mr. Rowe was then read.

Mr. FORSYTH said that the deposition which had been read exhibited some extraordinary facts. He had no objection to printing the affidavit, and thought that the Treasury Department ought to be put in possession of the facts, in order that it might take some notice of them.

Mr. PORTER would be very unwilling that the deposition should be printed without his having made a single remark. He did not intend to impugn the general correctness of the affidavit, but with respect to one individual who was mentioned, Mr. Ellis, he was a person of great respectability and honor. He (Mr. P.) should think that that gentleman had done nothing more than put money into the hands of an individual to buy lands. Mr. Ellis was not a man who would act in such a manner as to deprive any man of an equal chance of purchasing lands.

Mr. POINDEXTER said that the honorable Senator from Louisiana would observe that there was not a word said in the affidavit against Mr. Ellis. It only represented him as the agent of the Louisiana Company. The commissions which he (Mr. P.) had forwarded to Mississippi had been detained two months, instead of arriving there in twelve days. He thought that something should be done by Government to put an end to these frauds; and he considered the suggestion of the gentleman from Georgia perfectly correct—it was right that the facts should be laid before the Department, so as to give it an opportunity of making an inquiry on the subject.

Mr. PORTER believed that the sales of the public lands offered the strongest temptations to commit frauds. He was glad to hear that there was nothing said in the affidavit impugning the character of Mr. Ellis.

Mr. KING expressed his opinion that it was utterly impossible to prevent speculators from purchasing the lands. The Government had passed laws, and every thing had been done that was thought calculated to put a stop to speculations, but all without effect. If it could be ascertained that the Government officers had participated in these frauds, then they ought instantly to be dismissed.

Mr. FORSYTH had some doubt as to the propriety of printing the documents, inasmuch as they were of an *ex parte* character. He thought they ought not to be published without first giving the persons charged an opportunity of being heard.

Mr. BLACK had no objection to the printing; but he thought that the deponent must have been, in some degree, deceived. He knew some of the persons named, and believed them to be highly respectable. If there was any such combination, and such requisition made on the settlers, he knew nothing of it. He made some explanations, to ward off suspicion of wrong from the officers of the Government, stating that there was a scheme to buy lands under fictitious names, and that it was to defeat this scheme that an immediate deposite was demanded. He (Mr. B.) had been consulted by the register, and advised this course.

Mr. POINDEXTER asked his colleague if he recollected any thing about an address to the company.

Mr. BLACK replied in the negative. He was not present.

Mr. POINDEXTER said that the committee had received the highest testimonials of the character of the deponent.

Mr. FORSYTH suggested, that, as individuals not connected with the Government, and said to be respectable, were implicated in the transactions, it might be prudent to withhhold the printing.

Mr. CLAY hoped the printing would be ordered. No one who looked at the subject, could doubt that there had been great and shameful frauds. He thought the document ought to be printed, so that every member of the Senate might be in possession of a copy. He did not despair of the practicability of preventing combinations in the purchase of lands. Gentlemen ought not to give up the subject. He saw no reason, in what had been said, that the documents ought not to be printed at present, lest injury might be done to some individuals; but he thought that the public good ought to be a paramount consideration with gentlemen. He trusted that something would be done to put an end to these frauds, and that the gentleman from Georgia would lend his assistance to effect that object.

A further conversation between Mr. POINDEXTER and Mr. BLACK resulted in an admission from the latter, that the case stated by the deponent, in which the register and receiver were involved, did not appear to be that in which he had been consulted.

The printing was then ordered.

On motion of Mr. WILKINS, the Senate proceeded to the consideration of Executive business; and, when the doors were opened, adjourned.

SATURDAY, JUNE 21.

GENERAL APPROPRIATION BILL.

On motion of Mr. WEBSTER, the general appropriation bill was taken up, with a view of acting upon the amendments. Mr. W. said, that after the amendments of the committee had been gone through, with such others as might be proposed by members, he would move to postpone the bill until Monday.

Mr. KNIGHT submitted an amendment, authorizing the construction of a small building, to be connected with the wall of the custom-house at Providence, Rhode Island, to be paid for out of the sum appropriated for the custom-house; which amendment was agreed to.

Mr. HENDRICKS submitted an amendment to provide for the construction of a permanent and conspicuous landmark, on the line dividing the States of Indiana and Illinois, on a point near lake Michigan; and

Mr. WEBSTER, at the request of the Department of State, submitted an amendment, appropriating $92 50 for a balance remaining due for the publication of the Diplomatic Correspondence of the United States, from the peace of 1783 to the 4th of March, 1794; which amendments were also agreed to.

Mr. FORSYTH moved to amend the bill, by striking out the appropriation for the Documentary History of the United States, to be published by Peter Force and Matthew St. Clair Clarke, under a contract with the Department of State, made in pursuance of the act of Congress of March, 1833, and to insert in lieu thereof, an appro-

priation of $15,000, to remunerate Clarke and Force for all expenses incurred by them hitherto, under said contract.

Mr. FORSYTH said he had been induced to submit this amendment, under a sense of justice both to the contractors and to the United States. He believed, with the Committee on Finance, who had examined into this subject, that the Secretary of State had far exceeded his authority in entering into this contract, and had not only mistaken the law, but had not the slightest idea of the expense to be incurred under it. There was, in fact, no knowing to what extent the contract, as originally made, might be extended. It might run from one up to two millions of dollars. It was true, the contractors had entered into supplementary stipulations with the committee, which would bring down the expense to somewhere about 400,000 dollars. There was no member of Congress, he believed, who ever contemplated any thing like such an expense at the time the law was passed. Fifteen thousand dollars, it was believed, would be sufficient to indemnify the contractors for any expenses they had hitherto incurred; but, if it should be found at the next session of Congress that they had incurred a further damage, it would no doubt be awarded to them. It was proposed to have the subject further examined into during the recess, and either to rescind the contract, giving such additional compensation as might be deemed just and proper, or to carry it on with suitable restrictions.

Mr. CHAMBERS said the subject of the contract did not seem to be well understood in the Senate; and this misconception was likely to lead them to refuse to do an act of plain and simple justice. He then gave a history of the application for this contract; and stated that the usefulness, the importance, indeed the necessity, of this work, had been established by sufficient evidence. The Secretary of State had been empowered, by a law of Congress, to superintend the work; and, in fulfilment of his trust, he had compelled the contractors to conform their estimates to the standard of a similar work on another subject. The contract only gives to the contractors the price of printing and the clerk-hire. It was denied by the contractors that they had ever contemplated an extension of the work to the amount, as had been charged, of more than a million of dollars. Under the limitation imposed by the Committee on Finance, it is believed that the work can be scarcely completed, and it will be indispensable to exclude all unnecessary material, and superfluous expenditure. Only such documents as are indispensable to a collection of materials for the future historian of this country, can now be included.

Mr. C. then handed in a paper from the contractors—which was read.

Mr. SOUTHARD then expressed his hope that there would be no difficulty about this item in the appropriation bill. He could not approve of Congress making light of their own contract. He thought the contractors had acted in the most free and liberal manner. They had submitted to restrictions which deprived them of some of the advantages of the original contract. But his principal objection to disturbing the appropriation was, that, as one of the parties, Congress had no right to interrupt this contract. He looked also at the importance of the work, which was more than that of all the printing which has been done for the last five years, and which had cost much more money. He complained of the general ignorance which prevailed in this country of the principles and motives connected with the Revolution, and thought that the documents which shed a light on these points should not be suffered to perish, as they must, unless now collected. As yet, there is no history of our country. We have some histories, but they do not show the foundation on which our institutions rest. No expense should deter Congress from publishing this work. But the total expense cannot exceed $300,000; and that will only be required by small annual appropriations. It was indispensable that this should be done by the Government, as no private means would be found competent. The works ordered by the British Government to be printed, were not of equal importance to this work, which has been undertaken, and in which expenses have been incurred by the contractors, on the faith of the Government. He wished that the present appropriation should be passed, and that Congress should act hereafter as the execution of the work might justify.

Mr. FRELINGHUYSEN considered that, as this was not an original question, but that it was a contract sanctioned by law, and executed by a very distinguished officer of our Government, who was entitled to respect and confidence, the least that could be asked was to make the experiment. The first volume was now ready for the press. This work had been under the consideration of the Committee on the Library two or three times, and there was but one opinion concerning its value. The work was of high importance; and if he had to select between 300,000 dollars and twenty volumes of this work, he should not hesitate between them. Very proper reference had been made to a great work printed by the British Government, every set of which cost two hundred pounds sterling. A set of that work had been sent to the Congress library, and an agent been instructed to send over to England the names of the colleges in this country, and twenty-four names had already been sent over, to each of which colleges a set is to be presented. Such are the endeavors of the British Government to extend the knowledge of the principles on which it is conducted. He eulogized the character of Mr. Livingston, and called on the Senate not to do him the injustice of violating a contract, of the value of which such a mind as his was fully competent to be a judge.

Mr. KING, of Georgia, said he should vote to strike out the clause from the bill, and should then vote against the amendment of his colleague. He thought there was no more authority in Congress to set up a book shop, than to set up a milliner's shop, to buy books for members, than to buy bonnets for ladies. He referred to the constitutional powers of Congress, and declared that from none of them was this authority derived. He expressed his belief that the work, if authorized, would cost the Government three or four millions of dollars. He disclaimed any intention to throw censure on the contractors, but was of opinion that the contract was erroneously and unconstitutionally entered into, and that the Secretary of State had been taken in.

Mr. HILL said: Viewing, as I do, the practice of supplying members of Congress with books at the public expense to be an enormous abuse, I have, ever since I had a seat in this body, and whenever I could get an opportunity of recording my ay or no, voted against every proposition for furnishing them. My first attempt to obtain a vote in this body against this practice, at the session two years ago, was scouted as "miserable parsimony," by one Senator near me, [Mr. FRELINGHUYSEN.] I then opposed the purchase of a book, published for the benefit of the Bank of the United States, containing what purported to be a legislative history of the rise and progress of that institution, in which many of the most important speeches and proceedings are entirely omitted. The bank book, it is believed, was published at the instance of the bank itself, which liberally paid for its share of the edition. But the new members of the present Congress, as well as of the last, have all been furnished with the same book; and I presume, so long as any books shall remain in the hands of the publishers, all future new members will be hereafter furnished. That book, made up of extracts from newspapers, may be really worth, as other similar books are sold, from one to two dollars. The price paid

for every book taken by Congress is five dollars. The book was printed by certain pet printers of the bank in this city, (Gales and Seaton,) and so long as those printers can have access, so as to introduce a short resolution, providing for payment out of the contingent fund, through some member of either House of Congress, so long each new member will continue to be supplied with every book they shall have on hand.

It is now said that the Documentary History of Matthew St. Clair Clarke and Peter Force, provided for by an act of Congress, and for which the bill under consideration appropriates thirty-five thousand dollars, will cost a vast sum of money—half a million of dollars is the lowest calculation, and some say that it may cost a million and a half. An attempt is made to make the late Secretary of State (Mr. Livingston) responsible for the rate and enormity of this contract. Rather should the blame go to the Congress which passed the law than to Mr. Livingston. I well remember when that law passed this body, although it is very probable that other gentlemen recollect little about it. All the facts in the case do not show themselves upon the Journal; and it is my misfortune that they do not.

There were two propositions considered at the same time, both of them, I believe, reported on, and sanctioned by the Library Committee, for extensive jobs of printing. One was, on the proposal of Duff Green to publish a stereotype edition of the Laws and Treaties of the United States, at the rate of two dollars and fifty cents per volume; and the other Clarke and Force's proposal to print and furnish the Documentary History of the Revolution. Both propositions were hastily urged through the Senate. Duff Green's job of stereotyping the Laws (which was arrested in the House of Representatives) would have cost the Treasury from one to two hundred thousand dollars; other printers had proposed to perform the work at less than one-half of his price. The mention of this fact appeared to have no effect on the vote of the Senate. I asked for the question to be taken by yeas and nays—it was so taken, and you will find but seven Senators (Benton, Black, Dickerson, Foot, Hill, Robinson, and Wilkins) voting to sustain me—twenty-five voting against my motion to lay the bill on the table.

Immediately after this, the bill making provision for the publication of the Documentary History of the Revolution was taken up. Mr. Foot, of Connecticut, was in the chair. I asked for the yeas and nays on the question, Shall it be engrossed and read a third time? Without waiting to call the attention of Senators to the question, the chairman declared the proposition for the yeas and nays was not sustained; and both bills were considered in Committee of the Whole, reported, and passed on by the Senate, in less time than I have been speaking about it. Ever since that time, I have deemed it a work of supererogation in me to oppose any proposition for printing or furnishing books for the benefit of printers in this District—and have contented myself with giving a silent vote against them whenever I could obtain an opportunity.

Mr. Livingston ought not to be blamed for the contract made with Clarke and Force. The fault is in the law, not in the contract. How could Mr. Livingston limit the number of volumes, when the law was without limit? He was taken advantage of by the contractors—he could not be supposed to know that an increase of the number of copies, or the increase of the size of the volumes, would make an enormous increase of the price. Clarke and Force knew well enough how they were cheating the public, as well when they smuggled the bill through the two Houses of Congress, as when they made the contract with the Secretary of State. Why did Congress legislate in the dark on this subject? Why did they pass a law requiring the Secretary of State to contract for an unlimited amount of printing, at double the price which the same printing could be done for in any other city of the Union? This price was not fixed by Mr. Livingston. A Secretary of State (Mr. CLAY) under the last administration, made the first contract for publishing Diplomatic Correspondence, having found a resolution of Congress, which passed several years before authorizing, or supposed to authorize it; and the contractor (Mr. Jared Sparks) for the publication of a few volumes, sold his privilege to a second person for the trifling profit of ten thousand dollars! The price of that first contract is made by law the basis of the contract for the Documentary History. Mr. Livingston made the contract as the law required him; he could not limit the number of volumes, because the law did not limit it.

It is now understood that the contractors are willing to limit themselves. The price of publishing a single volume of fifteen hundred copies, is calculated at 22,900 dollars, and other expenses will make it 25,000 dollars. The contractors will limit themselves to twenty folio volumes as the minimum; and these twenty folio volumes are to cost 500,000 dollars! Of what value, think you, Mr. President, will be a Documentary History of the Revolution of twenty folio volumes? It would be as ninety-nine grains of wheat in one hundred bushels of chaff.

The extra printing—by extra printing, I mean not any portion of that printing daily ordered by the Senate, consisting of distress petitions, with the names; other petitions and memorials, reports on the Post Office, &c., constituting what is annually published in several volumes, as the Journal and Documents—the extra printing of books merely for the purpose of furnishing members of Congress, voted by the Senate at the last session alone, would amount, if all the propositions had succeeded, to a greater sum of money than the whole expense of a single year of Mr. Jefferson's administration. Besides the enormous job of Clarke and Force, and the vote on the proposition to stereotype the Laws, there was another job voted to Duff Green for printing the Land Laws, which is introduced in the present appropriation bill, amounting to forty-two thousand nine hundred and sixty dollars; and a resolution passed for the benefit of Gales and Seaton, allowing them further to extend their compilation of Congressional Documents eight volumes folio. If these eight folio volumes cost as much as those contracted for by Clarke and Force—and as yet I have, after diligent inquiry, been unable to ascertain what Gales and Seaton are paid for this work—that additional job to them will amount to two hundred thousand dollars. It is true the contract with them is only for seven hundred and fifty copies instead of fifteen hundred; but I understand they publish an additional seven hundred and fifty copies, to supply members of Congress hereafter. Already has the supply for Congress run out; and at this session a resolution has passed, authorizing the Secretary to purchase more for the supply of the new members of the Senate.

I may safely say that the books furnished to members of Congress (and each new member at the present session has already been supplied, to the number of about seventy volumes) cost twice and in some instances four times the price of books of equal size and superior value, that are to be obtained in the most of our cities and towns. Gladly would I return every book I have received and pay for their transport back to the seat of Government, if the money could be returned to the Treasury, which has been abstracted to procure them. These books are held up to new members as an appeal to their cupidity. It is said at once that all the old members have received them and that the new members ought to claim them of course. And so soon as you receive a copy of the common plunder, so soon, in the estimation of some gentlemen, are you precluded from voting against others or yourself receiving more of that plunder. I found a portion of these books tied up in bundles and left at my

rooms, before I took my oath or seat in this hall, at the first session of the last Congress. If I had been a non-committal before, in relation to the purchase of books, the intention was, that I would not set out in my Senatorial career a non-committal; and the language to me was, immediately, "Having partaken of the plunder, you have no right to complain of the robbery."

But, Mr. President, it is not the cupidity of members of Congress—it is not their desire to add to their libraries at home without expense to themselves—that alone prompts to these glaring abuses. For whose benefit have these publications been procured? For the benefit of partisan printers of newspapers in this District. We have heard abundance of complaint from the other side, of printers being patronised by the Post Office Department. Has that Department ever patronised and paid any printer for other service than what the exigencies of the Department required? Has that Department ever thrown away hundreds of thousands to printers for publishing its own history, or to furnish a library for each of the officers in its employ?

Who are the favorites intended to be benefited by the votes of the Senate at the last session? First, we have Messrs. Gales and Seaton, editors of the National Intelligencer, who, as printers of Congress, had already received more than a million of the public money; and, so far from being satiated with that, are still receiving from fifty to a hundred thousand dollars as publishers of the Congressional Documents, besides an equal or greater amount as printers of the House of Representatives—and nobody but themselves and Nicholas Biddle can tell how much for printing the millions of speeches in favor of the bank, that have been gratuitously circulated; and all this in the present year. Then we have the printer of the Senate, General Duff Green. His Telegraph cannot possibly be supported without all the extra jobs the Senate can give him. I cannot but admire the ingenuity with which gentlemen make it appear necessary to have so much public printing. The printing of the Land Laws was ordered; and we then had minute calculations that the expense should not exceed eight or nine thousand dollars; it is swelled up, before the work is done, to about forty thousand dollars. Then the report on the Post Office must be printed; and members in the confidence of the printer seem well to understand that the price of printing will not be as high as is supposed. The printing of this session, in which less business has been done in the Senate of value to the nation than was ever done in any former session, is as enormous in quantity as it has been unimportant to the transaction of business. This principally has rendered necessary two amendments to the appropriation bill, adding more than ninety thousand dollars to that bill. Even this job of Clarke and Force, which seems to be without limit or end, was started in part payment for partisan services of the opposition press against the administration. Mr. Force, as editor and proprietor, had labored against this administration in the National Journal, with not less zeal than his seniors of the National Intelligencer. Money had been sunk in that establishment; and the expedient of publishing a Documentary History was resorted to for the purpose of remunerating Mr. Force. If the facts could be known, there is little doubt in my mind, that the party had provided this means of payment of debts which had been incurred in publishing one of the vilest of the vile newspapers that has opposed the present administration.

Mr. President, let this unlimited printing job be called by its right name. Let the fact be known, that it is one of the many expedients of the present time to reward those who have for years slandered the Chief Magistrate of the people's choice and abused the people themselves. Let it be understood, that hundreds of thousands are annually drawn, by joint action of both Houses of Congress, when it can be procured, and by separate action when no other can be obtained, from the Treasury, to pay those who have been engaged in the work of deceiving the people by poisoning the fountains of knowledge; and this, too, while a vast majority of the same people has repeatedly declared against them.

Mr. CHAMBERS replied to the remarks of Mr. KING. He considered the time as gone by, when the constitutionality of such acts was denied. He adverted again to the value of the work, the labor which had already been bestowed upon it, the researches which had been carried on, the intelligence of those who conducted them, and the interest which the work was calculated to produce in the public mind. The price for which this work was to be furnished, was not at all adequate to the importance and labor of the work. In reference to something which had fallen from Mr. HILL, on the subject of rewarding printers, &c., Mr. C. said he would tell a story. He was once travelling over the Alleghany mountains, when he stopped at a hut, kept by a respectable old gentleman, who entertained men and horses. Conversing with the old gentleman on the subject of rattlesnakes, which abounded there, he (Mr. C.) made some inquiries, and gained some information as to their natural history. "I don't know how they live," said the old man, "but I know how they die. There is an old stump a little from the hut, where an old rattlesnake lived for a great many years, and died, at last, from the poison of his own venom."

Mr. MANGUM moved to strike out, in the amendment to the amendment, the words "to remunerate," and to insert the words "to settle with," and to strike out $15,000 and insert $20,000.

Mr. FORSYTH accepted the amendment. He then explained that he did not mean to destroy the contract, but to leave that to be decided on when Congress should have more leisure.

Mr. CHAMBERS suggested that the publication of one volume would cost little more than was now proposed to be given for nothing.

Mr. FORSYTH did not wish to do any thing to justify a further expenditure than was already incurred. He disclaimed any desire to do injustice to the individuals. They were not to be blamed for making as much as they could out of an act of Congress. But he desired time to look into the law, and to obtain a report from the Department.

Mr. POINDEXTER read an amendment, which he would move, by way of addition to the original clause, should the present amendment fail. He recommended to the person who had read a tract this morning on the subject of payment to printers, to dedicate it to Edward Livingston and Andrew Jackson, and it would doubtless have a good effect upon their future action. He thought the contract an improper one, but there was a moral obligation on Congress to fulfil it.

Mr. WEBSTER said his objection was, that this was a contract, which could not be violated, and the object of the gentleman from Georgia was to buy off this contract.

Mr. FORSYTH explained that he did not desire to destroy the contract.

Mr. WEBSTER said that the object was to disaffirm the contract, and the Senate had no right to do so. He was himself disposed to go on with the contract, deeming the work a valuable one, and the terms fair. He could have no objection to the proposition of the gentleman from Mississippi. The appropriation ought to be made, and the Secretary of State could then report, before another appropriation was asked, if any modifications should be made.

Mr. PRESTON having asked if any printing had been actually done under the contract—

Mr. WEBSTER expressed an opinion that no printing

had been done, but there had been great expenses incurred. The subject had been looked into by the Committee of Ways and Means, and he thought the appropriation should be made.

Mr. PRESTON believed that the progress of the work did not at present justify a larger expenditure than that proposed by the amendment of the gentleman from Georgia, as now modified. He viewed the question as surrounded by great difficulties. He had doubts as to the constitutionality of authorizing the publication of works which did not inform Congress, or the people, on the subject of the proceedings of Congress. The contract was under the law, passed by both Houses, and approved by the present Chief Magistrate, General Andrew Jackson; and where, under such law, vested rights had arisen, they ought to be touched with a very scrupulous hand. He regarded the terms of the law as loose and extraordinary. The contractors had now acquired vested rights, and he was not disposed to sanction any violation of the faith of the Government, because Congress was not amenable to any human tribunal. But all allowed the contract to be improvident, and it was loose, and liable to great abuse. It was proper that there should be a strict examination of the contract, and it should be rendered specific as to the character of the matter, and the extent of the work. However high his opinion of individuals, he would not give a roving commission to any one to select materials, which would take their tone from his prejudices or party *liaisons*. Would the gentleman from Massachusetts be willing to give a roving commission to prepare the materials for a history of that State during the late war? Or would he himself (Mr. P.) be willing to intrust to any one who might be selected to go into his State and pick up materials for a history of nullification? He thought that there should be examination, and he was willing to pay up to the present day for the progress of the work, and he thought $20,000 sufficient at present.

Mr. WILKINS explained that it was intended to publish a volume of this work before the next session of Congress. It must be a very strong case which would startle him from giving his sanction to any proposition for the extension of knowledge. He thought, however, that $20,000 would be sufficient to appropriate now, leaving it to a future session to make further appropriations. As yet, no part of the work had been submitted to Congress, and, therefore, there was nothing done, and Congress were yet in the dark as to its character. The contract had lost its sanctity of character, by the liberal manner in which the contractors had agreed to limitations and modifications. If it were, therefore, a simple reduction of appropriation, he would agree to it, considering that as sufficient to pay in advance. He admitted it was a roving commission, for which Mr. Livingston was justly censurable.

Mr. CHAMBERS placed a paper on file from the contractors, in which they yield any claim for payment in advance for the first volume, until it shall be published.

Mr. MANGUM said, it was his original feeling to arrest the progress of this contract at once. He had now, however, come to a conclusion that the contract was void; and, if he should be sustained in this view, no act of Congress could establish a vested right under such a contract. But it was a grave question, involving the rights of individuals. He desired examination; and if the contract was declared to be valid, it ought be fulfilled, be the cost what it may. He had moved $20,000 to pay any expenses of the contractors thus far; and, if a judicial issue could be obtained, he would prefer that mode of settling the validity of the contract. The work of selection ought to be confided to the most able and experienced man in the country, and separated from the mechanical department. He would not now vote for an abrogation of the contract.

Mr. BIBB said he would never give his vote to violate a contract. But here was a question as to the constitutional right of Congress to make such a contract, and then as to what the contract required to be done. Error had been produced by the generality of the terms of the contract, and Congress had been thus induced to sanction so heavy an expenditure. He concluded by moving a proviso to the amendment, that nothing therein contained should be taken as a sanction of the contract. The amendment was accepted.

Mr. HILL said, that the Senator from Maryland had told a story about a rattlesnake, but he had not told the whole. The attention of the old man was called to the stump by the cackling of an old goose. He had not before understood the value of a cackling goose.

Mr. CHAMBERS. I am likely to understand its value, as I have just heard it.

Mr. KING, of Georgia, then made some remarks in explanation of what he had previously said.

Mr. KING, of Alabama, then made some observations on the extravagant character of the contract, which would enable the individuals to draw from the Government, a sum beyond even their own highest expectations, and this was to be forced on the sanction of Congress, by gentlemen, on the ground of the inviolability of a contract. He did not intend to cast any doubt on the respectability of the contractors, but he could not give his consent to so loose a contract.

Mr. CLAY said, that the Secretary of State had made one contract, and the Committee on Finance had made another. The first was an improvident one, but it was in the authority of the Secretary. He should have corrected the improvidence of Congress. The only restriction imposed by Congress, was as to the individuals to be contracted with, and that in the proviso that the price should not exceed that of the Diplomatic Correspondence. It had not been shown to have exceeded this stipulation. Congress ought to take their full share of blame, and not leave the whole on the Secretary. If the first contract was loose, the second was full of limitations. The contract now cannot exceed twenty volumes, an expense of 300,000 dollars, and a further provision that Congress may appoint an agent to supervise the publication. He asked, on what pretence the Senate could depart from their second contract. When the contractors agreed to the limitations of the committee, they fully expected to meet with no further difficulty; and it would not be doing justice to the contractors to violate this last contract, as well as the former. The expenditure would be 25,000 dollars a year, for perhaps six, eight, or ten years, and the work would be a very important one. The contract was an improvident one, and he had at first thought it would be well to get rid of it by paying 40 or 50,000 dollars. But as the contractors had liberally agreed to limitations, it was due to them to fulfil the second contract. If it should be hereafter said that useless documents were introduced, Congress could then arrest the appropriation. He expressed his hope that a useful lesson would be drawn from this case, and that improvident expenditures of this kind would hereafter be avoided. Although, when the law was passed, the extent of the appropriation was not understood, it was the fault of Congress, who had not looked into the petition of the contractors. He should vote for the appropriation.

Mr. FORSYTH modified his amendment, by inserting "proper accounting officers," instead of "Secretary of the Senate." He suggested that the second contract was not binding. He asked for the yeas and nays on the amendment.

Mr. LEIGH asked if this proposition would prevent the printing of the work.

Mr. FORSYTH said it would, except at the risk of the contractors.

Mr. LEIGH took the ground that Congress had no right to violate a contract made by the Secretary of State, under their authority, because they had not a right to make such contract. He then read the law, to show the looseness of its provisions, and stated the illimitable power of selection which it conferred on the contractors. The value of such a work depended materially on the ability and the temper of those who executed it. He asked what would have been the effect, if Hume or Henry had been employed to write the Documentary History of the Stuarts, or Dr. Lingard to write the Documentary History of the Reformation? The Documentary History of the United States might be as well extended to two hundred volumes as limited to ten. It was the duty of the Secretary of State to have looked into the details and corrected the defectiveness of the law. Although this was a contract which ought not to have been made, it must not be violated. This was what the world would say, and what a chancellor would say. He thought it would be the best way to appropriate for the first volume, and leave it to Congress hereafter, if it should be found necessary, to rescind the contract, under the same circumstances which would justify the rescinding of a treaty.

The yeas and nays were then ordered.

Mr. CLAYTON expressed his general coincidence with the views of the gentleman from Virginia. He had no recollection of the bill which had been passed on this subject, and did not know even whether he voted for it or not. He did not perceive any ground for imputing fraud to the contractors, but he thought the law should not have been passed, and that the Secretary had transcended his authority. He was not disposed to perform the contract if he could honorably get rid of it. He saw no other course than that suggested by the Senator from Pennsylvania, to reduce the appropriation, so as to make it merely enough to pay for the first volume, and the adoption of the amendment suggested by the gentleman from Mississippi, calling for information from the Secretary of State. He said that he should receive a lesson from this case. The bill had passed at the close of the session, and without sufficient deliberation.

Mr. CALHOUN said that Congress had no authority to make the contract, and that it was *ab initio* void. He desired the contractors to be indemnified for their expense and labor; and he would vote for the amendment of the gentleman from Georgia.

Mr. WEBSTER said the provision suspends the contract; while the proviso says that it neither affirms or disaffirms the contract. If we have no constitutional power to make the contract, we have none to make compensation to those who suffer from its violation.

Mr. BIBB made an explanation as to this point, viewing the amendment as an injunction to the parties not to proceed until examination.

Mr. WEBSTER said this was the first instance of an injunction issued by a party in their own favor. The amendment was to pay expenses incurred, and he could not vote for that if the contract were disaffirmed.

Mr. EWING was of opinion that the contract was sacred, and must be fulfilled. If the Congress wash their hands of the contract, it must be got rid of entirely, and Congress would not be justified in voting a gift to the contractors. He thought the law an injudicious one, but he could not vote to abrogate or suspend the contract. Abrogation and suspension were similar powers, and Congress had no more right to abrogate than to suspend.

Mr. CALHOUN thought it a clear principle, that if injustice was done to an individual, Congress was bound to compensate him.

The question was then taken on the amendment of Mr. FORSYTH, and decided as follows:

YEAS.—Messrs. Bibb, Black, Brown, Calhoun, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, McKean, Mangum, Morris, Preston, Robinson, Shepley, Tallmadge, Tipton, White, Wilkins, Wright.—23.

NAYS.—Messrs. Bell, Benton, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Kent, Leigh, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Southard, Sprague, Tomlinson, Tyler, Waggaman, Webster.—22.

DEATH OF LAFAYETTE.

During the preceding discussion, the consideration of the appropriation bill was suspended by general consent; when

A message was received from the House of Representatives, by Mr. Franklin, their Clerk, stating that the House had passed a joint resolution providing for a joint committee to consider and report by what token of respect and affection it was proper for Congress to manifest the deep sensibility of the nation on the event of the decease of General LAFAYETTE.

Mr. WEBSTER said, that he had prepared a resolution, which, as it happened, was almost in precisely the same words as that now received from the House. He should have presented it as soon as the Journal was read, had it not been intimated to him that, probably, a communication would be made to Congress, on this interesting occasion, by the President. In consequence of that intimation, he had forborne, for the moment, to propose the resolution; but, as the House had so promptly moved in the business, he rose to move that the Senate concur in the resolution, and appoint a committee on its part.

The motion having been agreed to, Mr. POINDEXTER suggested that the committee consist of nine members.

Mr. FORSYTH named thirteen, the number of the old States, as the most appropriate. This last number was agreed to; and,

On motion of Mr. CHAMBERS, the committee was appointed by the Chair.

The following message was then received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate and House of Representatives:

The afflicting intelligence of the death of the illustrious LAFAYETTE has been received by me this morning.

I have issued the general order enclosed, to cause appropriate honors to be paid by the army and navy to the memory of one so highly venerated and beloved by my countrymen; and whom Providence has been pleased to remove so unexpectedly from the agitating scenes of life.

ANDREW JACKSON.

WASHINGTON, *June* 21, 1834.

On motion of Mr. FORSYTH, the message was referred to the joint committee appointed on this subject.

GENERAL APPROPRIATION BILL.

The Senate then resumed the consideration of the appropriation bill; when

Mr. BIBB submitted an amendment, making an appropriation of four hundred dollars for recording the decisions of the Supreme Court; which, after a short discussion, was rejected.

Mr. BIBB submitted a further amendment, appropriating $800 as additional compensation to the judge of the western district of Florida, for services rendered under the land laws, in addition to the sum of 1,600 dollars appropriated as additional compensation to the judges of the eastern and southern districts of the same Territory, for the same object; and

Mr. PRESTON submitted an amendment, continuing in force, for one year, the act of 1st July, 1832, and the supplemental act of March, 1833, for the establishment of a board of commissioners, and a recorder, for the adjustment of land titles in Missouri; both of which amendments were adopted.

Mr. POINDEXTER submitted an amendment, providing that no money, to be paid out under this act, or any other act passed at the present session of Congress, shall be paid in any bank note or notes not at par value at the place where they shall be paid.

Mr. FORSYTH expressed his approbation of the amendment.

Mr. POINDEXTER observed, that the object of the amendment must be evident to every honorable Senator: it was to make the notes of the deposite banks receivable by the Government, and payable at par value in any part of the country, to the officers of the Government, who would be called upon to go to the brokers and get their notes cashed at the rate of ten per cent. discount. He was desirous that those notes should be taken at their par value, and he had no doubt that there was no officer of the Government who would thrust from him the notes of the Bank of the United States, or of any of its branches. In point of fact, he believed that many of the notes of the local banks of the District were scattered over the Western country to a great extent, and he believed they had been sent to the brokers. Mr. P.'s object, in introducing the amendment, was to put an end to this, and to compel the Government to pay dollar for dollar.

Mr. WILKINS called for the reading of the amendment, and then said, the amendment would be entirely useless. Bank notes were not a legal tender; no one was obliged to take them, above or below par. It was not the intention of the honorable Senator to make notes a tender to any creditor of the General Government.

Mr. POINDEXTER said, it was very evident that no bank notes, either of the Bank of the United States or of any other bank, were a legal tender; but the object of the amendment was, that, when payments were made by the Government in bank notes, they should be payable at par value.

Mr. WEBSTER said, he would only mention an instance which went to show the necessity of the amendment. One of our ships, some time ago, had arrived at New York to be paid off. The crew were paid in notes of the Brooklyn Bank, and, in a week after, some of them being here, were compelled to dispose of their notes at a loss of 10 or 15 per cent. discount.

Mr. BENTON was opposed to any provision whatsoever, that would legalize the tender of paper. If the amendment was persisted in, he should move to strike it out.

Mr. B. then asked the yeas and nays on the amendment.

Mr. POINDEXTER again explained the object of his amendment. It did not provide that the Secretary of the Treasury, or the Government of the United States, should pay in bank notes, but that when they were paid, it should be at their par value.

After a few words from Mr. BIBB and Mr. CALHOUN,

Mr. BENTON submitted an amendment to the amendment of Mr. POINDEXTER, to strike out all of the latter after the word "Congress," and insert the words, "unless in specie, if so required by the holder of the warrant or the payee;" and, after some remarks from Messrs. BENTON, POINDEXTER, WILKINS, SHEPLEY, and WEBSTER, Mr. BENTON's motion was rejected, as follows:

YEAS.—Messrs. Benton, Bibb, Forsyth, Grundy, Hill, Kane, King of Alabama, Morris, Robinson, Shepley, Sprague, Tallmadge, Tipton, White, Wilkins, Wright.—16.

NAYS.—Messrs. Brown, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Leigh, McKean, Naudain, Poindexter, Porter, Prentiss, Robbins, Southard, Swift, Tomlinson, Tyler, Webster.—18.

The question recurring on the original amendment,

Mr. WRIGHT said, that it was well known to the Senate that the laws provided that the revenues of the United States should be receivable in notes of the United States Bank and its branches. Now, this would compel the deposite banks in the city of New York, to pay out, on the drafts of the Government, money better than they received, because the notes of the United States Bank were not, at all times, at par in the city of New York. He himself had known an instance where the notes of the mother bank at Philadelphia were refused in payment of a debt due to the branch bank at the first named city. He must, therefore, vote against the amendment as injuriously affecting those banks where United States Bank notes were not considered at par.

Mr. WEBSTER observed that there could be no difficulty on that account, as the deposite banks were not bound by the act of Congress.

Mr. CALHOUN said he had some doubts as to the efficacy of this amendment. To make it effective there should be some provision attaching a penalty to the disbursing officers of the Government, for paying out money in paper not of par value.

Mr. POINDEXTER said, the amendment was intended to prevent the officers of Government from sending to the deposite banks money to be paid out to officers, contractors, or to any individual whatever having a claim on the Government, which was not at par at the places where it was to be paid.

Mr. SPRAGUE said, it appeared to him that the objection of the Senator from South Carolina ought not to prevail against the amendment. It could not be, and was not intended to be perfect. But it would certainly be making it the duty of the Secretary of the Treasury to see that the disbursing agents of the Government were provided with good money. He had been willing to vote for the amendment providing for paying the public dues in specie, and certainly those who had claims on the Government were entitled to be paid in notes that were equivalent to specie.

Mr. CALHOUN feared that the adoption of the amendment was calculated to make a wrong impression on the public mind. Our laws recognise no money but gold and silver, and there was danger, in passing this amendment, of producing a contrary impression.

It certainly would be a great violation of law, and one that deserved the severest punishment, for a disbursing agent of the Government to pay out a depreciated currency; yet, he feared there had been some instances of it since the removal of the deposites. He heard of a recent instance of the kind, where the notes of obscure banks, in a remote part of Virginia, had been paid out to the workmen at Norfolk, and that the deposite banks there refused to receive them the very next day in deposite. He should be glad to adopt any measure calculated to effect the object of his friend from Mississippi; but the evil was too great to be cured by the amendment. The evil was in that unlawful interference of the Executive with the public finances, by which the constitution and laws had been violated.

What had been done when the Post Office committed such abuses? The head of that Department was neither censured nor impeached, but continued in office to this day.

The question was then taken on Mr. POINDEXTER's original amendment, and decided in the negative, as follows:

YEAS.—Messrs. Black, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Mangum, Naudain, Poindexter, Porter, Prentiss, Robbins, Robinson, Silsbee, Sprague, Waggaman, Webster.—17.

NAYS.—Messrs. Benton, Bibb, Brown, Calhoun, Forsyth, Grundy, Hendricks, Hill, Kane, Kent, King of Alabama, King of Georgia, Leigh, Linn, McKean, Morris,

Shepley, Swift, Tallmadge, Tipton, Tomlinson, Tyler, White, Wilkins, Wright.—25.

Mr. CHAMBERS said he had to propose an amendment, which, if objected to at that late period of the day, he would postpone until Monday, when the bill would be reported to the Senate. He would, however, state, at present, what the amendment was, in order that gentlemen might determine whether they would receive it now or on Monday next. That amendment was, to strike out the clause which provides for the payment of the salaries of the Secretary of State, the Attorney General, and the Secretary of the Treasury. Those individuals had now been in office a long time, and the Secretary of the Treasury more than a year, and that without the Senate having been consulted, which was, in his (Mr. C.'s) humble judgment, contrary to the spirit of the constitution. He was aware that the President had claimed the authority—and some of his friends had claimed it for him—to create an officer, and keep him in office, without nominating him until the last hour of the session. He (Mr. C.) believed that the President possessed no such power, and that the true construction of the constitution was, that the nominations should be made to the Senate within a reasonable period after the assembling of Congress. He (Mr. C.) would not, at present, make that a point. The fact was, that they had now been in session ever since December last, and none of the nominations of those individuals had been sent to the Senate. They had no more reason to suppose that the nominations would be sent in now than they had in December last, or at any other time. The President had carried out the doctrine in regard to nominations, to such an extent, in the case of Gwin, that the Senate had no reason, at this time, to believe that he would not do so again.

Mr. WEBSTER hoped the gentleman from Maryland would postpone his amendment until Monday next.

Mr. CHAMBERS complied with the honorable Senator's request.

The bill was then reported to the Senate, and all the various amendments adopted in Committee of the Whole were concurred in, with the exception of the amendment relative to the appropriation for the publication of the Documentary History of the Revolution, by Clarke and Force; and, on motion of Mr. WEBSTER, it was postponed to and made the order of the day for Monday next.

Several other bills were then taken up, read the third time, and passed.

MONDAY, JUNE 23.

NEW HAMPSHIRE RESOLUTIONS.

Mr. HILL presented certain resolutions of the Legislature of New Hampshire, sustaining the course of the Executive in his measures in relation to the public finances, and against the Bank of the United States.

On presenting the above resolutions—

Mr. HILL said: I have received resolutions of the Legislature of New Hampshire, expressing the sentiments of the people of that State in relation to the great subjects which agitate the public mind.

One ground of complaint against the Chief Magistrate of the Union, has been his having declined, personally, to meet the distress committees which have come here from several places with memorials addressed not to him, but to Congress. Having been grossly misrepresented by some of those committees, he declined meeting and conversing with others who should wait on him for a similar purpose—at the same time manifesting his willingness to meet them as citizens, in the manner in which he meets all who call upon him, and offering to answer any communication which these committees might make to him in writing.

The audacity of the President of the United States, in declining to be misrepresented by the whig committees, has been the subject of strong reproach on this floor; and it has been said that a British King would not dare to treat his petitioning subjects in the manner that Andrew Jackson has treated the distress committees who came here to petition Congress.

It is believed, when a petition, intended not for either House of Parliament, but for the monarch's ear himself, is preferred, the King of England does not receive it in person. I have before me the Gentleman's Magazine for May, 1834, from which I will read an extract.

Mr. H. here read from the Magazine an account of the "Trades' Union" of the British metropolis, attempting to present a petition to the King, through Lord Melbourne, in favor of a remission of punishment on six laborers who had been sentenced to transportation for administering illegal oaths. The petition was carried in a car or coach, borne on the shoulders of twelve men, and was preceded by a procession of 30,000 workmen, arranged according to their several trades. It was of great bulk, and signed by 260,000 persons, 100,000 of whom belonged to the metropolis. Lord Melbourne refused to receive the petition in that way. The immense crowd of people who were thus refused, not by the King, but by the King's servant, retired, without offering any violence whatever, and his lordship had the condescension, some days afterwards, when the "petition was presented in a becoming manner," to deign to receive it.

An attempt has been made to swell the number of petitioners sent here on account of the bank and the deposites, by counting all that have been received. As many persons, from some of the cities, have sent their names here more than once, it is fair to presume that the number has been much increased on that account. But taking the whole number, they fall far short of the number on a single petition to the British King, in the month of May last, on a subject relating to six individuals—a concern of trivial moment. If all the names that were sent to Congress a few years ago to prevent the mails from travelling on Sundays, had been counted, they probably would have been double the number the bank and its friends have preferred.

The King of England, it appears, receives no petitions in person—even the King's creature, the minister, refuses to receive them until they have humbled themselves; and this when the petition is especially directed to the King. How does the attempt to criminate the President fail, not for refusing to receive petitions to him, but for simply avoiding such an interview with committees who are here for the purpose of petitioning Congress, as would enable them to misrepresent his language and conversation!

The parade that has been made of the names sent here by the bank and its friends, contrasts singularly with the manner in which a petition of more than a fourth of a million of the subjects of the King of Great Britain is treated by my Lord Melbourne. By dint of pay and perseverance, after sending the names of persons here over and over again, and many names of persons who have not an existence in the places to which they purported to belong, the bank and its friends are able to tell you they have, on something like two or three hundred petitions, some hundred and forty thousand names, not all asking for a restoration of the deposites, not all asking that the bank shall be re-chartered, but requesting Congress to relieve the country. And how does this Senate proceed to relieve the country? By spending the greater part of six months in preaching up panic—in inviting more distress petitions—in making the country be distressed whether it will or not. And how sadly have the distressing predictions of Senators failed? Every thing turns out contrary to those predictions. In England,

two hundred and sixty thousand persons petition the King, and this petition, backed by a collection of thirty thousand laborers in person, is refused even to be received by a creature of the King, until those laborers shall have dispersed; and all this not even a subject to be noticed on the floor of the British Parliament, and merely matter for a passing paragraph in the periodical press of the day!

Ever since the quiet of the nation has been disturbed by public agitators in many portions of the country, relative to the Bank of the United States, the State of New Hampshire has pursued the even tenor of her way—she has lent no helping hand to stir up the embers of public strife—she has taken no part in creating public panic and distress. Three panic memorials only have been presented to Congress from New Hampshire, and these were from a corner of the State, embracing three towns, in one of which is a branch of the United States Bank, and in each of the two others are manufacturing establishments, principally owned and controlled by persons living beyond the limits of the State. The first memorial was originated by the bank itself—the two others were the work of persons under the influence of the bank, and not belonging to the State. The three contained about eleven hundred names, of a population comprising nearly or quite three hundred thousand souls; and counting all the petitioners as citizens, scarcely one-fiftieth part of the legal voters of the State have come here to ask either for the restoration of the deposites, or the re-charter of the Bank of the United States.

The citizens of New Hampshire, of the months that have been expended in reading and listening to speeches on memorials, have not probably taken a single hour of this session of Congress as their share. The democratic majority of that State has taken up none of your time—it has freely expressed its opinions, both at public meetings and at the polls, but it has contributed nothing towards interrupting the deliberations of Congress—it has sent no committees here to overawe the constituted authorities. And now, sir, the Legislature, the immediate representatives of the people of New Hampshire, have a right to claim your attention.

This Legislature was elected by the people on the second Tuesday of March last, at a point of time when the greatest alarm pervaded the community. The friends of the bank, and the party opposed to the general administration, made greater efforts to elect members of the House of Representatives in the several towns, than they had done at any time since 1830. The result of those efforts is seen in the vote of the House on these resolutions—one hundred and sixty-three Representatives, after a discussion of three days, voting for the resolutions, and only sixty-two against them. If all the Representatives had been present, the vote would have been one hundred and sixty-seven to sixty-three.

But in the Senate these resolutions had a unanimous vote. That body consists of twelve members, elected annually, in as many districts; and in these twelve districts not a single opposition man was returned.

The Governor of the State, elected at the same time as the Representatives and Senators, was not opposed. He received more than twenty-eight thousand votes of the fifty thousand voters, although no candidate was in the field against him. He made his first communication to the Legislature, on the 6th of June; and the following extract from that communication, shows that he coincides in sentiment with both the Legislature and the people:

"By the construction of our system of government, our sphere for official duties lies within the limits of our own State, beyond which we have no control. But as individuals, we are immediately interested in the proceedings of the General Government, the perpetuity of the Union, and the prosperity of our common country. The national administration has been signally successful in our foreign negotiations, allaying the apprehension of internal dissensions, and reconciling conflicting interests, and during this period it justly received the cordial approbation of a large majority of our fellow-citizens. The long-tried and faithful services of our present Chief Magistrate, in peace and in war, his personal valor, his unbending integrity, his patriotic devotion to the welfare of his country, and the moral courage which impel him to the conscientious discharge of his official duties, have powerful claims upon the affection of an intelligent people, which have been, and I trust will continue to be, duly appreciated.

"The principles and proceedings of the great moneyed institution of our country have been such as to awaken a deep interest among the enlightened citizens of our national republic. And there is evidently a violent struggle going on by this institution to extort a re-charter, and coerce an assent, by oppression of the people. But if the character of the American people is not entirely misconceived, and has not degenerated in patriotism since the declaration of the independence of our country, and it is fully believed it has not, every effort at coercion, and every attempt at wanton oppression, will but add strength and energy to the resolution to put down the oppressor. Upon a thorough investigation of the character and influence of this institution, it will be found, it is believed, both in principle and practice, incompatible with the genius and spirit of our Government. The present session affords a convenient opportunity for the Legislature of this State to express its views on this interesting subject."

The resolutions which I shall present, were offered in the House of Representatives on the same day that the Governor's message was communicated. Although the Legislature of this State has always been very decided in its political character, it is believed no parallel case since the adoption of her constitution, exists, where both a new Governor and Legislature have evinced so unequivocal and decided a spirit on national politics, as have this Governor and Legislature. This expression was moved at the first moment after the organization of the State Government; and it proves the deep interest that is there felt in the present crisis, and the determined spirit of the people of New Hampshire to resist all encroachments on their rights, and to put an end to that odious monopoly which assumes to stand in the place of the Government.

The resolutions which I shall ask to be read, are not couched in language disrespectful; they speak as freemen have a right to speak, in a tone worthy the best days of the republic. The opinions here given, are in the main decidedly averse to those of a majority of this Senate.

These resolutions say, that the course of the administration and of the President, is entirely approved; and that the latter, by his endeavors to restore the constitution to its original purity; by his integrity and firmness; by staying the expenditure of the public money in an unconstitutional system of internal improvements; by settling the tariff on a satisfactory basis; by his resistance of all measures tending to a dissolution of the Union; by his veto on the bank bill, and the stand he has taken against the alarming proceedings of the bank itself, has proved himself to be a true disciple of Thomas Jefferson, the father of American democracy: that he only exercised a power conferred on him by the constitution, recognised by the example of all his predecessors, when he removed from office the late Secretary of the Treasury: that the present Secretary of the Treasury, in removing the deposites of public money from the Bank of the United States, has violated neither the letter nor the spirit of the charter of the bank, and that his course is fully approved by the people, and was demanded by the profligate conduct of the officers of the bank: that the Bank of the United States ought not to be re-chartered, because, un-

constitutional in its creation, it has proved itself to be an institution of the most deadly hostility to the free principles of our Government, attempting to sustain itself and to obtain for its friends political power, by a course of bribery and corruption, setting at defiance the representatives of the people, and veiling its transactions in secrecy and darkness: that the late protest of the President of the United States, against that extraordinary and unprecedented resolution of the Senate, which pronounced him guilty of a most flagrant offence without either hearing or trial, was a measure justified by his personal right to vindicate his own character from unmerited reproach, and by his imperative official duty to defend the Executive branch, while in his charge, from all intemperate assaults or unconstitutional encroachments; and that the Senate, in passing such a resolution, violated the first principles of justice, and unfitted themselves for the proper discharge of those official duties which, by the constitution, (if their charges were true,) they were bound to believe the House of Representatives would soon invoke them to perform; and they instruct the Senators in Congress from New Hampshire to vote that the resolution which they condemn be expunged from the Journal of the Senate. They approve of the course of their delegation in both branches of Congress, with a single exception; and they request him to resign his place, who "has long misrepresented, and now misrepresents, the opinions of a majority of his constituents." I have the pleasure to state, from intelligence received this morning, that a new choice, in this solitary case, has been made—and that the expression in this new choice is no less decided than was that in each branch on the resolutions in favor of the administration.

These, Mr. President, are the sentiments of a State, which, although inferior in wealth and numbers to many of the other States of the Union, is second to no State in point of intelligence, integrity, and patriotism. The citizens of this State have ever been among the first to come forward in defence of the country's rights. The war of the Revolution, and the war of 1812, bear witness to their valor. No State, in proportion to her size, has sent forth more warriors, fought more valiantly, or bled more profusely. The time has been, before she knew herself, that this State was led in her political opinions by the influence of the metropolis of a sister State—when the money and the mercantile cupidity of that metropolis kept her in leading strings. That day has gone by. The hardy yeomanry of New Hampshire have become independent in property, as they are free in spirit. They rest on their own resources and their own judgment—they are under the lead of no man or set of men. The millions of a monopoly cannot corrupt them, nor can a hundred thousand bank speeches, circulated gratuitously among them, change their opinions. The resolutions follow:

Resolved by the Senate and House of Representatives in General Court convened, That we approve of the course of the administration of the General Government, and that the President of the United States, by his ardent endeavors to restore the constitution to its original purity, by his stern integrity and unbending firmness in resisting the approach of corruption in every Protean shape; in staying the lavish expenditure of the public money in an unconstitutional system of internal improvements, by the National Government; in settling the tariff on a more equitable basis; in his prompt resistance to all measures tending to the dissolution of our Union; in his veto on the re-charter of that dangerous institution, the United States Bank, and in the unyielding stand which he has taken against the recent alarming proceedings of that institution, has proved himself to be a true disciple of Thomas Jefferson, the father of American democracy, and has greatly increased the debt of gratitude due to him from the American people.

2. *And be it further resolved*, That, in the removal of the late Secretary of the Treasury, the President exercised a power conferred upon him by the constitution, and which has been recognised by all his predecessors in office; and which it was his duty to exercise, if he believed that officer to be unworthy or incapable, or that he was pursuing measures detrimental to the interests of the public.

3. *And be it further resolved*, That in removing the deposites of public money from the Bank of the United States, the present Secretary of the Treasury has violated neither the letter nor the spirit of the charter of the bank, and has pursued a course, the expediency of which was clearly indicated by the decision of the people in the late Presidential election, against the re-charter of the bank, and which was imperiously demanded by the profligate conduct of the officers of that institution.

4. *And be it further resolved*, That the Bank of the United States ought not to be re-chartered; that, unconstitutional in its creation, it has proved itself to be an institution of the most deadly hostility to the principles of republicanism; that we view with indignation its desperate struggles to obtain political power by a shameless and barefaced course of bribery and corruption; and that we witness with alarm, the attempts made by its advocates to set at defiance the representatives of the people, to veil its transactions in secrecy and darkness, and to justify proceedings which, should they be upheld, must end in subjecting the people of the United States to the dominion of a gigantic moneyed monopoly.

5. *And be it further resolved*, That the late protest of the President of the United States, against the extraordinary and unprecedented resolutions of the Senate, pronouncing him guilty of a most flagrant offence, without either hearing or trial, was a measure justified by his personal right to vindicate his own character from unmerited reproach, and by his imperative official duty to defend the Executive branch of the Government, while in his charge, from all intemperate assaults or unconstitutional encroachments, and that the Senate, in passing such a resolution, violated the first principles of ordinary justice, and deliberately unfitted themselves for the proper discharge of those judicial duties, which, by the constitution, (if the charges in their resolution were true,) they were bound to believe the House of Representatives would soon invoke them to perform.

6. *And be it further resolved*, That our Senators in Congress be, and they hereby are instructed to vote that the resolution passed by the Senate on the 28th day of March last, "that the President, in the late Executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the constitution and laws, but in derogation of both," be expunged from the Journal of the Senate.

7. *And be it further resolved*, That we approve of the course of the delegation from this State, in the Congress of the United States, with the exception of that of the honorable Samuel Bell.

8. *And be it further resolved*, That the honorable Samuel Bell, since his re-election to the Senate of the United States, has pursued a course in defiance of the wishes of the people of New Hampshire; that he has long misrepresented, and now misrepresents, the opinions of a majority of his constituents, and that he be and hereby is requested to resign his seat, agreeably to the solemn pledge heretofore made by him.

9. *And be it further resolved*, That the Secretary of State be, and he hereby is, directed to furnish a copy of these resolutions to the President and Vice President of the United States, and to each of the heads of the Departments—to the Speaker of the House of Representatives, and to each of our Senators and Representatives in the Congress of the United States.

After a rejoinder by Mr. BELL—

Mr. WEBSTER said that this paper could not, properly, be received by the Senate. It was not a memorial, contained within it no request to be laid before Congress, and its presentation was wholly unauthorized.

Mr. BENTON replied, that it was a document coming from the Legislature of one of the States of the Union—and though it contained no request to be presented to Congress, it conveyed instructions to their representatives and as such was proper for the consideration of the Senate. It was usual, he said, to receive and refer such papers, and precedents could be found on the Journal.

Mr. WEBSTER said he would consent to lay the resolutions, for the present, on the table, and if the gentleman from Missouri could, in the course of the day, find any precedents to justify the receiving of the paper, he would not oppose it.

The resolutions were then laid on the table.

PORTAGE COUNTY (OHIO) MEMORIAL.

Mr. EWING presented a memorial from Portage county, Ohio, complaining of public distress, occasioned by the removal of the deposites from the Bank of the United States, and praying Congress to adopt some measures to relieve their pecuniary embarrassments. Some reference was made, Mr. E. said, to his course in the Senate, and the memorialists sustained him in disobeying the instructions of the Ohio Legislature, as not in accordance with the sentiments of a majority of the people of that State.

After disposing of various bills, &c., the Senate resumed the consideration of the

GENERAL APPROPRIATION BILL.

The question being on concurring in the amendment of the Committee of the Whole, concerning the Documentary History of the Revolution—

Mr. SOUTHARD moved to strike out the amendment, and to substitute an amendment making an appropriation without interfering with the contract, and instructing the Secretary of State to institute an inquiry into the character of the contract, &c., during the recess.

The discussion was renewed on this motion, by Mr. SOUTHARD and Mr. FORSYTH, and the yeas and nays being taken, the question was decided in the affirmative, as follows:

YEAS.—Messrs. Bell, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Leigh, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—25.

NAYS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, Mangum, Morris, Robinson, Shepley, Tallmadge, White, Wright.—20.

Mr. CLAYTON moved to amend the bill, by introducing an appropriation for the Delaware breakwater.

After some remarks by Mr. CLAYTON, Mr. WEBSTER, Mr. NAUDAIN, and Mr. CLAY, in the course of which the importance of the amendment was universally admitted; but it was suggested by Mr. WEBSTER, that the motion should lie over until it should be ascertained whether the harbor bill would be passed by the other House. Mr. CLAYTON, on the assurance of Mr. WEBSTER that he would not place the bill out of the reach of amendment, withdrew his proposition, giving notice that he should, on to-morrow, renew it, unless the harbor bill should by that time be passed.

Mr. CHAMBERS gave notice that circumstances had occurred, which would render it unnecessary for him to renew the proposition which he suggested on Saturday, to strike out the salaries for the cabinet ministers not nominated.

Mr. PRESTON moved the amendment made by Mr. BIBB in committee, to appropriate four hundred dollars for recording the opinions of the Supreme Court.

There was some discussion on this motion, in which Mr. PRESTON, Mr. BIBB, Mr. CHAMBERS, Mr. SMITH, Mr. CLAYTON, Mr. FORSYTH, Mr. EWING, Mr. SHEPLEY, and Mr. GRUNDY, took part; after which, the question was taken, and the amendment was rejected, as follows:

YEAS.—Messrs. Bibb, Calhoun, Clayton, Ewing, Grundy, Kane, King of Georgia, Linn, Mangum, Poindexter, Prentiss, Preston, Silsbee, Tyler, Webster.—15.

NAYS.—Messrs. Bell, Benton, Black, Brown, Chambers, Clay, Forsyth, Frelinghuysen, Hill, Kent, King of Alabama, Knight, Leigh, Naudain, Robbins, Robinson, Shepley, Smith, Southard, Sprague, Swift, Tallmadge, Tomlinson, Waggaman, White, Wilkins, Wright.—27.

Mr. CLAYTON moved further to amend the bill, by adding an additional section, providing for the pay and mileage of the honorable Elisha R. Potter, while attending here, to contest the election of the honorable Asher Robbins, as a Senator from Rhode Island. Mr. C. said he made this motion under instructions from the Committee on the Judiciary, though he would vote against it himself.

The amendment was supported by Messrs. WRIGHT and KANE, and opposed by Messrs. POINDEXTER and SPRAGUE; when

Mr. WEBSTER moved to amend the amendment, so as to provide only for the travel of Mr. Potter to the seat of Government, and his attendance of one day, until Mr. Robbins was declared the sitting member; which having been rejected, yeas 16, nays 21, the question recurred on the original amendment of the committee, and it was adopted, as follows:

YEAS.—Messrs. Benton, Bibb, Brown, Chambers, Grundy, Hendricks, Hill, Kane, King of Ala., Knight, Linn, Preston, Robinson, Shepley, Silsbee, Tallmadge, Tyler, White, Wilkins, Wright.—20.

NAYS.—Messrs. Black, Clay, Clayton, Ewing, Forsyth, Frelinghuysen, Kent, King of Georgia, Leigh, Mangum, Naudain, Poindexter, Porter, Prentiss, Smith, Southard, Sprague, Tomlinson, Webster.—19.

Mr. ROBBINS was present, but declined voting.

Mr. WHITE submitted an amendment, appropriating one thousand dollars to be paid to the legal representatives of the late William Wirt, for professional services rendered the United States in land cases, in Florida, Missouri, and Alabama. This amendment, after some remarks from Messrs. WHITE and WEBSTER, was agreed to.

Mr. POINDEXTER then renewed the amendment which he moved in Committee of the Whole, making it obligatory on the Government to pay the appropriations in notes at par value, at the place where they are paid, and asked for the yeas and nays, which were ordered.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bibb, Black, Chambers, Clay, Clayton, Ewing, Frelinghuysen, King of Georgia, Knight, Mangum, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Southard, Sprague, Tomlinson, Waggaman, Webster.—22.

NAYS.—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, Kent, King of Ala., Linn, Morris, Preston, Shepley, White, Wilkins, Wright.—16.

Mr. CHAMBERS then moved to amend the bill, by ingrafting upon it the bill making appropriations for the public buildings. He stated his conviction that, in its separate form, this bill could not pass at this session.

Mr. WEBSTER opposed the motion, not being willing that the general bill should be made a cart to carry every man's load which could not move in any other direction.

After some remarks from Mr. PORTER to the same purport, the question was put on the first clause of the bill, and rejected. The amendment was then withdrawn.

Mr. ROBBINS moved to amend the bill, by introducing

an appropriation of $500 for the trustee having charge of the appropriations made for the library, (the Register of the Treasury.)

The proposition was opposed by Mr. WEBSTER, because it had been considered and disapproved by the Committee on Finance, not but that the officer was very meritorious and praiseworthy, but that the precedent might be productive of numerous claims of a similar character, for past and future services.

After some short discussion, the motion was negatived.

On motion of Mr. WEBSTER, the bill was then postponed, and made the special order for to-morrow.

Mr. WILKINS gave notice that he should on to-morrow, after the reading of the Journal, move the Senate to go into the consideration of Executive business.

There being a loud call to move now, Mr. WILKINS said that, although he should prefer going into Executive session to-morrow, he would, in compliance with the general wish, move that the Senate now proceed to the consideration of Executive business.

The motion was agreed to—yeas 22, nays 19.

The Senate then proceeded to the consideration of Executive business; and, after the doors were opened,

The Senate adjourned.

TUESDAY, JUNE 24.

OHIO MEMORIALS.

Mr. MORRIS said, he had been requested to present the proceedings of meetings in six different counties in Ohio, on the subject of the bank and the Executive. They approve the course of the Executive in opposition to the bank, and were all couched in the same language, that was, they expressed the same sentiments. These counties were among the most respectable in Ohio, both in population and intelligence, and they stretched across the State, from the west to the extreme east. Mr. M. would not occupy the time of the Senate with further remarks, except to say, that they contained sentiments which he approved; nor would he ask for their reading, except the proceedings from the county of Hamilton.

The long proceedings from this county were partly read, and the whole were referred and ordered to be printed.

WINDHAM COUNTY (CONN.) MEMORIAL.

Mr. TOMLINSON presented the memorials of about 1,600 citizens of Windham county, in the State of Connecticut, complaining of the general stagnation of business, and the pecuniary embarrassments and distress occasioned by the removal of the public funds from the custody of the United States Bank, and the unwise and disastrous interference of the Executive with the currency and labor of the country. Information from gentlemen in whom he perfectly confided, Mr. T. said, warranted the belief that there is not among the numerous memorialists a single individual who is not a voter, and that the sentiments expressed by them are in coincidence with those entertained by more than three-fourths of the electors of that respectable and influential county. At this period of the session, Mr. T. said, he did not propose to occupy the precious time of the Senate by asking that the papers be read, nor by detailing their contents, and making the extended remarks which, under other circumstances, the interesting subjects discussed in them would doubtless justify. He deemed it proper, however, to state for the information of the Senate, that Windham is an inland county, abounding in water power, which has been made to contribute largely to its substantial prosperity and wealth. In this county the manufacture of cotton was long since commenced, and had been pursued, until lately, with great success. Having had the satisfaction of repeatedly visiting that county, he could say that the manufacturing establishments there located were large, numerous, and admirably well-conducted. Flourishing and beautiful villages had consequently sprung up in various parts of the county, with gratifying and wonderful rapidity, furnishing a ready and good market for its agricultural productions, and stimulating and richly rewarding that great branch of industry, by which the aspect of that section of Connecticut had been highly improved and its inhabitants enriched. But he was sorry to be informed, that, in this county, which was so prosperous until near the close of the last year, an unfortunate change had taken place, and to learn, even in the present week, that the work of destruction was fearfully and lamentably progressing. He was authorized to state that about eleven thousand spindles had been stopped in the county, and that mercantile confidence is destroyed, industry paralyzed, labor denied its customary reward, and actual want felt in the recent abodes of comfort and ease, while the hopes of the manufacturer are sorely disappointed. Accustomed to examine, deliberate, and judge for themselves, the memorialists have formed, and unequivocally express, the opinion, that nothing can re-establish public confidence and credit, animate the desponding, and restore to the farmer his late prosperity, to the mechanic his spirit of honest enterprise, to the manufacturer his hopes and activity, and to all classes in the community the rich and varied blessings which they recently enjoyed, but the return of the public deposites to the place whence they have been wrongfully taken, and the re-charter of the national bank, or the incorporation of a new bank, upon such principles as will give and secure to the country a safe and well-regulated currency. Looking to national legislation alone for relief, they ask the prompt exertion of the constitutional powers of Congress to accomplish these great and desirable objects, and to rescue the nation from the deplorable consequences of an Executive experiment, which, in their judgment, was commenced, and can only be carried forward, by the assumption and exercise of a prerogative which infringes the rights and privileges of the other departments of the Government, and endangers the interests and liberty of the people.

The memorials were referred to the Committee on Finance, and ordered to be printed.

NEW HAMPSHIRE RESOLUTIONS.

Mr. HILL moved to take up the resolutions of the New Hampshire Legislature, which were yesterday laid on the table, in the alleged absence of any authority for him to present them.

Mr. HILL. Mr. President, my colleague said yesterday that he knew where these resolutions came from; that they came from this city. If he knows this, he knows more than I do.

Messrs. CLAY and EWING objected to these remarks as being out of order.

Mr. HILL wished to assign the reasons for taking up the resolutions, and began again with his speech.

Mr. POINDEXTER objected; it was not in order for an honorable Senator to discuss the subject on a question of taking it up. If it was necessary, the Senator could say what reason there was to take up the resolutions; but to discuss the merits of the subject was out of order.

The VICE PRESIDENT said it was impossible to anticipate what the remarks of the Senator would be.

Mr. POINDEXTER moved to lay Mr. HILL's motion on the table, and this motion requiring unanimous consent,

Mr. HILL would not give way, but again began his speech.

Mr. CLAY called the gentleman to order—it was not in place for the honorable member to reply to his colleague, on a motion to take up the resolutions.

Mr. BENTON made a few remarks, most of which were inaudible.

Mr. CLAYTON said, that one of the Senators from Pennsylvania, and the Senator from New Hampshire not now in his seat, had, to use a common phrase, paired off. The honorable Senator from Pennsylvania having occasion to leave the city, had prevailed upon the honorable Senator from New Hampshire, who was of opposite views, to vacate his seat also for the remainder of the session.

Mr. HILL. My colleague said, yesterday, that he knew where the resolutions came from. If he knows this, he knows more than I do; and if he turns public instructer in New Hampshire, he will meet, in the author of the resolutions, a gentleman who will be his equal.

Mr. POINDEXTER again rose to order.

Mr. HILL. My colleague said that the resolutions were got up by the sons of old tories—

Mr. EWING begged to call the gentleman to order.

Mr. SHEPLEY wished to have the consideration of the question taken up.

Mr. WEBSTER wished to follow out the strict parliamentary rule.

The CHAIR. The gentleman from New Hampshire will sit down.

Mr. BELL, who had come into the Senate Chamber, re-stated what Mr. CLAYTON had told the Senate, and thought, under the circumstances, that it was improper for him to enter into any discussion.

The question was then taken, on again taking up the resolutions, and negatived by the following vote:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Leigh, Linn, Moore, Robinson, Shepley, Tallmadge, White, Wilkins, Wright.—18.

NAYS.—Messrs. Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Kent, Mangum, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster.—26.*

[*From the Globe.*]

* Mr. BLAIR: Having been interrupted at four several times, by Messrs. Clay, Ewing, and Poindexter, this morning, in a simple attempt to do justice to a large majority of the people of New Hampshire, I have written out, and ask you to insert in the Globe, the remarks I intended to make on the occasion of asking for a consideration of the resolutions yesterday laid on the table, on motion of Mr. Webster, passed by the Legislature of New Hampshire, approving of the course of the President, and disapproving of the conduct of the United States Bank, and the course of the Senate of the United States in condemning, without hearing or trial, the President of the United States, and instructing their Senators to vote for expunging the obnoxious resolution from the Journal of the Senate. It is proper to remark, that the Senator from Massachusetts, (Mr. Webster,) after acknowledging that it was a common practice to present resolutions to the Senate as these resolutions were by me presented, without an especial vote of the Legislature for that purpose, and that he had no objections to taking up the resolutions and disposing of them in the usual way, voted against taking them up! The motion to take them up was rejected (tantamount to voting not to receive them) by a party vote.

SENATE CHAMBER, June 24, 1834. ISAAC HILL.

Remarks of Mr. Hill, in Senate, June 24, 1834.

When my colleague, Mr. Bell, yesterday, made his onset upon the New Hampshire resolutions, I had no idea it was a shot and a retreat. He has, I am informed, left us, and no leave of absence yet asked, and much the most important business of the session to be yet performed. He has paired off, as they call it, and, therefore, his party loses nothing by his absence. He has gone, but not for good. If he lives he will come back again—he is too much of a Yankee, and too little of the Virginian, not to hold on and be back here on the 1st of December next--for he knows full well that this is his last chance, and that New Hampshire will never send him here again.

My colleague says he knows whence these resolutions came; that they went from this city. All I can answer, is, that if he knows this, he knows more than I know. When he returns to New Hampshire, and there takes the field as a political gladiator, as he has promised us, I am inclined to believe, that he will meet an antagonist in the author of these resolutions, who will convince him that the sole object of his political troubles and his fears, sojourns not now in the Federal city.

My colleague says the resolutions were introduced, and advocated, in the Legislature, by the sons of old tories. [Here Mr. H. having been repeatedly interrupted, sat down.] One of the expedients of himself and his party ever has been, to single out the very few belonging to the democratic party, who have been allied to tory and old federal families, as themes of reproach. My colleague cannot even claim the merit of originality in making this discovery. The children's teeth are not set on edge because their fathers have eaten sour grapes. The two gentlemen in the New Hampshire Legislature, assailed by my colleague, (Messrs. Gove and Atherton,) are not the less esteemed because they sprung from the party to which my colleague belongs--because their fathers were his political associates. These men are both his juniors in years. Whatever they now are, they have never made pretensions to be any thing else; whatever they may be, I trust the mutations of my colleague will not be taken as their pattern. If my colleague would brand the great majority of the Legislature and people of New Hampshire as tories, let him reflect that there are of that Legislature, and not of his party, who bear the names of Thomas Jefferson and John Langdon, the sons of whig fathers, who never disgraced their names or their sires; and that if they deserve the name of tories, the whole political world must be turned upside down.

But a rank offence against the dignity of this body has been committed by the introduction of these resolutions. My colleague says the presentation was "altogether gratuitous—unasked and uncalled for." He was backed by the Senator from Massachusetts, (Mr. Webster,) who said the consideration of these resolutions presented a grave question for the decision of the Senate! They had been read in our hearing, and that could not be taken back; but they were not addressed to the Senate, but to Senators, and therefore ought not to be received. Although I know these resolutions, certified by the hand of the Secretary of State of New Hampshire, to be sent here directly for the purpose of presentation; although I know it to be the intention of the legislators who passed them that they should be presented, I must confess that for a moment the idea flitted across my mind that I had been guilty of some impropriety in presenting them, when I saw the Secretary looking into the body of the resolutions to discover whether or not there was a request they should be presented. I immediately recurred to the last year's Journal, to see if I had a precedent. The first page I opened presented me certain resolutions of the Legislature of Massachusetts relative to the measures of South Carolina and adverse to the tariff bill. I found these addressed to the Senators and Representatives in Congress from Massachusetts--but no request was made that they should be presented. By the side of them I found resolutions from the Legislature of Missouri against re-chartering the United States Bank--and no request that they should be presented. Both sets of resolutions were presented, read, received, and ordered to be printed. Senators in both cases presented them on their own responsibility.

Recurring to the proceedings of the present session, how many resolutions and public addresses of meetings have been presented to both branches of Congress, cut from the columns of some newspaper, without a request from the meetings that they should be presented? I hold in my hand the printed resolutions of the Legislature of Massachusetts in favor of the restoration of the deposites, and of re-chartering the Bank of the United States of the present year. These resolves, by vote of the Legislature, were sent to the Senators and Representatives in Congress from that State; but no request was made to present

PUBLIC LANDS.

Mr. POINDEXTER moved to take up the resolution offered by him the other day, relative to the sitting of a committee, during the recess of Congress, for the purpose of taking testimony upon the subject of frauds on the public lands.

Mr. WRIGHT offered an amendment, to the effect that the examinations of the committee should be con-

ducted by set interrogatories; which interrogatories should be printed and transmitted to the individual about to be called before the committee; that such person should also have permission to cross-examine the witnesses, and bring forward their own, if necessary.

Mr. POINDEXTER said, the amendment would have the effect of defeating the whole intent and purpose of the resolution. In order, however, that both might be fully considered and understood, he would move that they be laid on the table and printed. Motion agreed to.

KENT COUNTY (R. I.) PROCEEDINGS.

Mr. ROBBINS presented the proceedings and resolutions of a meeting of citizens of Kent county, Rhode Island, disapproving of the measures of the Executive in relation to the public finances and the Bank of the United States, and praying Congress for redress.

On presenting the above proceedings—

Mr. ROBBINS said: I am charged with, and rise to present certain resolutions on the subject on which so many resolutions and memorials to Congress have been presented at the present session; and which, as it now appears, might as well have been addressed to the dull cold ear of death.

These resolutions come from the people of Rhode Island, inhabitants of the county of Kent, in that State; a county that has connected with it many interesting associations; among others that arising from its being the birth-place and residence of that revolutionary hero, who stood, in the mind of his country, as heir apparent to the commander-in-chief of her revolutionary armies, had it been ordained by Providence that the war should outlast the life of her Washington, (blessed be God, it was not so ordained!) I allude to General Greene, a name that throws an interest over the place of his nativity, and those early scenes, where that great mind, in the shade of retirement, and in the modesty of unconscious genius, by his own culture, grew up to those capacities which fitted him for those brilliant parts which he afterwards enacted on the theatre of the revolutionary war. An interest not unlike, though less intense, yet not unlike that connected with Mount Vernon; which no American beholds without emotion, without saying in his secret thoughts and in his pride of heart, this was the home of Washington, my countryman and fellow-citizen; a name that is but another name for all that is great and sublime in human character; whose fame, from the moment it first broke upon the world, to the end of his glorious career therein, was so elevated as to be above the reach of envy—a felicity peculiar to Washington in all the history of human greatness. For who else in that immortal roll but

"Comperit inviduam supremo fine domari?"

Not one.

This interesting county is but of small extent, containing only four towns, and these only about twelve thousand inhabitants. This people are almost exclusively engaged in the business of agriculture and manufactures; and their pursuits, animated as they have been by the spirit of enterprise, and guided by the lights of intelligence, have been attended with great success. They have over thirty different manufacturing establishments within their narrow limits, and about two millions of fixed capital invested in them; they were moving about eighty thousand cotton spindles, and were expending in the wages of manual labor about four hundred thousand dollars annually. But now, more than one-third of these works are suspended, and that proportion of laborers dismissed from employment; the residue, though continued, are continued at a loss, and their progress is from bad to worse. This is their condition, their present condition, as they tell us themselves. But the honorable gentleman from Missouri, who, it seems, knows their situation better than they do themselves, tells them in his place here, that they are under a great mistake in this matter; that, compared with the average of late years, they never were in a more active and prosperous condition than they now are. Indeed! Then it must be that these capitalists, who really believed that they had suspended their operations, and had dismissed their laborers, were in a state of hallucination; no such thing had taken place; every spindle was in motion as before; and every hand was at work as before. And these poor laborers, who really believed that they were out of employ, and that in consequence thereof their families were suffering the privation of the necessaries of life, were in no such condition; they were still in full employ, at full wages; and their families were still well fed, well clothed, and enjoying all the comforts of life they had ever known. They saw, as they believed, their water-wheels at the falls, on their water-courses, stopping here, and there, and everywhere; and their establishments silent and deserted; but it was all an optical illusion. But this mania, this astonishing mania, that has produced these delusive phantoms, these optical illusions, how is that to be accounted for? Why, the same honorable Senator tells us, it is to be accounted for by a panic speech, made here upon the floor of this Senate. Then no conjurer, no sorcerer, no magician, that ever was, can compete with your panic speech. The enchanter's rod operates only by contact; the patient must be present, for the exhibition of the specious miracle to be wrought upon him; but the potent spell of the panic speech, though pronounced here in this Capitol, is felt to the extremities of this Union; at the sound thereof, every where the whole country is struck aghast with imaginary distresses. And the magical effect is no less astonishing, by the length of its duration, than by the extent of its operation. It is now six months since this country has been spell-bound by it, and kept under this strange and miserable delusion.

But irony apart; that honorable gentleman tells this country—and with a *nota bene* that it is not lightly said, but upon his dignity as a Senator, and his honor as a private gentleman—that their distresses, whether real or imaginary, or partly one and partly the other, have all passed away; and that the prosperity of the country, compared with the average of late years, was never greater than it now is. The country, no doubt, has great respect for that gentleman; but I doubt whether they will give

---

them in this body. They were presented; but the grave question whether they should be received, was not mooted.

Until this time, I believe, it was never doubted that the communication of these and similar resolutions to a Senator or Representative in Congress, was considered an implied request to present them to the branch to which such Senator or Representative belonged.

"A grave question is presented for the decision of the Senate!" If I had been a member of Congress from ten to twenty years, and made before the Senate such a "grave question," when hundreds of precedents to the contrary were staring me in the face, I would at once have resigned the office of political leader; I would no longer undertake to school younger members for a dereliction of duty.

"The paper cannot properly be received by the Senate!" Will the Senator from Massachusetts turn out of doors the opinions of more than thirty thousand free electors of New Hampshire, as expressed by their representatives, if they shall not square with his own opinions, by creating a frivolous objection to the manner of their presentation? Is not the responsibility of a member of this body, representing those persons, worth something? Is the native State of the Senator become so degenerate that her opinions are not to be suffered an entrance here? Or does precedent in this body furnish a rule that excludes one side of the question, while the body is a general receptacle of every thing that appears on the other side?

I must insist, that in the presentation of these resolutions, I have only followed the example of Massachusetts Senators themselves; and that, if it was their right that those resolutions should be received, so it is my right that these resolutions shall be received.

him entire credit for the correctness of this statement, contradicted as it is by the evidence of their own senses, and by the still better evidence of their own bitter experience.

They will tell him that they have seen with their own eyes, and felt by their own experience, the currency of the country to be deranged, totally deranged, by the arbitrary act of the Executive thereon, and all its attendant evils—the confidence of the capital of the country to be thereby destroyed; and with the confidence, the credit, and with the credit, the business, and with the business, the prosperity of the country, to be destroyed; and that these disastrous consequences of that arbitrary act of power still remain upon the country; and must remain, unabated and unmitigated, while the cause remains as it does, unremoved and unremedied.

It seems now to be finally settled, that the cause is not to be removed, and that the country is not to be relieved, either by the action of the Executive, or of Congress. The country must now be aware of this fact; and they will now no longer feed themselves with delusive hopes from that quarter. They must now see that the only remedy for their grievances is to be found in themselves, and to be applied by themselves.

"To your tents, then, O Israel!"

The proceedings were then referred in the usual way, and ordered to be printed.

On motion of Mr. SOUTHARD,

Ordered, That the meetings of the Senate, in future, be at ten o'clock A. M. until the end of the session.

After the first and second readings and reference of a number of bills from the House of Representatives, the Senate proceeded to the consideration of Executive business, and after spending some time therein, adjourned.

WEDNESDAY, JUNE 25.

CLAIMS FOR LOST PROPERTY, &c.

The bill to provide for the payment of claims for property lost, captured, or destroyed by the enemy, while in the military service of the United States during the late war with Great Britain, and the Indian wars subsequent thereto, and for other purposes, was taken up, on motion of Mr. KING, of Alabama.

After some conversation between Messrs. KING of Alabama, CALHOUN, and TIPTON,

On motion of Mr. CALHOUN, the bill was laid upon the table; yeas 19, nays 16.

RESPECT TO LAFAYETTE.

Mr. WEBSTER, from the select joint committee appointed to consider and report by what tokens of respect and feeling it would be proper to manifest the deep sense of the nation on the afflicting intelligence of the death of General Lafayette, made a report, which he said he would not ask for the reading of, as the Senate would probably consider the resolution of the House on that subject in the course of the morning.

INDIAN APPROPRIATIONS.

On motion of Mr. WEBSTER, the Senate proceeded to the consideration of the bill making appropriations for Indian annuities, and for other purposes, for the year 1834.

Mr. FRELINGHUYSEN moved, as an amendment, that the appropriation to be made by this act, shall be made to the chiefs of the tribes. He stated, that until the present administration came into power, the appropriations were made to the chiefs, since which, it had been ordered to be paid to the individuals of the tribes. This mode of distributing the money was attended with much individual inconvenience. It was to be distributed through tribes scattered over two hundred miles of territory. It had not been satisfactory to the tribes; and in consequence of that policy, it would cost more than the annuity which was appropriated, to regain the confidence of these Indians. Besides, by the means adopted, the money was never paid to them.

Mr. WHITE said, that with regard to the Cherokees, their money had not been paid for some years; but the other tribes wished their money to be thus distributed. There was a danger, in paying the money to the chiefs, that the other Indians were cheated out of their money. He thought that a general rule of that kind would throw the money into the hands of the chiefs, and the common Indians would get nothing. The amendment would apply to the Cherokees, but not to the Indians generally.

Mr. SPRAGUE knew it to be a fact, that the annuity to the Cherokees had not been paid for several years, because the Government made a change as to the persons or the corporations who were to receive it.

If the treaty were to be kept with the Cherokees, the money ought to be paid. There had been no treaty with individuals; the treaty was to pay them as a corporate body. The obligation was not discharged by refusing to pay their authorized agent, any more than the obligation of the French treaty would be discharged by the Government of France sending over agents to this country, and undertaking to pay to every individual citizen whatever his share would amount to. He thought that any thing in a treaty with a community, ought to be paid to them as a community, and to refuse to pay them so, was a mere evasion and violation of the treaty, and a refusal to pay them their stipulations.

Mr. FRELINGHUYSEN agreed to modify his amendment by striking out "Indian tribes," and inserting "the Cherokees east of the Mississippi." He argued that the money ought to be, and formerly was, paid to the chiefs. They had a general treasury; and the withholding of it was a fruitful source of discontent. It had arisen from our prejudices, which had taught us to look upon them as not fit to take care of their own property.

Mr. FORSYTH said, the original proposition of the Senator from New Jersey was a very simple one; it was to the effect that the Government had no right to go beyond the corporate character of the Indians. The honorable Senator's present proposition, however, abandoned this ground; he now left out of the question the great body of the Cherokees, and confined himself to a particular tribe of that nation. He now exerted himself solely on behalf of the Cherokees on the eastern side of the Mississippi; why were those on the western side neglected by the honorable Senator?

Mr. FRELINGHUYSEN would willingly extend his proposition so as to take in the Cherokees on the western side of the Mississippi.

Mr. FORSYTH was against the proposition in both cases.

Mr. FRELINGHUYSEN had supposed so.

Mr. FORSYTH continued: Why was this distinction made between the Indians on the east and those on the west of the Mississippi? It was because the individuals who composed the council of the former, wanted possession of this money. None but these persons had complained or sent petitions to the Government; they would not suffer the common Indians, over whom they had any influence, to come forward and receive their annuities, until the money had been placed for division in their (the chiefs') hands. Now if this latter disposition of the money were made, what would be the consequence? What would be done with it? Why, a part of the annuity had already been expended in the purchase of a press, and this would be done again if the present arrangement of the Government were interfered with. Was this just to the poor Indian, who frequently had not a blanket to cover his nakedness, or a morsel of food to put into his mouth? If this money got into the treasury of the council, it would never reach the destination which was originally intended. The

council wanted money to travel about; to come to the seat of Government and present petitions against the Executive of the United States, and in this way the annuity would be expended.

Mr. TIPTON made some observations in opposition to the amendment, and in favor of the manner in which this matter was at present regulated by the Government.

Mr. SPRAGUE said, he had as yet heard nothing in answer to the objection which he had made as to the Government paying the money to individuals, when they had agreed to pay it to a corporation. Gentlemen had no right to enter upon the consideration of the abstract question of what was best for the Indian, in connexion with this subject. If this principle were admitted, he doubted not we should soon find out that it would be better to keep the money ourselves than to give it to the Indian, who might possibly make a bad use of it. Mr. S. said, that if there was any sentiment of national faith remaining among Senators, that sentiment must lead to the conviction that they were bound to pay this money in the way proposed by the Senator from New Jersey. Gentlemen would not now recognise the chiefs as the agents of the Cherokee nation; but were willing enough to do so when they wanted Indian lands, when they wanted the chiefs to sell their country. The circumstance of these Indians having a press among them was brought forward, too, as a plea upon which to resist their just claims. Why, this showed the extent of civilization to which they had arrived. But gentlemen, it appeared, would rather give the money to the individual Indians themselves, who would expend it in five minutes for whiskey, than have it applied in any way that would tend to raise them above their present condition.

Mr. FRELINGHUYSEN desired the Senate to imagine such a scene as the payment of the annuity under the existing arrangement; the individual Indians brought from a distance of 100 to 140 miles, for the purpose of receiving their half dollar or dollar; the Indian camp, after the payment had been made, surrounded by that class of white people who rioted on the vice of the Indians. What a glorious process of civilization! Mr. F. continued: If the Cherokee Indians were superior to any other tribe, it was in consequence of their having followed the advice of Washington, and confided their money to their chiefs—to those who lived with and cared for them, and who were anxious to promote their best interests. Mr. F. then spoke in favor of the Indian delegates, Messrs. Ross & Co. and described them as individuals entitled to the highest confidence. It had been said that these persons wished to monopolize the annuity. Ross and Co., however, were Indians, and must bear it. He held in his hand a paper regularly signed, by which it appears that these men were the appointed and authorized agents of the council of the Cherokee nation; what excuse then could there be for not paying the money to them? But these people had a press; further supplies of money, therefore, must be arrested, as there would be more presses, and the whole Indian country would be filled with information. They were pouring light upon those parts of the country which gentlemen wished to be kept in darkness. They were now turning the money which they received to purposes of instruction; making it serviceable to them in their prosecution of the arts and sciences, instead of spending it in licentiousness; and honorable Senators would stop this. The Cherokee Indians were becoming enlightened by the course they had adopted. They could no longer be made, as formerly, the victims of designing men. Mr. F. here stated that he had known a buffalo robe, which would have sold in any of our cities for sixteen or seventeen dollars, given at one time among these Indians for a quart of whiskey. But this could no longer be done. They were now acquiring information; they now printed books; they had got an alphabet—yes! they had gone the audacious length of getting an alphabet! they had even infringed upon old Dilworth, and got up a spelling-book: they had also printed the New Testament. Mr. F. concluded by saying that he hoped the poor and despised Cherokee would yet rise to a level with the people of this country, and set an example which should bring a blush upon the cheek of the latter at the remembrance of former proceedings.

Mr. FORSYTH believed that John Ross was intelligent, and of a decently good character; he was not a poor Indian; Mr. F. wished he was as poor, for he was probably worth $100,000. But the use to which the annuity was put, was to take possession of the money of others to retain and extend their own power; such was the use made of it by Ross & Co. If they had the power to get it into their hands, they had the power to make such use of it as they pleased. Mr. F. objected to the inconsistency of limiting this provision to a part of the Cherokees. He said the cause of discontent with the Cherokees east of the Mississippi was, that the chiefs forbade individuals to receive the money. Mr. F.'s objection to the establishment of a press among the Cherokees, was, that they could not read the paper, and that it was used to agitate the people on the great Cherokee question.

Mr. CHAMBERS moved to modify the amendment, by extending the provision to the Cherokees west of the Mississippi, which modification Mr. FRELINGHUYSEN accepted.

Mr. WHITE said the modification made the amendment better than it was; but he was opposed to extending the provision to all the Indian tribes. He argued that in the treaties they were not regarded in the light of civilized nations, because an agent was placed among them by the Government for the transaction of their affairs. He thought there could be no violation of faith, if the money were paid in such manner as to make it most beneficial to the Indians; the stipulations were, in that case, substantially fulfilled. He belived that a great proportion of the tribes preferred the manner of payment adopted by the administration, as it was said in many cases that the chiefs could not make the payments in a manner satisfactory to the tribes. He admitted that the case of the Cherokees was an exception to an almost general rule. He was in favor of adoping that mode which would be most for the benefit of the Indians, and for the easy transaction of the business of the Government. He was in favor of no violations of treaty stipulations, and said if the individual Indians would not receive the annuities, he was in favor of paying them according to their wishes.

Mr. FORSYTH moved to strike out that part relating to the chiefs, and inserting that the payment should be made to such persons as should be selected by the majority of the tribe.

Mr. FRELINGHUYSEN objected to the proposition as extremely inconvenient in practice, and going backward in the march of civilization. He hoped the amendment would not prevail.

Mr. FORSYTH endeavored to show that the method proposed by him was easily practicable, as the number of Cherokees did not exceed 20,000; he insisted that treaties had been made with the tribe, and not with John Ross & Co.

Mr. FORSYTH's amendment was lost, yeas 16, nays 19.

The question was then taken upon the amendment, which prevailed, and it was ordered to be engrossed.

The bill, as amended, then received its third reading.

RESPECT TO LAFAYETTE.

The joint resolution from the other House relative to the death of General Lafayette, was then read.

Mr. WEBSTER said he should not say a single word respecting the character of the illustrious individual whose decease was the subject of this resolution. The present

proceeding of Congress was intended to express the sense of the Legislature of the United States, and of the American people, under this mournful event. It was not desired that either party should take precedence of the other upon this occasion, but that whatever was done, should be considered as expressive of the nation's gratitude to the nation's benefactor. He (Mr. W.) hoped the vote upon the resolution would be such as would enable posterity to speak of the unanimity with which they had united in relation to this matter.

The resolution was then unanimously adopted, and such unanimous adoption, at the request of Mr. WEBSTER, recorded upon the Journals of the Senate.

DAY OF ADJOURNMENT.

Mr. PRESTON submitted a joint resolution to rescind the resolution of the two Houses fixing on the 30th day of June as the day of adjournment, and authorizing the President of the Senate and the Speaker of the House of Representatives to adjourn the two Houses on the —— day of July next; which was read and ordered to a second reading.

PENSIONS TO FRENCH SEAMEN, &c.

The amendment of the House of Representatives to the bill of the Senate granting pensions to certain citizens of France, sufferers in consequence of the unfortunate accident at Toulon, was considered and agreed to. [The amendment provides that the President of the United States shall make an arrangement with the Government of France to pay, through them, the pensions to the same amount, and in the same proportions, as provided for by the original bill.]

POST OFFICE AFFAIRS.

The resolution submitted by Mr. SPRAGUE, providing for the appointment of a committee to continue the investigations into the affairs of the Post Office Department during the recess, was taken up for consideration, and having been modified by Mr. S., so as to refer the investigation to the standing Committee on the Post Office and Post Roads, instead of to the select committee,

Mr. FORSYTH suggested that it would be the better course to refer the subject, by an especial resolution, to the President of the United States, and to throw on him the responsibility of making the examination. He did not suppose that the object of the resolution was to establish criminality, because that would be travelling out of the line of duty of the committee.

Mr. SPRAGUE referred to the bankrupt condition of the Department, and the abuses which had prevailed, and stated that it was his object to authorize an examination by a committee who would have ample opportunity. The next session would be a short one; and, unless there was previous investigation, there would be no chance of any measure being then adopted which would apply a remedy.

Mr. FORSYTH rejoined, insisting on the course which he had suggested as the only one proper to be pursued. He wished to know the particular object of the mover.

Mr. SPRAGUE replied, that it was his object to have a full examination. It was not his object to establish criminality, but that might be one of the results. He had no desire to put responsibility on the President, as he was sufficiently disposed to assume responsibility. The business had been already in his hands, and if he was disposed to do his duty, no act of the Senate, in authorizing an investigation, would prevent him.

Mr. FORSYTH denied that the information collected by the committee, and at present only known to them, was yet before the President. He moved to postpone the consideration of the resolution till Saturday.

The motion to postpone was negatived, and the question on the resolution was then decided, as follows:

YEAS.—Messrs. Benton, Bibb, Black, Calhoun, Chambers, Clay, Clayton, Ewing, Frelinghuysen, Grundy, Hendricks, Kane, Kent, Knight, Linn, Mangum, Moore, Naudain, Poindexter, Porter, Prentiss, Robbins, Silsbee, Smith, Southard, Shepley, Sprague, Swift, Tyler, Tomlinson, Waggaman, Webster, White.—33.

NAYS.—Messrs. Brown, Forsyth, Hill, King of Alabama, King of Georgia, Morris, Robinson, Tallmadge, Tipton, Wright.--10.

So the resolution was agreed to.

Mr. CLAYTON moved to be excused from serving on the committee, alleging that he had been absent from his family eight months, and that his affairs would require his attendance at home. After some remarks, which were replied to by Mr. GRUNDY, the motion was agreed to, and Mr. CLAYTON was excused accordingly.

After taking up, and going through with several bills,

At two o'clock the Senate took a recess for two hours.

EVENING SESSION.

The resolution reported by the Committee on Indian Affairs, on the petition of John Ross and others, delegates from the Cherokee tribe of Indians, requesting the President to ascertain and inform the Senate, at the next session of Congress, on what terms the claims of the State of Georgia, and of her citizens, can be extinguished to the Cherokee lands within her limits, coming up,

After some remarks from Mr. FORSYTH, in opposition to the resolution, and from Messrs. WHITE and FRELINGHUYSEN in its support—

Mr. CLAY moved to lay the resolution on the table. Lost—ayes 16, noes 17.

The question was then resumed, and Mr. FORSYTH asked for the yeas and nays, which were ordered.

Mr. PORTER then moved to lay the resolution on the table, and the yeas and nays being ordered on motion of Mr. SHEPLEY, the question was taken and decided as follows:

YEAS.—Messrs. Black, Brown, Calhoun, Clay, Forsyth, Hill, Kane, Kent, King of Alabama, King of Georgia, Linn, Mangum, Moore, Poindexter, Porter, Preston, Robinson, Shepley, Tallmadge, Tyler, Webster, Wright.—22.

NAYS.—Messrs. Benton, Chambers, Clayton, Ewing, Frelinghuysen, Grundy, Hendricks, Knight, Naudain, Robbins, Smith, Southard, Sprague, Swift, Tipton, Tomlinson, White.—17.

So the report was ordered to lie on the table.

APPROPRIATION BILL.

The bill making appropriations for the civil and diplomatic service of the United States, was then taken up.

On motion of Mr. WEBSTER, the bill was amended by striking out four and inserting eight, in the appropriation for a custom-house at Newburyport, making the appropriation $8,000 instead of $4,000.

The amendments were then ordered to be engrossed, and the bill was ordered to a third reading.

The Post Office report was then called up; and, on motion of Mr. EWING, it was laid on the table for the present.

The bill making appropriations for the civil and diplomatic expenses of the Government, for the year 1834, was read the third time, passed, and sent back to the House for concurrence in the amendments.

Several private bills were now taken up, and disposed of.

Mr. HENDRICKS at this stage of the disposition of business, moved that the Senate pass over the House bills, and consider the Senate bills only, until the last three days of the session, after which, by the rules of the Senate, the House bills only could be acted on.

After some conversation between Mr. CLAY, Mr. PORTER, Mr. FORSYTH, and Mr. POINDEXTER,

the motion was agreed to; and several bills were considered and finally acted on; when, at eight o'clock,

The Senate adjourned.

THURSDAY, JUNE 26.

DAY OF ADJOURNMENT.

After the reading of the Journal—

Mr. PRESTON moved that the Senate proceed to the consideration of the resolution submitted by him yesterday, for prolonging the session of Congress; which was agreed to.

On motion of Mr. PRESTON, the blank was filled with the 7th of July.

Mr. BROWN asked the yeas and nays on the adoption of the resolution; which were ordered.

Mr. PRESTON said, he did not wish, at this period of the session, to consume time in a discussion of the question. There were several very important bills now before the Senate, involving immense expenditures. There was the fortification bill, the harbor bill, and a variety of others. The bill regulating the deposite of public moneys in the State banks also remained to be acted on. This bill had not been sent here till Wednesday, and according to our rules, it was impossible to give it that consideration which its importance required. It had the appearance of the House being unwilling to allow the Senate sufficient time to consider it. There were also the coin bills, nearly connected with this bill, and also many private bills yet to be acted on, in which almost the existence of many individuals having claims on the Government was involved, and which, if not passed, would inflict very general distress and ruin.

Mr. CLAY said, if we would economize our time, we could get through without difficulty. If we would cease discussion, and act on the reports of committees, we could do much business. He was opposed to the resolution. If the House wished a prolongation of the time, they could ask it; if not, he would not urge it on them.

Mr. POINDEXTER said, the House had sent us several important bills, without leaving us time to consider them. Would not the Senate be placed in a better attitude before the country, by asking a day or two more to act on them?

Mr. BENTON was in favor of the resolution. Congress was the local legislature of the new States; and there were several very important bills to the people of Missouri yet to be acted on, which could not be passed, if we had not more time; many of these were of thirty years' standing, and imperiously demanded attention. If the resolution were passed, it did not follow that the House would concur in it—next Thursday, perhaps, might be fixed on by them, the day previous to the 4th. He hoped the resolution would be agreed to.

Mr. KING, of Georgia, thought there were many reasons against the prolongation, and but few for it. It was certainly impossible to get through all the important business even by the 7th, but we could get through a considerable portion of it. Another serious objection against it was, that many members had already left town, on the belief that the day of adjournment would not be changed—some were going to-day, and many more to-morrow.

Mr. CHAMBERS earnestly urged the indispensable business applicable to the District of Columbia, as requiring more time—these people had been entirely neglected; and if something was not done for their relief, some of the private property in this city would be brought to the hammer in a very short time.

Mr. CLAY said this discussion had already occupied one hour: he therefore moved to lay the resolution on the table. The motion was agreed to—yeas 25.

On motion of Mr. SPRAGUE, the Senate proceeded to ballot for a member of the Committee on the Post Office and Post Roads, in the place of Mr. CLAYTON, who was yesterday excused from serving; and, on counting the ballots, Mr. SOUTHARD was found to have been chosen.

The Senate then took up and went through with numerous bills.

Mr. POINDEXTER moved to take up the bill authorizing the relinquishment of the sixteenth sections granted for the use of schools, and the entry of other land in lieu thereof.

Mr. MOORE called for the yeas and nays on the question; which was decided in the negative, as follows:

YEAS.—Messrs. Benton, Black, Calhoun, Chambers, Grundy, Hendricks, King of Alabama, Linn, Moore, Poindexter, Preston, Robbins, Robinson, Tipton, Waggaman, White, Wilkins, Wright.—18.

NAYS.—Messrs. Bibb, Clay, Clayton, Frelinghuysen, Hill, Kent, King of Georgia, Knight, Mangum, Naudain, Porter, Prentiss, Shepley, Sprague, Smith, Southard, Swift, Tomlinson, Tyler.—19.

The Senate then took a recess until 4 o'clock.

EVENING SESSION.

Mr. TIPTON asked the indulgence of the Senate to take up the bill providing for the admission of the Territory of Arkansas into the Union, intimating his intention to move to take up the bill for the admission of Michigan also.

Some objection being urged by Mr. CLAYTON,

Mr. TIPTON said his only object was that the people of the Territory might be authorized to have the census taken, preparatory to their final admission. He had been waited on by the delegates from the Territories, and requested that these bills might be acted on; and as they were not represented here, he was desirous of showing the people of the Territories that he had not neglected their interests. He therefore asked the yeas and nays upon the motion to take up the bill; which were ordered, and are as follows, to wit:

YEAS.—Messrs. Benton, Black, Chambers, Grundy, Hendricks, Hill, Kane, King of Alabama, Linn, Robinson, Shepley, Swift, Tallmadge, Tipton, White, Wilkins, Wright.—17.

NAYS.—Messrs. Bibb, Calhoun, Clayton, Ewing, Kent, King of Georgia, Porter, Preston, Robbins, Silsbee, Smith, Southard, Sprague, Tomlinson, Waggaman, Webster.—16.

So the Senate determined to consider the bill—which having been read in part,

Mr. WEBSTER moved to lay the bill on the table; which was disagreed to—yeas 15, nays 16.

Some further progress was made in reading the bill and amendment; when,

Mr. SPRAGUE renewed the motion to lay the bill on the table; which was agreed to—yeas 17, nays 14.

CITY OF WASHINGTON.

Mr. CHAMBERS moved that the Senate take up, for consideration, the bill for the benefit of the city of Washington; which was agreed to.

Mr. CHAMBERS said, he did not desire to spend time in the discussion of this matter. The object of the bill was understood. It was to pay to this city $70,000 annually, for three years, in quarterly instalments, for the purpose of paying the interest on their canal debt. He would only say, that the property of the citizens of the city was mortgaged for this debt, and if the relief was not extended to them, they would be ruined.

Mr. CLAY was disposed to give the city something,

although he thought the inhabitants had been extremely improvident. He was willing to give them something, because the city was once in the hands of the English, and if we did not pass the bill, it would fall into the hands of the Dutch. The bill, however, extended the sum to three years; he would rather limit it to one year.

Mr. CHAMBERS hoped the Senate would not press a reduction of more than two years; he thought three was indispensably necessary.

Mr. WEBSTER opposed the bill very warmly. He said he predicted this state of things when the citizens of Washington urged it upon Congress to incorporate them to make this improvement. He recollected well, having warned them of this result, and that it would be their ruin; but they gave no heed to it. He considered this bill as nothing more than an application of charity to the amount of a million and a half of dollars, because he foresaw that it was only the beginning of the assumption of the whole debt by Congress. He was, however, willing to give them one year's interest, so as to allow them time to look about and see how they could extricate themselves, but they must get out of it as they got in it. For, as to making this debt a perpetual charge upon the Government, he, for one, would never consent to it.

Mr. CLAY moved to amend, by reducing the grant to one year.

Mr. POINDEXTER said, if you reduced it to one year, the same application would be made next session. It was better to refuse it altogether; if we gave any thing, he thought it best to give it for two years. He moved to amend the amendment by inserting two years.

Mr. TYLER was opposed to the bill. But if we did any thing, it was best to assume the whole debt at once. And we could not do this, and pay their whole debt, but upon a surrender of the stock held by the corporate authorities in the canal.

Mr. SOUTHARD was in favor of the bill, if for nothing more than because it was the city of Washington, which he was unwilling, for the credit of the country, should be sold under the hammer of the auctioneer. He was in favor of the two years.

Mr. CHAMBERS made some further remarks in favor of the bill. He did not view this appropriation as at all like an act of charity. We had now a large sum in the Treasury of the United States, due to this city, and if it were paid them, they would not require a cent more to relieve them from their debts. The sum alluded to, was derived from the sales of alternate lots in the city, and besides this, the public property never had paid one cent of taxes.

Mr. TOMLINSON also made some remarks in support of the bill, when the question to insert two years was disagreed to.

The question of limiting the appropriation of $70,000 to one year, was then agreed to.

The question recurring on the engrossment of the bill for a third reading,

Mr. WRIGHT said, he could not give his support to it, and as he was desirous of recording his vote against the bill, he asked the yeas and nays; which were ordered, and are as follow, to wit:

YEAS.—Messrs. Chambers, Clay, Clayton, Ewing, Frelinghuysen, Hendricks, Kent, Moore, Naudain, Poindexter, Porter, Robbins, Silsbee, Southard, Sprague, Swift, Tipton, Tomlinson, Waggaman, Webster, Wilkins.—21.

NAYS.—Messrs. Benton, Black, Brown, Calhoun, Grundy, Hill, King of Georgia, Leigh, Linn, Mangum, Morris, Prentiss, Preston, Robinson, Shepley, Smith, Tallmadge, Tyler, Wright.—19.

So the question was determined in the affirmative. At a subsequent stage of the day's proceedings, the bill was read a third time and passed.

The bill for the relief of Tench Ringgold was then taken up.

Upon the consideration of this bill, a desultory conversation ensued between Messrs. CHAMBERS, CLAYTON, SHEPLEY, BIBB, BLACK, PORTER, and SOUTHARD.

Mr. SHEPLEY proposed an amendment, striking out an appropriation for the costs expended by Mr. Ringgold in a suit in the Supreme Court of the United States; upon which the yeas and nays were ordered, and are as follows:

YEAS.—Messrs. Bibb, Black, Ewing, Forsyth, Grundy, Hendricks, Hill, King of Alabama, King of Georgia, Leigh, Mangum, Morris, Preston, Robinson, Shepley, Swift, Tallmadge, Tomlinson, Tyler, Webster, White, Wright.—22.

NAYS.—Messrs. Chambers, Clay, Clayton, Kent, Knight, Poindexter, Porter, Robbins, Southard, Tipton.—10.

The bill, as amended, was ordered to be engrossed for a third reading.

On motion of Mr. HENDRICKS, the Senate again took up the bill to enable the people of the Territory of Arkansas to form a constitution and State government, and for the admission of such State into the Union, upon an equal footing with the original States, in all respects whatever.

Mr. HENDRICKS observed, that, as there was some opposition to considering this bill at so late a period of the session, he would explain to the Senate that his only object now was, to amend the bill, so as to provide for taking the census of the Territory preparatory to its admission at a future session.

Messrs. POINDEXTER, SPRAGUE, and CLAY, opposed the further consideration of the bill at that late hour; and, on motion of Mr. CLAY,

At eight o'clock, the Senate adjourned.

FRIDAY, JUNE 27.

PENNSYLVANIA MEMORIALS.

After the reception and reference of sundry other memorials—

Mr. CLAY said, he wished to discharge a duty which had devolved on him, of presenting certain memorials and proceedings which he had been desired to offer to the Senate. The first was a memorial from the populous and highly respectable county of York, in Pennsylvania, subscribed by about 1,700 of its inhabitants; all of whom, or nearly all, are, he was instructed to say, qualified voters, and about one moiety of them had sustained the election of the present Chief Magistrate of the United States. Mr. C. was desirous, late as the period of the session was, that it should be received, couched, as it was, in respectful language, since a former memorial from the same county had experienced a fate which the Senate would recollect. The second was a memorial from Bourbon county, in Kentucky, one of the most respectable and substantial counties in that State, subscribed by about 700 signatures. The third were the proceedings of a public meeting held at Butler, in Pennsylvania.

These memorials and proceedings all relate to the recent course of the Executive towards the public treasury, and the Bank of the United States; all condemn that course, and all deplore the injurious consequences which have resulted from it. But Mr. C. regretted that the few precious hours which remain of the present session would not allow him, without an inexcusable trespass upon the time of the Senate, to dwell upon the several topics adverted to, or suggested by, the memorialists. He would, therefore, restrict himself to calling the attention of the Senate to a single statement contained in the York memorial. It is there stated that all of the subscribers who

voted for the present Chief Magistrate, voted under a full belief that he was not inimical to the Bank of the United States; and that a large meeting of his friends in Lycoming county, in 1832, embracing citizens from several parts, pronounced in an address, or resolutions, which were published, that the allegation of the hostility of the President to the bank was an unfounded calumny.

Mr. C. moved the reference and printing of the memorials and proceedings; which were ordered accordingly.

HARBOR BILL.

Mr. SILSBEE, from the Committee on Commerce, reported the bill from the House making appropriations for the improvement of certain harbors, and clearing out obstructions in certain rivers of the United States, for the year 1834, with sundry amendments; and the bill being under consideration as in Committee of the Whole, and the amendments of the committee having been gone through with,

Mr. CHAMBERS moved to amend the bill by introducing a clause on the subject of the Chesapeake and Ohio canal. He had been instructed to move this by the State of Maryland, for the purpose of completing certain contracts. He then moved to amend the bill by introducing a clause appropriating $250,000 to be paid to the Chesapeake and Ohio Canal Company, in consideration of which, certain specified commodities are to be transported free of charge.

Mr. WRIGHT said, this amendment had been presented to the committee, but was deemed not to be relevant to the character of the bill. He hoped the amendment would not be appended to the bill. It was merely an appropriation for a canal, and its introduction might hazard the fate of the whole bill. He was opposed to appropriations of money on such considerations. It was represented that the work must stop unless some further aid should be furnished: but, if any appropriations were to be made, they ought to be made on the grounds on which they had originally been made. He said that one object of this aid was to discharge debts; the company could now pay all their debts within $85,000.

Mr. FRELINGHUYSEN could not vote for this amendment. He could not answer to his constituents to go any further than he had gone. Already a million of stock had been subscribed by the General Government. If our committees were instructed to look into this matter, they would make a proper report. He could not sustain the amendment.

Mr. CLAYTON expressed a hope that his friend from Maryland would not press the subject.

Mr. CHAMBERS made some reply, with a view to sustain the application, as founded in justice.

Mr. CLAY made some remarks on the character of the work, and expressed his intention to vote for it.

Mr. SILSBEE suggested that the form of the amendment was objectionable. The best way was to make the grant by way of loan, and moved to that effect.

Mr. CHAMBERS accepted the amendment, after a few remarks.

Mr. BLACK opposed the amendment, and called for the yeas and nays. It would make no difference to him whether the sum proposed was given directly as a gratuity, or whether some pretext was inserted as a mere guise to cover it. What is the difference between giving and loaning to those from whom we expect no return, to relieve them from notorious insolvency? On yesterday we voted $70,000 to pay the interest on the debt contracted by the city of Washington, to purchase stock in this canal company. What was the inducement held out to us to make that appropriation? What obligation were we under to redeem the promises unadvisedly made by Washington City? The only motive was one of charity—pure charity—a very praiseworthy motive, but one which cannot properly enter into our consideration as legislators. We have no right to do charitable acts at the expense of others. What motive can be assigned for this appropriation to the company? Why, we are to save them from bankruptcy. He denied that we can be influenced by such reasons. Objects for relief would present themselves more than sufficient to exhaust the whole Treasury, if we listen to such applications. Sir, said Mr. B., I have heard much, during this session, of profuse expenditure of money by this administration, and have thought these charges well founded, particularly as respects some of the Departments. With what propriety, he asked, can those on this side of the House hereafter make such charges? When they do so, they will be shown these two appropriations, that for Washington, made yesterday, and this, if it should be made, based alone on charitable considerations. For one, I shall, said he, if this amendment be adopted, be compelled to say that charges like this will come with a bad grace from this quarter.

Mr. BENTON referred to the remarks which he had made when the grant for this canal was made. He then contended that the United States had become partners in a bankrupt concern; and the application which had been now made proved this to be the fact. He suggested that access ought to be allowed to the accounts, and that the directors and their books ought to be brought before Congress, to show what course had been taken.

Mr. PRESTON said, he had been forcibly struck with the remarks of the Senator from Missouri in relation to the proposition before them. One step in matters of this kind, involves us in another, and we are ever and anon called upon to take further steps. He had already, in relation to the Cumberland road, said that the appropriation already made furnished no reasons for going further; that it would be better, at all hazards, to go back; that is, it would be "better to suffer those evils we now endure, than fly to others that we know not of." Yesterday, a grant of $70,000 was made to the city of Washington to pay the interest on their canal debt; and to-day a proposition is made to give to the canal company $250,000 to preserve them from ruin. To-morrow a proposition of a similar kind will be made, and there was no knowing where these demands would end. Why, said Mr. P., should we proceed in this eternal career of extravagant generosity? The city of Washington was said to be bankrupt, and this canal company was also said to be bankrupt. Why, then, should we be deluded with the idea of giving this money as a loan? It would be nothing but a salvo to our consciences, for there certainly never could be any rational expectation that the money would be refunded. If we do give any thing, (said Mr. P.,) let us give it boldly, at once, as a gratuity. He had some feeling for these people, but there was something startling in the boldness of these demands. We yesterday, said he, gave three or four dollars a head to every citizen of Washington, counting their population. They have been bankrupt, not by their own acts, but by their corporate authorities, elected by voters, many of whom owned no property, and were therefore not interested in the city.

If this money was to be considered as an advance to this people, you contribute more than the whole State of Pennsylvania ever did to its whole population for a like purpose. That they deserved some compassion, he admitted, but he would ask the Senator from Maryland, [Mr. CHAMBERS,] if this appropriation were made to-day, whether more would not be asked for on a future occasion. If the gentleman from Maryland would go with him, he would be willing to give to this company and to the city of Washington, as much as his sense of propriety would admit, and what he thought ought to relieve them from all their difficulties. That is, he would be willing

to give the company the million of dollars already subscribed by Congress to its stock, which would sell in the market, notwithstanding its depreciation, for the $250,000 they ask for. He was told that the Government was pledged for the redemption of the Holland loan to the city of Washington. Now, he was willing to redeem that pledge, for which purpose he would give a million of dollars more to be released from that obligation, provided the city and company would agree not to call on Congress again.

He regretted that this people had not been more prudent in the management of their funds. It was not doubted here, he said, but their expenses have been most prodigal and wasteful. He had heard that they had expended the principal part of their funds for a canal on the borders of tide water, from Georgetown through this city, a thing never before heard of. He repeated, he was willing to give the million of canal stock held by the Government, and even to give a million more for the Holland debt, provided Congress is not again to be called on, and, if the Senator from Maryland would bring forward such a proposition, it should have his hearty concurrence.

After some further remarks from Mr. CHAMBERS and Mr. SPRAGUE, which are necessarily deferred—

Mr. CHAMBERS withdrew his amendment.

Mr. SPRAGUE moved to amend the bill by inserting an appropriation to rebuild the monument at Steele's inlet, Penobscot bay; which was agreed to.

Mr. CLAY moved to insert appropriations for the improvement of the Cumberland river, &c.; which were agreed to.

Mr. LINN moved to amend the bill in the clause making appropriations for the improvement of the Mississippi river, by striking out 50,000, and inserting 75,000 dollars, with a provision that 25,000 shall be expended at St. Louis.

The motion to amend was decided in the negative.

Mr. TIPTON moved to amend the bill by inserting an appropriation of 500 dollars for the improving of Trail creek, Indiana.

Mr. T. explained the object of the amendment; which was negatived.

The amendments were ordered to be engrossed, and the bill to be read a third time.

POST OFFICE RESOLUTIONS.

On motion of Mr. EWING, the Senate proceeded to consider the resolutions reported by the majority of the Committee on the Post Office; when,

Mr. KNIGHT rose and said: Mr. President, my intention in rising is to correct one or two statements in a memorial of F. P. Blair. I did not know that such a memorial had ever been presented to the Senate, until I saw a copy of it in the Globe. Sir, it is stated in the report of the committee, that the papers containing the accounts of Mr. Blair were not sent to them until it was too late to examine them in time for the report. I was not present when these accounts were sent for by the committee, and, therefore, know nothing except from the statements of the other members; but the chairman was present, and can give full information on that point, and no doubt his statement will be fully accredited by the memorialist,* if the other members are not.

Sir, in the course of the examination, I called at the Department, to see the items contained in the account of incidental expenses; it was a very cursory examination, and I did not even take the amount of Mr. Blair's account, nor is his name noted on the paper among my minutes. I was not seeking particular accounts to compare with the statements in the Blue Book. My examination was not with that view; it related to another part of the business. I recollect stating to the committee that those accounts were in the Department; they sent for them, as I was informed, and they were not sent to the committee with the other papers, nor were they sent until it was too late for the committee to examine them. And this is all I know of that matter.

Sir, I will notice some other erroneous statements contained in this memorial.

Mr. Blair, in his memorial, says: "The routes advertised in 1832, which are the ones to which the committee allude, were those in the New England States and the State of New York, and the new routes in all the States and Territories of the United States, making together 2,044. The letting of the routes in New York, amounting to 835, was postponed on account of the cholera raging here at that time, and they were re-advertised for six weeks longer; making the number advertised and re-advertised, amount together to 2,879—more than five times the number advertised by Mr. Green. The statement X, to which Messrs. Ewing, Clayton, and Knight refer, shows all this, and they could not, therefore, be ignorant of the true state of the facts."

Now, sir, let us examine the facts stated in this place. I yesterday went to the Post Office Department, and asked for a copy of the routes advertised in the Globe by Mr. Blair at the time referred to: they were given to me, and I now hold them in my hand, ready to be examined by any person who desires to do so. They are certified by Mr. Hobbie, the Assistant Postmaster General. I have enumerated them, and they amount to 1,039, and not 2,044, as stated by Mr. Blair. The 835 that he states were to be found in New York, have dwindled, on counting, to the number of 335, making a difference of 500. And the whole number of routes advertised and re-advertised, amount to 2,879, as stated by the memorialist; but the Post Office documents show that the total amount advertised and re-advertised, was 1,374, and no more; not one-half the number stated by Mr. Blair. And this man accuses the committee of wilful misrepresentations.

The Committee on the Post Office and Post Roads appointed three printers in the city of Washington to examine the account of Mr. Blair's charge of printing, and they reported the amount paid the Globe	$8,386 50
Actual charge for the same advertisements in the National Intelligencer - - -	2,763 37½
	$5,623 12½

more than Gales & Seaton charge for advertising the same.

I have not examined all the facts stated in the report of the committee: it was not possible for me to do it. The labor was partially divided: while I was pursuing one branch of the business, other members were pursuing other parts of it. But nothing is wilfully wrong; and I believe the facts stated will prove substantially correct. The other accusations in the memorial, I leave with the other members of the committee.

I will say something as to the difference in the statements of the report of the chairman from that of the committee, in regard to the amount of the debts against the Post Office Department.

The committee state the Department owes, after a final settlement of all accounts, except old balances prior to October, 1833, the sum of - - -	$802,444
Whatever is available prior to October, 1833, is to be deducted. I believe it to be a small sum, in comparison with the sum stated.	
The report of the chairman states the deficit to be - - - - -	292,109
Making a difference in the report of the chairman from that of the committee, of	$510,335

* Mr. Grundy read a statement confirming the report of the committee.

A little examination of the statements will explain the whole matter, and show who is right and who is wrong.

It is stated by the treasurer of the Department, that, on the 1st of April, 1834, there was due to the Department from postmasters, prior to the 1st of January - - - - - $300,000

From January 1 to April 1, 1834, that is, of the amount of postages accruing in the first quarter of the present year - - 500,000

Making the sum of $800,000

Here lies the mistake. The sum of $500,000 was not due to the Department from postmasters for postages in the first quarter of 1834, because $314,704 had been credited to the Department in the banks where the postmasters were directed to make their deposites. These credits were footed by Mr. McCormick and myself, and I believe we did it correctly; therefore, that amount cannot be due.

The whole amount estimated to have accrued to the Department, for the first quarter of 1834, was $520,000

Deduct the amount paid by postmasters - 314,704

Leaves $205,296

outstanding and due to the Department for the quarter ending April 1, 1834. The $314,704 should have been cash on hand. Was it cash on hand? If so, the books will show it. The books show in cash only $37,000; therefore, it could not be on hand. The Department had received the money and paid it away, but the chairman omitted to deduct it from the sum due to the Department. Notwithstanding it had received the $314,000 towards the $500,000, still, the whole $500,000 was stated to be due. It was deducted from the demands against the Department, but not from the sum due to it.

On the 1st of December, 1833, the Department owed, for money overdrawn at various banks, as appears by the books of the office, the sum of - $370,022 85

On the 11th of April, 1834, the overdrafts amounted to - - - - 126,599 48

Being less than the overdrafts in December, 1833, by - - - - 243,423 37

To which add cash on hand - - 37,000 00

And interest paid to banks - - 14,570 00

And it amounts to $294,993 37

Nearly the sum received of the postmasters by the Department, in the first quarter of 1834.

It is plain, to my mind, that the chairman was incorrect when he deducted the amount paid from the sums owing by the Department, and omitted to make the deduction from the sums due to it, when the Department had received the money. He still estimated $500,000 due to the Department, notwithstanding upwards of $300,000 had been paid. Had he deducted the amount received from the sums due to the Department, there would have been but little variation in the two reports, except the sums due prior to December, 1833.

The only material variance would have been found in the sums stated to be due previous to the first day of October, 1833, which were not examined, and, therefore, it is only conjecture as to the amount. But who can believe that the Postmaster General had been so remiss in duty as to permit three hundred thousand dollars to remain for months in the hands of postmasters, for their benefit alone; at a time, too, when the Department was pressed for money on all sides, borrowing money, paying interest, and drawing on banks for large sums beyond the deposites of the Department. I cannot believe him to have been thus negligent.

Sir, it is in the power of the Postmaster General to collect every dollar that is available, in a very short time—in a very few weeks. Let him issue his circular, directing each postmaster to pay over all balances in his hands on a given day, and it will be done; if not, he can apply the corrective. He is absolute. He has it in his power, and if they do not pay over the money in their hands, he should use this power, and dismiss those unfaithful servants, and seek out others who will do their duty.

After Mr. KNIGHT concluded—

The PRESIDENT of the Senate said: The question is upon the resolutions; the discussion will therefore be confined to them.

Mr. EWING. The resolutions, Mr. President, are grounded upon the facts set forth in the report, and upon the evidence which accompanies the report. In discussing the resolutions, with a view to their adoption by the Senate, it will be necessary, therefore, to examine the report in many of its features, and refer to the evidence which sustains it. And, if any subsequent facts have been elicited, no matter in what form they may appear, which weaken the argument or destroy the conclusions of the report, they, also, should be entitled to their full weight, and must receive, in this discussion, a due share of consideration. With this explanation of what I understand of the limits prescribed by the Chair, I shall confine myself within those limits in this discussion.

This report, sir, has been the subject of attacks signal for their violence and abuse, in this day of abuse and violence. In this I have not at all been disappointed, for I knew the host, and I knew the characteristics of the host, with which the committee on whom was cast the labor and responsibility of this investigation had to contend; and the deeper and darker the frauds which the investigation has disclosed, the more copious and the more bitter would be the streams of calumny and abuse which they will pour upon those who make the disclosures. Those who now hold the patronage of this Department, and who are likely to hold it, until the strong arm of the nation shall unloose their grasp, have dealt for years with its treasures as their own; something belonging to them of right; and for which they are not accountable to any power. They have continued so to deal with it, until they seem to have settled down in the opinion that it really is theirs, and that when the representatives of the States or the people inquire into their stewardship, they deem it an irregular assumption of power, which can be induced only by party malevolence.

Again, sir: individuals whose conduct is called in question, generally adopt one of two modes of defence; for no one, however corrupt the act, or clear the exposure, will yield without a struggle. If rashly and unjustly accused, they respond with calmness and dignity, and answer accusation by argument or proof; but, if guilty, if argument and proof are against them, the common, the universal resort, is to violence and calumny against the accuser or the judge. Conscious of this, as a univeral principle of human action, the moment I saw into the depth and darkness of the abyss which we were sent forth to explore, I felt and knew what we had to meet. I knew the extent of the power and influence of this Department; its immense horde, its standing army of adherents united to it in interest, and doubly bound to its fortunes by participations in its crimes: and I knew the moment this report should appear, that every thing under its control that could hiss or sting, would be let loose upon us. But I had made up my mind to this, and do not now complain of it; but, sir, charged as we have been with an unthankful duty, by this body, and still charged with the continuance of that duty, unable, consistently with the dignity of that body whose representatives we are, to notice or repel the calumnies with which we are assailed any where except upon this floor, this must be my apology, even at so late a period in the ses-

sion, for dwelling somewhat in detail on those parts of the report which have, since its presentation here, been drawn into discussion.

The first resolution is in the following words:

"1. *Resolved*, That it is proved and admitted that large sums of money have been borrowed at different banks by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General, are illegal and void."

Of this, and so much of the report as sustains it, but little needs to be said. That the Postmaster General has borrowed money on the credit of the Department, is an admitted fact, and the amount borrowed, although differently stated in the report of the committee and the paper read by the minority, is yet no subject of controversy. The minority of the committee has stated the amount too low, because they have deducted from the sums borrowed and overdrawn, all the money that the Department has any where deposited in any bank, though it be not the bank of which they have borrowed. For example, there is deposited to the credit of the Department in the Bank of the Metropolis at Washington, $4,582 07, and other small sums in other banks, and this, together with all their other deposites, is deducted by the minority from the amount borrowed of and overdrawn on the Manhattan Bank and other banks, in order to make out the aggregate of the loans. The committee did not think this the correct mode of adjusting the account, and therefore did not make the deduction. The precise amount borrowed from and due to banks, on the 10th of April, 1834, as given to us by the officers of the Department, was $488,600 44. The circumstances attending this borrowing need hardly be noticed here, for they are also no subject of controversy on this floor, and can be none. The loans commenced, as is stated, in December, 1832, during the session of Congress, and no intimation was given to that body that there was any deficiency in the funds of the Department, or that any advance, temporary or permanent, was necessary to sustain it. So at the commencement of the present session, when those loans had swelled to an enormous sum, and when public money to a large amount was deposited, without interest, in the banks of which those principal loans were made, with interest, we still had no intimation of the fact, either in the President's message or of the report of the Postmaster General, that one dollar in money had been borrowed or overdrawn. It is then admitted that this large sum of money was borrowed without legal warrant, and that the act was concealed until the investigation of the committee drew forth its disclosure; and we think the further examination has shown something of the uses to which this money has been applied. But I intend, if time will allow, to ask that the question be taken separately on each of these resolutions, that we may see whether the minds of gentlemen are drawn to the same conclusion from the array of facts applicable to each, to which the minds of a majority of the committee have been irresistibly drawn.

The second resolution declares—

"2. *Resolved*, That several reports of the Postmaster General contain statements which, in subsequent papers, he admits to be erroneous; that others, especially those of the 18th of April, 1832, and the 3d of March, 1834, are inconsistent with each other; and that reliance cannot be placed on the truth and accuracy of the communications made by the Department."

This resolution contains two allegations of fact, and draws from them conjointly a conclusion against the accuracy and verity of the reports which issue from the General Post Office. The first allegation of fact is, "that several reports of the Postmaster General contain statements which, in subsequent papers, he admits to be erroneous." This allegation is proved by the facts set forth in page 7 of the report of the committee, to which I invite the attention of the Senate. The report of the 30th November, 1833, as is there shown, states the annual expense of transporting the mail, with all improvements, at $2,033,289 42, while the Blue Book of September, 1833, gives the aggregate of all mail contracts and extra allowances at $1,992,920 14. These sums should be precisely equal, for they profess to give precisely the same thing. Nor has the Postmaster General been taken by surprise, or left without notice on this subject. A member of this committee, early in March last, caused the amount of transportation stated in the Blue Book to be carefully added up, that its aggregate might be seen, and on comparing it with the alleged cost of transportation, the difference, to the amount of $40,369 28, was discovered. And, on the 11th day of March, a resolution was offered in the Senate, calling for a statement of the sums paid for transportation and extra allowances, if any, omitted in the Blue Book. This call has never been answered, and this discrepancy remains unexplained.

There was a report made by the Postmaster General to the Senate, on the 3d of March, 1834, in answer to a call by resolution of December last, which purports to give the whole amount of extra allowances made by the present Postmaster General since he came into office. The aggregate of those subsisting since the 1st of June, 1833, is stated at - - - - $351,573 30

Their aggregate by the Blue Book, is 377,947 66

Making a difference of - - - $26,374 36

Thus the Blue Book gives an aggregate less than the annual report of November 30, 1833, by $40,369 28

And the report of March 3d, 1834, less than the Blue Book, - - - - - 26,374 36

So that the error between the report of November 30, 1833, and the 3d of March, 1834, is - - - - - - - $66,743 34

And in his report accompanying the President's message, of December, 1832, the Postmaster General states a surplus of available funds, after defraying all expenses of the Department, down to the 1st of July, 1832, of $202,811 40.

While in his report of November 30th, 1833, he says, that, instead of having on hand that amount of available funds, the Department was really indebted beyond all its available means, including its credits, $2,844 40.

He avers this to be a general error, which has run through all his accounts, from the commencement of his stewardship down to the date of his last annual report; and he says that it was recently discovered and "promptly corrected." It is a matter of small importance, whether the excuse is true in point of fact, or not. Whether the misrepresentation was by mistake or design is unimportant, so far as respects this resolution; for the statements which he has made us are not accurate and true, and he admits they are not; and, not being so, we cannot place reliance on their truth and accuracy. There would, it is true, be a vast difference in the degree of moral turpitude in the one case and in the other. But as to the credit which is to be placed in his papers, it is not material whether their errors arise from wilful misrepresentation or ignorance of the true condition of the Department. As respects the Postmaster General himself, I suppose the latter hypothesis is the one which justly applies to him; that he was really, as he says, ignorant of the actual condition of the Department over which he presides. It is straining credulity pretty far in his favor to admit it; but I am well disposed to give

him the full benefit of his defence. Still it results in this: the Department was not in the situation which he represented it, and the public was deceived by confiding in his representations.

I need say little of the discrepancy between the report of the 18th of April, 1832, and that of the 3d of March, 1834; it were, perhaps, sufficient to refer to the report of the committee, pages 8 and 9, where that subject is touched upon, accompanied with references to the original documents, which, when examined and compared, must put all doubt at rest. I care not how strong the personal feelings of any gentleman may be, or how inveterate his party prejudices, he cannot read that part of the report, and compare the documents to which it refers, without strong conviction forcing itself upon his judgment. Sir, it is made by law the duty of the Postmaster General to make out an annual statement of all the contracts which he shall have made for the transportation of the mail within the preceding year; and this report of the 18th of April, 1832, purports to have been made in pursuance of this legal provision. The object of the law, in requiring this report, is to inform the public, not to deceive them; to convey to them information of the fact as it does exist, not to induce a false impression upon the public mind. And it was intended, that, when the publication was made, it should state all and every matter, which it professed to state, truly. Now, it is not pretended by the Postmaster General, or in his behalf, that he has done so. On the contrary, the wide and gross departure from the true state of things is admitted; and an attempt is made to excuse the abuse, by an alleged practice of the Department under its former heads. Mr. President, I do not believe that any such practice has heretofore existed. I want to see the cases, and trace them in the reports, and find them in the books of the Department; and then, if they appear to coincide with these, and appear in sufficient numbers, and regularly, to justify the belief that misrepresentation has been the standing order of the day—that it has been the custom to publish, not the truth, but falsehood, to the public—then I will consent to allow the Postmaster General the full advantage of his apology, such as it is; but then it would avail him little, for it is one of those abuses which precedent cannot support, nor usage sanctify. But the cases referred to by the minority of the committee, and which they speak of as cases resting on the same, or on similar principles, will not do to show usage or serve as a precedent. Just seven cases, varying from $150 to $1,618 each, and giving in the aggregate $4,903 of error in the report of a former Postmaster General, are adduced as proof of the practice of the Department, on which that mass of misrepresentation, (the report of the 18th of April, 1832,) is to be justified and sustained. Touching that report, I must say, that I have examined not less than one hundred of the cases there stated, and of those that I examined, and compared with subsequent reports, not one was stated truly. The difference in some cases is astonishing—the actual contract is generally larger by one-third or one-half, than the contract as there reported, and in some cases it is as ten or fifteen to one. It is worth while to refer to a few cases, for the purpose of calling the attention of the Senate and of the public to the subject.

A contract of Stockton and Neil, which is noticed in page 8 of the report of the committee, is stated in the report of the Postmaster General of the 18th of April, 1832, at $7,000, but the contract really allows them $15,950, besides extras, making a difference of more than one-half. Now all the cases which the diligence of the honorable chairman, with the aid of the officers of the Department, has enabled him to collect, of like errors in former years, amount to but a trifle more than one-half of the amount in this single case. But this is really of small importance, and hardly worthy of note in the group to which it belongs. Another contract, of these same individuals, but which they, in a publication which recently appeared in the Globe, aver is a part of the same contract, is stated, in the report of the 18th of April, 1832, at $30,000, when in truth, it was executed for $50,410. I have no doubt that those gentlemen state truly, that it was all one contract; and see what a character this gives the transaction. There are thrown together some thirty or forty mail routes, and struck off at a single bid to these individuals at $37,000 a year. But instead of carrying the mail in good faith for that sum, they receive, by way of improved bids and extra allowances, an amount which brings it up to the yearly sum of $107,468! And lo! the power and might of precedent! Some seven cases, during the time Mr. McLean presided over this Department, in which there was an aggregate allowance for improvements, ordered before signing the contract, of a little more than $4,000, is made to justify this case, and a host of such cases as this.

But is it not obvious that when bids of this kind are made and accepted; when bids for forty or fifty routes, great and small, are thrown in together, and so received, and when the bid upon the advertised route does not present the true or intended contract, is it not obvious that none but a great contractor—a man who does business on a large and extended scale, and more especially who has favor with the chief officers of the Department, can have any the slightest hope of obtaining a contract? A common, plain man, who knows nothing better than to make a bargain in a straight-forward way, and having made, to perform it, need not trouble himself to bid on any route under such circumstances; for he cannot, in truth, come into actual competition with one of these universal bidders: and where so many routes are included in one offer or acceptance, it would require the labor of many days to ascertain whether a class of rejected bids was or was not better than that which was accepted. But those which are represented as two contracts in the reports of the Department, and which are so represented as to seem to be given on different bids, are, in fact, one and the same—a single bid, a single contract. Then, I ask, in the name of truth, why is it not so represented in the reports of the Postmaster General? Why is it that a contract, which is in fact one, is severed and divided, so as to make it appear as two? Was it not in every respect as easy to represent the thing at once exactly as it was, as to sever and change it, and make it present a false appearance? I do not pretend to say which is correct, the reports of the Department or the statement of the contractors: but I am inclined to give credit to the latter, although certainly made in no spirit of kindness towards me—made, in truth, with a belief that they were discrediting a part of the report of the committee, without being aware that the report, in that very particular, was founded upon documents issuing from the Department.

It is said by these same individuals, Stockton and Neil, in the publication above referred to, that I signed a paper requesting the Postmaster General to give increased expedition between Baltimore and Cincinnati, and they add that the committee now say, in their report, that this increased expedition was unnecessary. Now the latter branch of the proposition is incorrect. The committee do not say that any increased expedition is unnecessary or improper. I, for one, am not now, and have not been, of that opinion; on the contrary, I think the transportation of the mail is no where more rapid than the public convenience requires, and the funds of the Department, if judiciously administered, would justify. But what I do object to, is the enormous waste of funds in despatching two and sometimes three mails a day, in four-horse post-coaches, on the same line, and each at an enormous cost. It is this, and not the expedition, which is condemned as useless and

improper. I know that it is pretended that the expedition cannot be kept up without a line of stages to carry the way-mails. A singular pretence truly. For admitting that the way-mail must be carried by a different conveyance from the rapid stage, what economist would have thought of employing four-horse post-coaches, at an enormous expense, for that purpose? The rapid stage always stops at the large towns to exchange, and the small way-mails could be carried as well in sulkeys and in two-horse post-coaches as in any other manner. Let there be proposals for carrying the way-mails with reasonable expedition, without designating the manner, and I venture to say that it will be carried as safely and as well as it is now carried, at one-twentieth part of the sum for which that additional stage line is made the pretext.

As to the letter, paper, or solicitation, which it is said I signed, I would like to see it. I will not say that I did or did not sign it. I can only say that it is not my custom to give my name lightly for any purpose; nevertheless, I may have done so, and when the paper appears, it may prove to be one which asks only for a just extension of facilities, and one which, under the circumstances, was altogether proper and right. For, let it be remembered, that the Department was, for years past, reported to be in a very flourishing condition—facilities said to be constantly increased and increasing, and money saved. I, perhaps, together with the other Western members, may have been gulled by tales of this kind, and so have given my name, to be laid by with theirs in the Department, for use when occasion should require it. I recollect well that I was applied to last winter by the same gentlemen, for the same purpose, and I refused my signature, although, at the time, I suspected no sinister purpose on their part in asking it, and I had, personally, every wish to oblige them. But I can say, by way of apology for the array of gentlemen whose names appear on that paper, (sixty-nine, I think it was said,) that they did not know, and could not know, from the published reports and documents, what sum those individuals actually received for their services. The only reports from the Department then extant, stated their compensation at $37,000, when its true amount was more than $107,000. This, in truth, makes it a very different case from what they had a right to suppose it. And, Mr. President, I appeal to you, if this constantly soliciting the names of members of Congress; this filing away, and now appealing to those names to support extravagance which no one who signed those papers could ever have suspected or anticipated, does not look a little like throwing an anchor ahead to prepare against a coming gale? Why was it that, at the commencement of this session especially, that every Western member was solicited to sign the paper of Stockton and Neil, asking for a continuance of their extra allowance, when no one knew what that allowance was? And why, especially, was I, a member of the Committee on the Post Office, beset for my signature to the same paper; appealed to on the ground of local attachment and personal good will, to sign a paper which, had I signed it, would have been used, and was intended to be used, to my annoyance and confusion. I found, indeed, that more note was taken of the matter than I at the time supposed. A day or two after I was thus solicited, I was told by the honorable chairman that he heard at the Department of my refusal to sign the petition. One other thing should be considered touching this very matter. No one can for a moment suppose that it was the purpose of the Postmaster General, broken and ruined as were the affairs of his Department, to keep up the allowance of Stockton and Neil, as it had stood, seventy thousand dollars above the sum at which it was struck off under the advertisement. This would have been madness, and those contractors, from their intimacy in the General Post Office, must have known that it was not intended. What, then, was the object of circulating and obtaining signatures to this paper? Why, simply and singly to obtain the sanction of members of Congress to past acts before they could, by any possibility, know what those acts were; to commit us personally beforehand, and thus prevent or destroy the efficiency of our legislative action, or to compel us to legislate conformably to the paper containing our private signatures. This is the whole of the matter, and I am glad these things are developed. It will have a salutary influence hereafter.

The fourth resolution is in these words:

"4. *Resolved*, That it appears that an individual, who made a contract for the transportation of the mail, was required to give it up for no other reason than that it might be given to another desirous of having it; and that the act of the Department in requiring such surrender, and in effecting the transfer, was illegal and unjust."

And it is supported by two cases referred to in pages 9 and 10 of the report, in which George House, of Ohio, is the favored individual. John Black was the contractor to carry the mail from Colesmouth to Gallipolis, and, for aught that appears, he performed his contract to the satisfaction of the public and of the Department; but he was ordered to discontinue on the 1st of April, 1831, just one quarter after he commenced it, and his route was given to House. This was under the pretence that a steamboat line was to be established; but it was pretence merely—for there is no trace of any contract with House to carry in a steamboat, or indeed in any other manner; and in August next following, House professes to be building the boat which is to perform the duty. If it had been *bona fide* the purpose of the parties, that the mail should be carried in a steamboat, the officers of the Department would have seen that a contract should have been entered into, and security given for its performance, before a fair and legal contract was taken out of the hands of Black and transferred to another. The mail is still carried on that line on horseback, and, after the route was transferred to House, it was so badly carried that the country was filled with complaints and dissatisfaction. An official letter from Lyle Millan, postmaster at Walnut Grove, on the route, states no less than twelve failures in the short month of February. It seems to me that this single case fully sustains the resolution. But there is another branch of this same concern which I ought not to pass by without some notice. In the October after the establishment of this steamboat line, Ross & Co. bid off the route from Chillicothe to Gallipolis, and their bid was accepted. The acceptance was a few days afterwards "suspended in consequence of the necessity of connecting this route with the steamboat route from Gallipolis to Charleston, Virginia." I read from a letter from O. B. Brown to Ross, dated the 7th of October—and he adds, "Be pleased to state whether it is desirable to you to have the route at your bid"—an intimation which Ross perfectly understood, for he had several other contracts, and he well knew that it must not be desirable to him to have any thing which O. B. Brown did not desire him to have. His answer shows that he understood all about it, and that it was the interest of House, and not the public service, which required his surrender of a contract to which he was entitled. After noticing the receipt of Mr. Brown's letter, and naming the route, he says, "I considered it a very safe route, though, as the acceptance of my bid might seriously injure or interfere with the steamboat proprietors, I now agree to let Colonel House have it." So Colonel House got it, and received for it $1,106 a year more than it was bid off by Ross. Sir, this kind of double dealing, this species of management, this entertaining of one purpose and professing another, would disgrace the meanest jockey in the land. How must all honorable men feel, when they see the high and responsible offices of our country, and the patronage of the Government, in

the hands of men who are capable of such tortuous conduct, and are actuated by the motives apparent on the face of these transactions?

The next resolution has reference to but a single transaction, and though the sum given, under pretence of the contract, to a favorite, was small, yet it is one of the most monstrous in its character, and contains perhaps as great a variety of fiction, fraud, and falsehood, in its composition, as any among the numerous cases which have passed under our notice. The resolution is as follows:

"5. *Resolved*, That it appears that proposals for carrying the mail on the route from Chicago to Green Bay, were withheld from advertisement; that the contract therefor was given in another's name, but really to one of the clerks in the Department; that the compensation proposed in the bid was raised without any increase of service, and that the transaction is a direct breach of law."

This was a contract given to a Doctor Temple, clerk in the Department, contrary to the express provisions of law. It is true it was under cover of another name, but it was with the knowledge of the Postmaster General himself, as I shall by-and-by show you, and the very artifice and concealment show that he knew, and all knew, that the act was wrong. But mark the circumstances which attended it.

By the act of the 15th day of June, 1832, the route from Chicago to Green Bay was established. The new routes generally established by the same law were advertised on the 26th day of July following, but this route was omitted and never advertised by order of the Department. On an inquiry being made as to the cause of the omission, O. B. Brown, who made out the advertisement, stated on oath thus—(I read from page 59 of the report:) "When I made out the advertisements for the contracts on the new route in the summer of 1832, I could not obtain the law as it finally passed, the law not having been published in time for making out the advertisements. I had a copy of the printed bill, as reported in the two Houses, but it had undergone many alterations before it became a law. I got the best information I could of those alterations, but still my information proved to be very incorrect. My impression, as well as my memory serves me, is, that this want of information caused me to make the advertisement from Detroit to Green Bay, instead of from Chicago to Green Bay."

Now, sir, one word of comment on this very plausible statement. How is it possible this officer could fail to get correct information as to the provisions of this law one month or more after its passage, if he desired to get it—a law respecting the Post Office Department, and a copy of which properly belonged to that office, published or not? How is it possible that he should get very incorrect information as to the contents of this law, enrolled and preserved as it was in the archives of the country? It is not true, sir. No man who has any knowledge of things, and common reason and intelligence, can credit this story upon its very face. But I have taken pains to examine the bills as reported in the two Houses of Congress, copies of which he says he had, and copies of which now lie on the table before me, open to the inspection of any gentleman who will take the trouble to inspect them, from which it will be seen that the route from Chicago to Green Bay is designated in those bills precisely as it is in the law which finally passed the two Houses—and, in the whole progress of the bills—there it was, in plain characters—never, in any stage of the proceeding, stricken out or omitted.

Next in its order is the proposal of Asahel Savery, of Michigan. And how did Mr. Savery, in Michigan, know that this route, which was not advertised, was open to his bid? The deposition of Wm. H. Dundas, a clerk examined by the committee, explains it. I read a part of his deposition.

"William H. Dundas says, in explanation of the paper marked 'Proposal, Asahel Savery,' that he wrote the paper at the instance of John T. Temple, who said he had been authorized to make any proposals for him, Savery, he might think proper, and, as he had been long desirous to go to the West, he would like to have the contract or be concerned in it"—and he adds, "the paper written in red ink, with the Postmaster General's allowance for $1,000 endorsed on it, is in the handwriting of John T. Temple." This, then, explains that part of the matter. The route was not advertised, and a feigned excuse is given by Obadiah B. Brown for not advertising. The bid was made by a clerk, and he was allowed the contract. He represented "in red ink" that the contract was too low, and he was allowed by the Postmaster General $1,000 additional—and the whole sum of $4,500 was for carrying the mail 250 miles once a week on horseback.

Now did the Postmaster General know of all this abomination, and knowing, did he sanction it? The above matters must, in some shape or other, have passed before him. He saw, at least, the paper in red ink, in the handwriting of Temple, which he signed, granting the extra $1,000. This contract was assigned by Savery to Temple, and the assignment approved by the Postmaster General on the 28th of February: and it appears by the report of the minority, and it is a fact, I presume, taken from the books, that Temple resigned his situation as clerk about the first of March, to take effect the last of that month. He resigned after the assignment—and that very act, the assignment, must have let Mr. Barry into a full knowledge of all the legerdemain which had been for a long time practising, even if he did not know it before. Temple resigned about the first, to take effect the last, of March. On the third of April he writes a letter, dated at Chicago; so he went out under pay as a clerk in the Department, and was fairly set down and installed in his office of contractor, as soon as he ceased to be a clerk.

I trust the Senate will bear with me while I present yet another of the phases of this transaction. In the summer and fall of 1832, about the time that this route was not advertised, and O. B. Brown was seeking in vain at Washington for the true contents of a recent act of Congress, he was also negotiating with John T. Temple for the purchase of a valuable house and lot in the city; and the negotiation was going on while Temple was presenting and modifying his bids in the name of Savery. This is proved by the testimony of Samuel R. Slaymaker. I read from his deposition, in page 301 of the exhibits accompanying the report. He says: "I was in the house of Mr. Brown one morning, when Doctor Temple called and offered his property for sale, and said he was going to move from the city. Mr. Brown inquired the price. I think the Doctor asked $3,000. Mr. Brown asked me, if he made the purchase, if I could loan him that amount at the usual rate of interest? I told him I believed I could. Some time after, he informed me that he would want the money," &c. He goes on to state that he had not the money, but that he and Reeside raised it, as he says, about three months after, on bills of exchange, in order to lend it to Mr. Brown at "the usual rate of interest." These bills, it appears by the testimony of Dyson, bear date the 10th of January, 1833. It seems, by the testimony of Reeside, page 299, that the property was offered by Temple to Brown at a very reduced price. So much for Doctor Temple. If, indeed, he did sell his house and lot at a reduced price, he got a very good contract, and without the trouble and annoyance of competition, except just so much as he and his friends chose to get up for him. And Reeside and Slaymaker did not suffer by their kindness. In May, 1833, they received an extra allowance of $10,000 a year, on their route from Philadelphia to Pittsburg, Washington, Pa., and Wheeling, of which their partners on that line were not informed, and of which they re-

ceived no share. Jesse Tomlinson, in his deposition, page 307, says, that he is one of the partners on that line—that he was informed by Slaymaker, in the spring of 1832, that there was to be an extra allowance on that line, and that "he (Slaymaker) was to let Mr. Brown have, or to give Mr. Brown, $1,000 of it."

He further says, "In February or March, 1833, I asked Mr. Slaymaker, and he told me he understood it was not allowed," and Tomlinson says he was told of its actual allowance, for the first time, after he came to this city to testify as a witness. The pretended service, for which this $10,000 was allowed, was really nothing—all fictitious. I read the statement of it, as made in the letter of the Postmaster General, of the 3d of March, 1834, to show the ridiculous pretext on which the allowance was made. "No. 1051, 1170. Reeside and Slaymaker are the contractors for carrying the mail from Philadelphia to Pittsburg, Pennsylvania, three hundred and two miles, twice a day; and from Pittsburg, by Washington, Pennsylvania, to Wheeling, Virginia, fifty-seven miles, daily, in four-horse post-coaches, from the 1st of January, 1832, to the 31st of December, 1835, at a compensation of $27,000 per annum.

"In consequence of the increased rapidity of this mail, the newspapers which were formerly sent from the East by the other routes were now sent upon this, and the general cry of the public, for the more rapid conveyance of newspapers, required them to be sent in the more rapid instead of the slower line, as was contemplated in their proposals; which so loaded it as to almost entirely exclude passengers. They were, therefore, allowed, from the 1st of April, 1832, for transporting all the papers by their most rapid line, at the annual rate of $10,000 additional." This contract had already grown up from $8,250 to $27,000 a year; and what is the pretence for adding this additional $10,000? That the newspapers had to be carried on the rapid instead of the slower line, as was contemplated by the contract. Now with all the care in research, and industry of the committee, there could be no evidence found that any such thing was ever contemplated. It is not to be found in the contract, and if there is to be a private understanding between contractors and the Postmaster General, we may as well do away at once with all written obligations, and leave all to arrangement and favor. This is a mere invention—an apology for the gift of $10,000 a year to these men, and its true moving cause is yet to be discovered, or drawn from the evidence above detailed. And another thing deserves mention: if these contractors were really entitled to this $10,000 a year for extra service, why was it not given to them at once, when they showed their right; and why is not the date of the allowance, as in other cases, set down in the Postmaster General's report just read? Why, simply because it was convenient to keep the matter pending for some time, for some purpose of some of the parties, and the actual time of its allowance does not appear in the report, because it would make rather an awkward figure there. An allowance of $10,000 yearly, from the 1st of April, 1832, for carrying all the newspapers in their most rapid line, made at the Department on the 3d of March, 1833, certainly has not a business-like appearance. During this time the contractors seem to have been kept in suspense about it: at one time Slaymaker tells Tomlinson that it is to be allowed; and Mr. Brown is to have $1,000 of it; and at another time he tells him it is not to be allowed; and when at last it is allowed, it is kept secret from all except the two individuals who receive it; and who borrow a large sum of money to lend to Mr. Brown to enable him to buy the property of Doctor Temple.

Time will not allow me to dwell particularly on each of these resolutions, and I have partly anticipated the proof on the 6th, in my observations on the contract of Reeside and Slaymaker, from Philadelphia to Pittsburg, &c. That is one case in which, in the language of this resolution, extra allowances have been granted to contractors without any increase of duty on their part. I might enumerate many more similar cases: That of Temple, already referred to. That of Avery, Tompkins, and Co., stated in page 23, of the report, where the pretence for giving the extra of $2,500, is, that the mail shall be carried in a four-horse wagon, so as to ensure its regular arrival. Those contractors had already undertaken to carry the mail, and to carry it punctually, and daily, in four-horse post coaches; and they had undertaken to carry it in such manner that it should arrive regularly, and this additional sum is paid them out of the public Treasury, by way of inducing them to perform their contract. The only additional security obtained by the Department is this: the contractors had before agreed to carry the mail, but now they agree that they will be sure to carry it—and, to put the matter past all doubt, they will carry it in a wagon. I suppose it would have been taken as a full performance of this part of the contract, if the contractors had taken off their coach body, and run the wheels without it. It will be seen, that, in some cases, heavy allowances are made for carrying the mail in four-horse post-coaches: in this case a heavy additional allowance is made for carrying it in any thing but a coach. All is allowance—extra allowance—it is the very life and soul of the system of reform, on which this Department of the Government has been conducted.

In support of the other branch of the 6th resolution, viz: "that in other cases extra allowances have been made which are unreasonable, extravagant, and out of all proportion with the increase of service," I will refer to but a few contracts. Those of James Reeside and others, stated in pages 11, 12, and 13, of the report; and I refer to them the more especially, as that individual has, in a publication, (which appeared in the Globe,) denied that the amount of his extra compensation equalled the sum stated in the report. I have re-examined it with care, intending, if there were any error in the estimate, to correct it here. I have found a small error, it is true, but, as far as it goes, it lessens, rather than increases the enormity of the transaction—the error is in their favor, not against them. Five cases, out of an immense number in which the name of James Reeside appears, are selected and set out in the report, which in conclusion says, page 13: "the above are but a few out of the many contracts held by James Reeside and others, his partners—the allowances, in the above cases, beyond the amount of their open bids, and fair and legal contracts, are $62,316 78 a year, amounting, during the continuance of their contracts, to the enormous sum of $249,267 12, which is given by the Department to these contractors without advertising and without competition. The amount of these allowances was somewhat reduced in consequence of the insolvency of the Department."

This is one of the statements of the report which has been contradicted. I ask the attention of the Senate to the proof; for it is all before us, and attested by the signature of the Postmaster General. I hold in my hand a tabular statement, showing the sums at which these five contracts were bid off, as they appear in the Postmaster General's report, of the 18th of April, 1832; the amount to which they were raised by subsequent additions and modifications, and the difference between those amounts to which the paragraph of the report of the committee, just read, has reference.

	Contract as reported Ap'l 18, '32.	Actual am't paid as per rep. Mar. 3d, 1834.	Difference.
From Hagerstown to McConnelsville	$40	$1,400 00	$1,360 00
From Baltimore to Chambersburg	1,900	3,495 00	1,595 00

From Philadelphia to New York	6,000	28,775 00	22,775 00
From Bedford to Blair's gap, & from Bedford to Cumberland	275	7,411 72	7,136 72
From Philadelphia to Pittsburg, and from Pitsg. to Wheeling	8,250	40,150 00	31,900 00
	$16,465	81,231 72	64,766 72

Thus the compensation for carrying the mail on those five contracts, is raised from $16,465 to $81,231 72, and the amount of money paid, over and above the open bids, and fair and legal contracts, is $64,766 78 a year, instead of $62,316 78, as stated in the report. It is a small error in the estimate, which I take this the earliest opportunity to correct. The amount which this arrangement would have given to Reeside and his associates, on these five contracts, in four years, was $259,167 12, had not this wanton waste of the funds of the Department been in some measure arrested by its hopeless insolvency.

Sir, the investigation and the report of the committee have exposed this plunder of the public treasure, if they have not, in fact, driven the spoilers from their prey. How was it to be expected, then, that those who performed this unthankful and unpleasant task, should escape denunciation and abuse? Look at the power, the numbers, and the wealth which must, of necessity, be arrayed against each and all of us who have shared in their exposure--the thousands and tens of thousands variously engaged, connected and combined, as they are, from the head himself of the Department down to the very lowest depth--down to the printer of the vile sheet who is paid for publishing slander and billingsgate, under the cover of proposals for mail contracts. It was expected that all would open with one cry upon us--and so it is. One after another, these extra-allowance men come out, in the extra advertisement newspapers, with every species of misrepresentation and abuse, against the committee, and especially against me, for daring the exposure. But they are mistaken, if they believe that this, or any other thing which they may do or dare, will slacken our exertions, or swerve us one hair's breadth from the straight-forward path of official duty. It cannot impel me to greater exertions, for my whole energies have been, and in any event, should have been, devoted to the performance of the duty assigned us. But it shall not abate it—it shall not shake my purpose—it shall not disturb my temper or destroy the just balance of my judgment, by exciting any private feeling, or personal animosity. Nothing of this, for I will not, while in the execution of this official duty, turn aside one inch to regard any attack, however violent or abusive, come from what source it may, but I am and will be devoted to the duty which the Senate has assigned us, until it shall be performed, or we be discharged from its obligation.

The seventh resolution is in these words:

7. "*Resolved*, That the Postmaster General has established steamboat lines for the transportation of the mail by private contract at an enormous expense, and without authority of law."

The facts on which this resolution is founded, cannot be denied. The contract for the transportation of the mail by steamboat, from the mouth of Guyandotte to Cincinnati, from Cincinnati to Louisville, and from New Orleans to Mobile, were all private contracts, without advertisement or competition. An examination of these cases, and the principles on which they rest, is to be found in the 18th and 19th pages of the report. One provision of law, however, was overlooked by the committee. It is the last section of an act of 1823, which made rivers, &c., on which steamboats regularly plied, mail routes. I have since examined this matter with some care, and compared this clause with the provisions of the law of 1825, regulating the Post Office Department, and am of opinion, that the repealing clause in the latter law extends to that clause in the former. The time of the Senate will not, perhaps, be profitably employed by entering here into that investigation, especially as it is wholly immaterial in deciding on the legality of these contracts; for they are, none of them, made pursuant to the provisions of this clause in the act of 1823, nor with regard to the restrictions in the act of 1825. They are all illegal, as declared by the resolution.

The eighth resolution declares—

8. "*Resolved*, That the public credit has been pledged for the benefit of individual contractors; and that contractors have been solicited and induced to aid with their personal credit the business of the Department; and that all such transactions are unjustifiable and improper."

We have the testimony of Edwin Porter, who swears, that, on the route from New Orleans to Mobile, on which he receives, by private contract with the Department, $40,000, he lost 150 trips in a single year. No part of his pay is kept back in consequence of this loss, but, on the contrary, the Postmaster General accepted his draft for $20,000, in advance of his pay, which draft is still outstanding; thus pledging the credit of the Department to sustain a contractor.

Reeside testified that he had, on one occasion, arranged $6,000 for the Department; that is to say, he enabled them, by his credit, to raise $6,000, in anticipation of their own funds; and on another recent occasion, he assisted them to raise $10,000, which is erroneously set down as $1,000, among the exhibits. I presume no one will deny that such transactions, in a public officer controlling the public treasure, are unjustifiable and improper.

The 9th resolution condemns the act of the Postmaster General in establishing a second and third daily mail, on the same route, at a very heavy expense. This matter is fully considered in the report, and I need add nothing to what is there urged on that point. Pains have been taken to inculcate the idea, that it is the great increase of speed that has ruined the Department. I, for one, deny that it is so; the speed is very little, if any, greater on the principal routes, than it was under a former administration. The difficulty is not in too much speed, for the business of the country requires, and the resources of the Department justify, all the speed that is given it; it is the waste of money—its payment without a just equivalent in service of any kind—or its payment for these additional stages at twice and thrice a day, which avail little or nothing to the public interest.

The 10th resolution declares, "that pecuniary transactions of a very irregular nature are proved to have taken place between the contractors and some of the chief officers of the Post Office Department."

In support of this, I refer to what I have already said of the transactions between O. B. Brown and Slaymaker, Reeside and Temple. Can any man, who has looked at the evidence with regard to those transactions, doubt as to their actual character? But even the face which the actors attempt to give them, is but one degree less deep in the descending scale of official turpitude. There are other transactions which demand a passing notice. I read from page 15 of the report of the committee:

"It also appears, that, in the spring or summer of 1831, Mr. Barry applied to Reeside in Philadelphia, to assist him in negotiating an acceptance for $1,000, to raise some money for his (Mr. Barry's) individual use. Instead of doing this, Reeside advanced him the $1,000; and he stated before the committee, that Mr. Barry paid it by his acceptance at a short date, which he (Reeside) negotiated in the Schuylkill Bank. On inquiry of the cashier of the Schuylkill Bank, we were informed that no such accept-

ance was negotiated there. Your committee having collected the evidence touching these transactions, leave them without comment."

The evidence on this point, and on which the committee founded their statement, is in pages 237, 238, and 239, of the documents and evidence accompanying the report. I will read a portion of that evidence, and ask for it the attention of the Senate. James Reeside, in his deposition, says:

"Another instance in which I lent money, was, when Major Barry was in Philadelphia, about three years ago, and was about to bring away his family, and his sick son, who had been under Dr. Physic, at an earlier period than he had intended. He applied to me to know if I could not get him an acceptance for $1,000 negotiated, to enable him to bring his family home. I told him I could loan him $1,000, which I did, and he gave me his acceptance for that amount at a short date, probably at thirty days. It was negotiated in the Schuylkill Bank of Philadelphia, and paid at maturity."

I will next refer to the correspondence of the committee with the cashier of the Schuylkill Bank, on that subject, which shows that nothing was presumed by them hastily, and that every effort was used to arrive at the exact truth. The first letter, which is signed by the chairman, was written by myself, and presented to him for his signature. I read from page 239 of the documents accompanying this report:

WASHINGTON CITY, May 21, 1834.

SIR: You will please inform the Committee on the Post Office and Post Roads of the Senate, whether there was, at any time, a bill for $1,000, drawn by W. T. Barry, in favor of James Reeside, negotiated in the Schuylkill Bank, (it is supposed about May, 1831,) and passed to the credit of Mr. Reeside. If any such were, you will please send the description of the bill, and designate to whom it was sent for collection.

FELIX GRUNDY, Chairman.

H. J. LEVIS, Cashier Schuylkill Bank, Philadelphia.

SCHUYLKILL BANK, May 22, 1834.

DEAR SIR: Your favor of the 21st instant is received. I cannot find on the books of this institution any draft drawn by W. T. Barry, in favor of James Reeside, for $1,000, and passed to the credit of the latter, during the year 1831.

With great respect, your obedient servant,

H. J. LEVIS, Cashier.

FELIX GRUNDY, Esq.

WASHINGTON CITY, May 26, 1834.

DEAR SIR: A few days ago a letter was written by me, and signed by the chairman of the Committee on the Post Office and Post Roads, &c., making some inquiries whether a draft drawn by Major Barry, in favor of James Reeside, for $1,000, was negotiated in your bank. You state that there was no such draft. Please advise me if any note, acceptance, or any other undertaking of Mr. Barry, for $1,000, or any other sum, was, about three years ago, more or less, negotiated by Mr. Reeside in your bank.

Yours, respectfully,

T. EWING.

H. J. LEVIS, Cashier Schuylkill Bank, Philadelphia.

SCHUYLKILL BANK, May 30, 1834.

DEAR SIR: Your favor of the 26th is received. I find on the books of this institution, for the year 1831, Major Barry's two notes, each for $228 72, discounted for J. Reeside, August 29th.

With great respect, your obedient servant,

H. J. LEVIS, Cashier.

THOMAS EWING, Esq.

The second letter was written under the supposition that the inquiry in the first was not extensive enough, and that the paper might be of some other description than Mr. Reeside supposed, or that there might have been a mistake in point of time. On receiving the last answer, the committee came to the only conclusion possible. The words of the report, which contain that conclusion, are, "On inquiry of the cashier of the Schuylkill Bank, we were informed that no such acceptance had been negotiated there." I say this much in justification of the report, which has been furiously assailed on account of this paragraph. I leave it to the judgment of any candid man, whether, with this evidence before us, it would have been right to pass this matter over in silence; or, speaking of it at all, less could have been said, or said less strongly on the subject. Subsequent inquiries, on the part of Reeside or Major Barry, have shown that a draft for $1,000, drawn by James Reeside, (in November, 1830) and accepted by Major Barry, at 90 days, (instead of 30 days,) was negotiated in the Schuylkill bank; and now I ask of those who are able to give the answer, Why was not the actual state of the fact, if this be its actual state, sooner disclosed and made known to the committee? Reeside was discharged on the 21st of May, when we closed his examination, but he attended afterwards until the 9th of June, by order of the chairman, without the authority of the committee; and when the letters of H. J. Levis, of the 22d and 30th May, were received, were not their contents communicated? And if so, why was not the matter investigated and explained? I, of course, could not communicate them. I held, after his examination, no conversation with Reeside, except to request him to leave the committee room when we were about to examine witnesses, whom he severally attended to the spot, and watched over till he was required to retire. But why did not the honorable chairman, at whose request he remained, and who was often in conference with him, suggest this difficulty, that it might be explained?

Mr. GRUNDY. I was not authorized to disclose to any one what took place in committee.

Mr. EWING. The honorable chairman did not, at all times, feel the force of the obligation of secrecy. On at least one occasion, I know he did disclose what took place in committee, and endeavored to parry its effect; and I know of no special obligation resting on him in this case.

Whether this be or be not the transaction referred to in the letter from Richard Smith to Major Barry, I know not—probably it is; but if it be, this is a transaction that ought not to exist between persons standing in the relation of Postmaster General and contractor. It is the furnishing of pecuniary aid by the contractor to this high officer. It is entitling himself to his personal gratitude and especial good will and favor, by pecuniary accommodation. And it has been seen that the public money has gone, in flood tides, just where it would have gone, had this debt of private gratitude and good will been paid out of the public purse.

Another transaction, not commented upon in the report, but which is to be found in the evidence, requires notice. Isaac Tompkins, in his testimony, page 295, states, that, in the fall of 1830, he had a conversation with Mr. E. Porter, touching the embarrassments of the Postmaster General. He proposed that a loan of about $5,000 should be made to Mr. Barry, and that Mr. Barry's salary would enable him to refund it before many months; and Mr. Porter expressly stated he acted without the knowledge of Mr. Barry. "His plan was, that a few of the principal contractors should make out this amount, and put it into some person's hands to loan to Mr. Barry, who should always remain ignorant of the source whence it came." Mr. Tompkins, on his second day's examination,

and when a draft drawn by him on Storm and Company, was named to him by one of the committee, stated that, at the time of the conversation, he told Porter that it would give him pleasure to contribute, but he had not the money on hand, but would have it in about ninety days, and that then he could furnish $500, the amount desired of him. A day or two subsequent to that conversation, Mr. Porter called on him, and he drew a draft on Storm and Company at ninety days. Porter acknowledged himself indebted to witness for the amount, and has since sent him word by his partner, Avery, that he was not unmindful of the obligation, and that it should be paid before long. The witness adds: "The only entry I have of the transaction, is in the following words: 'Made draft on Storm, E. Porter, due 1st of April, $500.'" Thus far Tompkins, whose name will be familiar to all who have read the report. He is one of a company who has received extra allowances, the amount of which is calculated, by its bare mention, to startle and astonish us.

Next follows the testimony of Edwin Porter; and that the course of examination, and the consistency of the witnesses, may be the more readily noted, I read a part of his deposition, from pages 242 and 243 of the report.

"Question 1st. Did you, at any time, assist in raising a sum of money for the relief of Major Barry? If you did, state the amount, and the time, and the circumstances, and the persons who contributed.

Answer. Colonel Richard M. Johnson called on me, I should think about two years ago, in this city, and stated that Mr. Barry was under some pecuniary embarrassments, in consequence of some debts from Kentucky, which had come against him, for which he (Johnson) was bound as security. Mr. Johnson asked me if I could assist him, by lending him some money to meet those claims? I lent him $1,500, five hundred of which was lent to me by Mr. Tompkins. I considered that I lent the money to Mr. Johnson, for the relief of Mr. Barry, and I held Mr. Johnson responsible for it.

Question 2d. Did you take any note, obligation, or memorandum from Mr. Johnson? or did you make any memorandum in your own books upon the subject?

Answer. Not to my knowledge.

Question 3d. Was any person present at the time when you lent the money to Mr. Johnson?

Answer. I should think not.

Question 4th. State, as nearly as you can, the time and circumstances of the repayment of that money?

Answer. I cannot state any thing concerning it.

Question 5th. Do you now recollect the fact of the repayment of the money?

Answer. I do recollect the fact that the money was repaid.

Question 6th. State where that money was repaid?

Answer. In Washington city.

Question 7th. In what house or room was it repaid?

Answer. I cannot say.

Question 8th. By whom was it repaid?

Answer. I cannot say whether it was repaid by Mr. Johnson, or some friend of his.

Question 8th. What friend of Mr. Johnson do you suppose might have repaid it? Have you any person in your mind whom you suppose might have done it?

Answer. I have not any person in particular at present.

Question 10th. To whom was that money repaid?

Answer. To me in person.

Question 11th. In what kind of funds was it paid?

Answer. My impression is, in bank notes.

Question 12th. Was any interest on the money paid?

Answer. No.

Question 13th. Have you repaid Tompkins his five hundred dollars?

Answer. I have not, but I wrote to him immediately on receiving the money, that it was ready for him: he has not applied for it. The date of the letter I do not recollect."

Colonel Richard M. Johnson testifies that he was security for Major Barry for a sum of money, some two years ago, or more. That he was unable to raise the money, and Major Barry was unable. He wanted $1,500, and he applied to Mr. Porter to assist him; that Mr. Porter advanced the money, which was repaid by him in about three months, as he thinks, though it may have been six or nine months. Much curious comment might arise from a critical examination of all this evidence. The single fact is clear and certain, that a contribution was got up, among some of the contractors, for the benefit of Major Barry; but the time, the amount, and the time and manner of repayment, are variously stated. But I cannot now dwell upon the subject. There are some other things, also, not unworthy of note. I allude to the presents made by the contractors to Mr. O. B. Brown and the Postmaster General; indelicate, to say the least, in the givers and those who received, considering the relation of official duty in which they stood toward each other. Mr. Shaymaker sends a box of choice wine to Major Barry, and two boxes to Mr. O. B. Brown. Tompkins sends a cask of wine to O. B. Brown. But it is all done privately, and neither of those gentlemen knows any thing of the giver. These are small matters, but they are the same, in kind and character, for which an English chancellor, Lord Bacon, was impeached and disgraced.

On the 11th, 12th, and 13th resolutions, I will not dwell. They are sustained by the most indubitable evidence; nor have they been at all called in question. As to the 14th, the facts upon which it rests are partly taken from the records and books of the Department, and partly from information not verified by oath. All that is stated of William Smith, Horatio Hill, and Hay & Bennett, in the report, page 25, except the part that each of those persons, or some member of the firm of each, was the owner or editor of a newspaper, is proved by decisive evidence, such as would be satisfactory in a court of justice. Of those facts, the committee expected to procure such evidence, before the question should be taken on this resolution; and as time has not yet been allowed us to do so, I ask that it be so amended as to submit the matter for further inquiry.

Common rumor says, that William Smith is the proprietor of a partisan newspaper. It has been so stated by the honorable Senator from Virginia near me, [Mr. LEIGH,] on the floor of the Senate; and, in a publication in one of the city papers, to which the name of Smith was appended, the fact was admitted. But we have not the evidence in such a form that it can be placed on our journals, or filed among our archives. So with Horatio Hill. We have been informed by an honorable Senator from New Hampshire, that he is the editor of a violent and most vile party paper; and another Senator from that State, who stands in such relation to the individual as would imply full knowledge of the fact, does not deny it. Still, we have it not in the proper form, and I do not wish the Senate to act upon it. The information as to Bennett, one of the partners in the contract of Hay & Bennett, is the same in character. It was so stated to a member of the committee, by J. B. Wallace, Esq., of Meadsville, who also stated that the press, or Bennett's interest in it, had been sold by the administrator since the death of Bennett, and a respectable member of the other House, from Pennsylvania, assured us of the high standing and unquestionable veracity of Mr. Wallace. But, because the evidence is not on our files in such a form as to stand in perpetual memory of the thing, I do not ask that it be received as fact, but that the committee be permitted to follow up and extend the inquiry.

I have detained the Senate, perhaps, too long; but the relation in which the committee now stand to the public must be my apology. Their report, in part, which is now before the Senate, exhibits scenes of black iniquity in one of the departments of the Government, which can hardly find its parallel in any age or country; and that, too, in men of wealth, and power, and influence. A host of retainers are at the beck of those who rule this Department, prompt for any species of action that may be assigned to them. They, and the venal press which they command, have attacked us with unsparing fury; each man or company who has received a large share of the booty, and whose participation in the plunder is noticed in the report, has joined, or is ready to join, in the attack. A universal cry will be raised against us, and they will endeavor to drown the voice of truth in the general clamor. In the mean time, the responsibility of our situation permits to us no defence any where, except on this floor. Here, and here only, can we speak or be heard upon these questions—and here must we this day be heard for the last time, until the Senate shall re-assemble, and permit us to lay before them the result of our further investigation. I thank the Senate for their patient attention at this late day, when I know it is hard to yield it—and I have now done.

Before Mr. EWING had concluded his remarks, as given entire above,

The Senate took a recess until 4 o'clock.

EVENING SESSION.

Mr. EWING resumed his remarks, in illustration of the resolutions reported by the Committee on the Post Office, and continued for about half an hour, as given in full above; when

Mr. GRUNDY said he thought that, after the reasons assigned by the gentleman from Ohio [Mr. EWING] for the course he pursued in the investigating committee, it was due to that gentleman to say, that they met with his approval; although the same reasons had not operated on him. He, therefore, considered it a duty which he could not abandon, to say something further on the subject. He wished first to be understood, with respect to the charges that had been made, both by newspaper editors and others, against the majority of the Post Office Committee, as entirely disapproving of them. He regretted very much that they had been made; and he felt it the more sensibly, as similar injustice had been done to the minority. His object, however, on this occasion, was not to vindicate himself, or the minority of the committee, but to let the public understand the subject better than they would if he were to remain silent; and he should, therefore, confine himself to reply to those gentlemen who had spoken this morning. The Senator from Rhode Island [Mr. KNIGHT] had undertaken to say, that the account of Francis P. Blair, for printing done for the Post Office Department, was exceedingly erroneous.

[Mr. KNIGHT explained. It was not the account of Blair he had referred to, but it was the statement in the Globe as to carrying the mails, that he called erroneous.]

Mr. GRUNDY continued: As to any disagreement between the Globe and the gentleman, he would say nothing. The Globe was better able to take care of itself than he could, by any thing he could say for it. His object was merely to give an explanation of Blair's charges, so far as they related to the Post Office Department. There was a statement given in by the Senator from Delaware, made by three printers, appointed by the committee to examine Mr. Blair's accounts. Here it is, said Mr. G.

[Mr. GRUNDY then read the statement, given in a previous part of the debate, in Mr. CLAYTON'S remarks.]

By this it will appear, said Mr. G., that Blair charges for advertising, the same number of times, the same sum that was charged by the National Intelligencer. The difference between Blair and the Intelligencer, for the same advertisement, the same length of time, was $5,268. Now it would be remarked by this statement, that the cost in the Intelligencer for advertising so much, was $2,763; but the advertisement was only put in the daily paper, whereas the excess charged by Blair, was in consequence of the advertisement's being put in the daily, semi-weekly, and weekly papers. At the first view, it appeared that the charges of Blair were unreasonable—but listen to what Blair's printer says, and the thing would appear plain enough.

[Here Mr. G. read to the Senate a statement prepared by Mr. Blair's clerk.]

Blair prints the whole advertisement at once, said Mr. G., and circulates it in the daily, semi-weekly, and weekly paper; whereas Gales and Seaton, who print on one side of the sheet, and in their daily paper, only charge $2,763. It ought to be considered that Blair, in printing all this, gave a much wider circulation to the advertisement, expended a much greater amount of paper, and encountered also the expense of additional labor. Although Gales and Seaton could do the work for the sum estimated, and Mr. Blair could do it for the same sum, yet the difference was in the latter's inserting the advertisement in three papers instead of only in one daily paper; and when this whole subject came to be more fully examined by the same printers who had been selected by the committee, and when they came to make a full report, (which they would do before the next session of Congress,) it would then be apparent that no more was charged by Blair, beyond the prices of Gales and Seaton, than was warranted by the additional labor and expense.

He would now say a word or two in reply to the Senator from Rhode Island, with respect to the $500,000 accruing from postmasters, from the 1st of January to the 1st of April, 1834. This would turn out as easy of explanation as the accounts of Blair. The committee required from the Department a statement of the amount accruing for those dates; and how was the Department to get at it? They were obliged to take the corresponding quarters for the last year, which produced about $500,000, and from them make out their estimates. Now, the books showed, that of this sum a large amount had been received by the Department from deposites in banks; but the gentleman from Rhode Island said, that this was not a part of the $500,000—it was not due to the Department. True; but what had become of this money? The Senator from Rhode Island said it had been all squandered.

[Mr. KNIGHT explained.]

Mr. GRUNDY said, the way to adjust the matter was this: There was so much due from the Department, and so much due to it, and when this money was received from the postmasters, it was paid out to extinguish so much of the debts of the Department. That is to say, they owed ten thousand dollars on a particular day, and $500,000 was due to them; therefore, supposing they received three thousand dollars of the debt due them, and paid it out, did not that operation extinguish so much of the debt they owed? That was the only way of settling this question.

There had been different statements made in reference to the proceedings of the committee, with respect to Mr. Blair's account. He, Mr. G., would state what he knew about it. The committee, supposing that some misstatements had been made against them, addressed to him a note on the subject, which he had promptly answered.

[Here Mr. G. read Mr. Blair's answer to the note of the committee.]

This was as accurate a statement as his memory enabled him to give, after a careful examination. General Robinson and himself went to the Department and examined into the whole subject; but they did not obtain all the in-

formation they wanted, because whenever money was paid to a printer, the receipt was taken on the account, which they found in the office; but when drafts were given them, they could not get the information: because the accounts were with the drafts in the bank.

A few words more. He knew that every moment he occupied, the business of the country was suffering. This day and to-morrow, (Friday and Saturday,) Mr. G. said, were set apart for the consideration of bills; and yet, almost at the very end of the session, they were consuming the day in debating on a subject on which no legislative action was to be had, at least until the next year. There was the deposite bill, and the gold bill, with a great number of private bills, that it was important should be acted on.

It was stated by the gentleman from Ohio, that the extra allowances reported by the Department did not correspond with the facts, when you looked at the bids and the extra allowances together. Yet it had long been the practice of the Department to make such extra allowances, and the present Postmaster General ought not to be censured for it without attaching blame to those who introduced the practice. But the Senator was mistaken in supposing that the law had been violated in this particular; for we had legislated defectively, said Mr. G., and are now censuring the Postmaster General for supplying the defects of our imperfect legislation. It was the former practice of the Department to advertise for contracts for particular routes, and then to invite improved bids. That is, a mail from Baltimore, for instance, to be carried three times a week, to be improved. Now, when you look into this, you will see nothing wrong, unless you are in the case of the Senator from Ohio, who can see nothing right. Then, as to the statements of the finances of the Department, he contended that they had been always wrong until the present session, when a correct report was made.

The gentleman had noticed a publication respecting Senators' having sent in recommendations for increased mail facilities on particular routes, which he refused to sign. Now, for a different purpose from the present, he had obtained from the Department a memorandum respecting these same increased expeditions, as he had been contending against them, not believing that they tended to increased safety. This paper had been furnished to him five months ago, and in it he found that the following gentlemen concurred in recommending increased expedition in the route from Washington to Wheeling: Joseph H. Crane, James Finley, R. M. Johnson, Joseph Vance, T. Ewing, Samuel F. Vinton, William Creighton, Thomas Coombes, William Russ, Andrew Stewart, Thomas McKennan, Philip Doddridge, &c. This happened a long time ago, and the Senator from Ohio might have forgotten it. Mr. Doddridge, one of the gentlemen signing the recommendation, had since died, for it was at least two years ago. Now, he had admitted that there had been too much yielding by this Post Office Department to applications for these increased mail facilities, but he thought that the present Postmaster General ought not to be censured on this account, more than his predecessors. But, however, the Postmaster General, having been advised by gentlemen of such high standing, did the act, and, therefore, they, as well as he, ought to bear the blame.

Mr. EWING asked what was the speed of the mail on the route from Washington to Wheeling, before this recommendation was given?

Mr. GRUNDY replied that he could not answer that question. He had no knowledge on the subject.

Mr. EWING then said, he could not consent for that paper, a mere abstract, to be considered as his paper.

Mr. GRUNDY. Then I refer the gentleman to the original.

Mr. EWING. That is right.

Mr. GRUNDY. Well, I will let the gentleman, said Mr. G., take out his name and put down that of Felix Grundy. I, said he, in company with thirty or forty gentlemen, go to the Post Office Department and ask for an increased mail facility on a particular route, stating it to be for the good of the country that the request should be granted. Mark the style in which the request is made. "We, the undersigned, Members of Congress, request," &c.—stating the importance of the route, the great benefits to be afforded to the community, and asking for this mail facility. Now, in such a case, where a pressing request from a number of members of Congress is made on the Department, to give to this some Stockton and Neil an extra allowance for the purpose of restoring the mail facilities on the great Western route, what is the Postmaster General to do? Mr. Andrew Stewart, of the other House, brought a recommendation to this effect to him, Mr. G., and he refused to sign it. He had no doubt the same paper had been handed to the Senator from Ohio. But was not the case of the Postmaster General a hard one? If he refused one of those applications, he was charged with being regardless of the wants of the people. And if he granted it, some of those very men who had signed them turned round, and censured him for so doing. Mr. G. then read another recommendation for increased expedition on a Western route, in which were the names of Messrs. Benton, Hendricks, Tipton, Kane, Robinson, and several gentlemen of the House of Representatives. Indeed, said Mr. G., it is signed by almost every Senator and member of the House from the Western country. Here was every member from three States of the Union requesting this facility, and, if it is not granted, they would most probably say that the Postmaster General was regardless of the wants of the community. If he grants it, he will be charged with being prodigal and spendthrift. This was, to be sure, a hard case. But, Mr. G. said, he did not wish to be misunderstood. There were cases in which these mail facilities might properly be granted; but he would not have them granted unless there were means in the Department to cover the expense.

There was one part of the subject which had better be avoided—but as it regarded the characters of others, he would slightly touch on it. Major Barry was, as every body knew, when he first came here, very short of money. He was pressed, and so was his friend, Colonel Richard M. Johnson. Under these circumstances, Colonel Johnson went to this Mr. Porter and raised money for Major Barry without his knowledge; and, when it was due, it was paid by Major Barry to his security. In these days of strict scrutiny into private character, it was better, Mr. G. thought, for a man not to do any act which might, by possibility, hereafter lead to erroneous construction. But the fact was, the money was borrowed without the knowledge of Major Barry, by his friend, Colonel Johnson, and was paid when due. So that there was nothing wrong in the transaction. Then as to the money borrowed from Reeside: Major Barry went on to Philadelphia, where his sick son had been under the care of a physician for months. His family was also there. He determined to bring his family, including his sick son, home; and having in consequence heavy bills to pay, he went to Reeside and asked his advice as to how this money was to be raised. Reeside said he would lend him the money, and Major Barry gave him a draft at a short date, which was discounted at the Schuylkill Bank, and which, when sent on here, was paid at maturity. But some mistakes with regard to this draft was made both by the cashier of that bank and by the committee. The committee wrote a letter and described the draft incorrectly—but in looking over the testimony of Reeside, he (Mr. G.) discovered the error, and hastened to correct it by writing another letter. The cashier then found the draft, and corroborated Reeside's testimony. This was the whole story.

Now as to the money of Obadiah B. Brown. Brown borrowed money from Slaymaker for his own use, and in his own right, to purchase property; but before that time, and since, he had lent money to a Mr. Porter. Now at first this seemed to him very strange, that a man should lend out money with one hand and borrow it with another. But, on further investigation, it was discovered that there was a certain Doctor Jackson for whom Brown acted as agent, and for whom he received considerable sums of money; that since the decease of this Doctor Jackson, he has continued to act as agent for the widow and children, and receives their money, which he keeps as a distinct fund, and puts it out at interest for their benefit. Here, then, was a sufficient explanation why Brown should have borrowed money while he was lending it to Porter. As to the transaction with Reeside, he had deemed it of so little account that he gave himself no trouble about it.

With regard to Doctor Temple's contract, there was an impropriety in it no doubt. But who had committed that impropriety? It would not do to carry the blame farther than to Doctor Temple. Did the Postmaster General, he would ask, know any thing about it?

Mr. EWING. The contract was entered into with the approbation of the Postmaster General on the first of March, to take effect on the last day of that month, on which day Doctor Temple resigned.

Mr. GRUNDY continued. As to the act of 1832, referred to by the gentleman from Ohio, and which he supposed repealed the act of 1825, the gentleman had put a strange construction on it. This act, said Mr. G., makes all the streams on which steamboats float, post routes. Now the act of 1825, reducing into one the several acts regulating the Post Office Department, did not operate as a repeal of post routes. He would read the act.

[Here Mr. G. read the act of 1825, just referred to.]

If, then, said Mr. G., the water routes are repealed by this act, the land routes are also repealed; that is, all routes prior to 1825. The several laws regulating the Post Office Department, which were in force prior to 1825, were repealed by the act of that year, but the act did not repeal the post routes, and never was considered as having done so by any member of Congress. The report, therefore, of the committee, which condemned the carrying the mail by water, was wrong, because there was nothing to be found in the law to prohibit it.

Mr. EWING referred to page 261, of the minority's report, to show the dates of Temple's contract and resignation.

Mr. GRUNDY said he admitted every fact in relation to that contract. He had been very careful in his examination into the matter; and if the Postmaster General sanctioned the transfer, of which he had no evidence, he had done wrong.

Mr. G. said, if time permitted, he would take up the several resolutions of the committee, examine them one by one, and show how far they were right, and how far they were wrong; but really he thought the time could be more profitably employed. He would, however, observe, that the committee had been engaged in a very laborious investigation, and had not yet completed it. They were not even half done. He therefore submitted to the Senate whether it would not be better to wait until they got more evidence before they proceeded farther. When all this was obtained, and the committee had made its final report, the Senate could act with a full knowledge of the subject.

Mr. WRIGHT moved to lay the report and resolutions on the table, alleging that there were a great many bills requiring the action of the Senate, which could not be signed according to the rules, if they were not passed before midnight, and it was now five o'clock.

Mr. CLAYTON requested Mr. WRIGHT to withdraw the motion, to enable him to vindicate the report of the committee against the calumnies of the dependants on the Post Office Department, and to obtain a vote on the resolutions.

Mr. WRIGHT replied that he made the motion through no unfriendly feeling to the honorable gentlemen who made the report, but from a sense of duty, and must therefore persist in it.

Mr. CLAYTON then demanded the yeas and nays, observing that he regarded the motion as an attempt to evade a direct vote on the resolutions.

The yeas and nays were then ordered, and were as follows:

YEAS.—Messrs. Benton, Brown, Forsyth, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Morris, Robinson, Shepley, Swift, Tallmadge, Tipton, White, Wilkins, Wright.—18.

NAYS.—Messrs. Bibb, Calhoun, Clay, Clayton, Ewing, Frelinghuysen, Kent, Knight, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Smith, Southard, Sprague, Tomlinson, Tyler, Waggaman.—20.

So the Senate refused to lay the resolutions on the table.

Mr. CLAYTON then addressed the Senate. I am as well aware of the importance of time at this late period of the session as the honorable gentleman from New York, or any other man here. But as a member of that committee, which, by special resolution of the Senate, was ordered to investigate the condition of the Post Office, and which, in obedience to that resolution, has made a report, I demand an examination of that report. As a matter of justice to myself personally, and to my colleagues, who have thus proclaimed to the world the corruption of this Department, I require at the hands of every honorable man here a scrutiny into every statement and every argument which the report contains. In behalf of the majority of the committee, I insist upon it that there shall be no evasion of the inquiry—no laying on the table—no skulking from the vote or avoiding the discussion. We have been placed by the vote of the Senate in the most unpleasant situation. We have been compelled to become public accusers, by a resolution which directed us to expose the frauds of this Department. We have faithfully and fearlessly stated the condition of this Augean stable, which we were sent to explore; and as we have been grossly assailed by the pensioned presses, and all the host of the Post Office stipendiaries, whose frauds and corruptions are exposed in the report, we now demand a trial of the truth of every accusation we have made in this presence, before the only tribunal to which we are amenable, and before which as honorable men we can defend ourselves. If it be true, as the gentleman from New York has declared, that it is too late in the session to take a vote on every resolution reported by the committee, let us at least hear from him, or from the gentleman from Tennessee, or from any other man here who shall attempt a vindication of this Department, wherein we have erred, in what single instance, if it be possible for them to show any, we have done wrong to any human being; and let us at least take the vote on so much of the report as can be reached by the Senate in the few brief hours allotted to us for the transaction of such business.

Mr. President, this committee has acted on a principle, the preservation of which is of the highest importance to the people of this country—that of discharging a public duty fearlessly, of exposing, firmly and fairly, public abuses within their cognizance, heedless of all consequences. We knew, when we undertook this task, that many thousands of dependants hung on this branch of the public revenue for subsistence, and that, for the exposure of such of them as had acted corruptly, obloquy and reproach from them was to be our reward. We did not shun "the fate of place"—we did not, and will not now "stint our necessary action in the fear to cope mali-

cious censurers." It remains to be seen whether the Senate will take their share of this responsibility, and whether, with equal firmness of purpose, the principle upon which we have acted in this business shall be sustained by others.

That resolution to which I do most anxiously invite the attention of honorable members, is the first. It proclaims the deep indebtedness of the Department, and the fact that the Postmaster General has, upon his own responsibility, without deigning to ask the consent of Congress, borrowed money in defiance of the restrictions of those laws of which the constitution is supreme, to supply deficiencies occasioned by the waste of the public money. It is in the following words:

"1. *Resolved*, That it is proved and admitted that large sums of money have been borrowed at different banks by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void."

Upon this resolution let the Senate now express its opinion, even if, from the want of time, it be unable to proceed with the remainder. The chairman, in his remarks, cautiously avoided its discussion. Will he now either deny the facts stated in this resolution or the conclusion it draws from them? On a former occasion I thought he ventured to excuse the conduct of the Department, or to exonerate it from censure.

Mr. GRUNDY. The gentleman from Delaware misunderstands me, if he supposes I do either justify or excuse the Postmaster General in this business. I have not defended it and I shall not. I shall vote with the gentleman for the resolution.

Mr. CLAYTON. I am happy to hear it. Others of the same party will, I trust, follow the example. The resolution contains a censure on this Postmaster General so strong that we may hope for some reformation in his Department, provided gentlemen do not evade the vote, or lay it on the table. Those who cannot deny, nor justify, nor excuse this outrage on the constitution and laws, this usurpation of the legislative power by a mere chief of department, will now show their sense of what is due on this subject to the nation, by joining in the vote, and thus disabusing the public mind, which has been grossly misled and deceived in relation to the whole matter, by the party press in the pay of the Post Office.

Sir, scarce two days have elapsed since we passed the general appropriation bill, giving to this Department a sum of no less than $96,305 out of the Treasury to sustain it. I regard this as a gift from the Treasury of an amount unparalleled in the history of our legislation. Of this sum more than $31,000 was for "extra clerk-hire during the last year!" So that I suppose this officer is not only in the practice of borrowing money without law, but of making (not casually but regularly) new officers, and paying them without regard to it. This appropriation was suffered to pass by the committee without opposition; yet the defenders and dependants of this Department have accused us of persecution, and, after they have obtained the money, they will continue to rail without cessation, because forsooth "they are persecuted!"

The whole annual revenue of this Department, according to information furnished by itself, amounts to nearly three millions of dollars. Such an engine of corruption, wielded entirely according to the will of one incompetent individual devoted to his political leader, however free from wilful corruption himself, as I have before in charity hoped him to be, backed too by annual appropriations from the Treasury of nearly $100,000 per annum, is enough to startle every friend of civil liberty, no matter under what party banner he may have arrayed himself.

I would gladly, sir, avail myself of the opportunity to notice some remarks of the chairman, as well as some of the misrepresentations of the report, which are daily made in the party press, supported by the revenues of the Post Office, did I not fear that, by doing so, I was intruding too long on the patience of the Senate. [Cries of No, no! go on, go on!] Then, Mr. President, availing myself of the kind indulgence of the Senate, as thus expressed, and determined not to abuse it, I invite your attention to that boast which we have so often heard expressed in this chamber, and which has been reitered throughout the country, that the doors of the Post Office were not closed against this inquiry. Look, now, I ask you, at the numerous resolutions calling on the Postmaster General for information, passed months ago, to not one of which, during the whole session, has there been any answer whatever. One of these called for information of the number of removals from office he has made. Is there any answer to that? Another relates to the subject of the circular directing the ten thousand Postmasters to return quarterly statements of the number and names of subscribers to newspapers taken at the different post offices, thus establishing a system of espionage over the political reading of the people. Is there any answer to that? Instead of an official answer to this resolution, the Post Office press teems with abuse of the Senate and the committee. The abuse of the franking privilege is the song of the very men, who, by means of this system of espial, know how and where to frank tens of thousands of extra Globes, in the midst of a political campaign throughout the country, break down the stages with their political newspapers and pamphlets, and then remunerate the favorite engaged in their transportation with an "extra allowance" for his "increased service." How many months have elapsed since the call was made upon the Postmaster General, by the Senate, for information of the amount of postage due in 1829, which have been since collected, to which he has refused to return any answer? Sir, such neglect ought to cause him to be removed from an office which it is evident he is unfit to fill.

To one of these resolutions, calling for his account of the manner in which he has disbursed the "incidental expenses" and secret-service fund of this Department, he made no answer until the committee demanded it; and now, if the statements of his newspaper organ, Mr. Francis P. Blair, and of other agents employed by him, are true, his own report is false in almost every important particular. As an example of this, I ask the Senate to look at his report on the 228th page of the documents annexed to the report of the committee, where this Postmaster General says that on the 31st of December, 1832, he paid "Francis P. Blair compensation for advertising (in the Globe, daily, weekly, and semi-weekly) the proposals for carrying the United States mails, for the whole Union, and the supplement thereto, from 20th July to 11th October, 1832, $8,386 50." Such, sir, is Mr. Barry's official report. Our report states this fact in his own words. Then comes Mr. Blair with a memorial, which is introduced and ordered to be printed in a moment of inattention on the part of the Senators, charging the committee with misrepresentation and falsehood for stating this very fact. Blair says, in this memorial, that he was engaged in the printing much longer than two months and twenty-one days, though his employer has expressly stated the time to have been "from the 20th of July to the 11th of October." To this memorial of Blair's, which evidently forms a part of a general system intended to be pursued by every creature of this Department who can be prevailed upon to attack the committee's report, I would invite the attention of the Senate, as a specimen of the decorum observed by the Government official, which is daily

engaged in denouncing the majority of this Senate, as acting in the pay of the Bank of the United States. This memorial, which is a tissue of abuse, has been, as all present know, smuggled into the Senate, at a moment when we were about to go into Executive session, and when most of us were out of our seats. The member from Missouri, [Mr. BENTON,] who presented it, must have been ignorant of its contents, or of the rules of this body, for he could not have presented it as a paper having either the semblance of truth or decency stamped upon it. It was presented in a moment of hurry and confusion; and, if time for the motion were now allowed, it would be expunged from the Journal. My colleague from Rhode Island [Mr. KNIGHT] has already exposed many of its misrepresentations. He has shown, in one instance, that Blair has represented himself in it as having printed twice as much as he did print. But since the committee discovered that such a paper was on the files of the Senate, they ordered three printers, Mr. Force, Mr. Donoho, and Mr. Rives, (Blair's own foreman,) to ascertain the rates at which he printed this advertisement, and to say whether the prices paid were enormous. They have reported to us, under oath, that "the actual charge for the same advertisements in the National Intelligencer, is $2,763 37½, for which Blair received $8,838 50; making a difference of $5,623 12½ beyond the former price, for this single job! Yet the subject of his complaint is, that the rates at which he has been employed are stated in the report to be enormous.

There is yet another misrepresentation in this memorial, based, as it would seem, on the information of some officer of this Department. The report of the committee states, that, as the Department, on the application of the committee, sent us only a part of the vouchers for Blair's account, and deferred sending the rest until it was too late to examine them in time for the report, we could not say how far the official statement in the Blue Book, in regard to them, was correct or incorrect. When we observed that this memorial had denied the fact stated by us, that only a part of Blair's vouchers was sent to the committee on their application for them, we applied to the chairman of the committee to certify the fact as we had stated it. He has accordingly so stated the fact, in a letter to us, which I now hold in my hand. The fact that "a portion of the vouchers showing payments to Mr. Blair, according to his accounts, were not found among the papers" sent to us when we examined the printers' accounts, to ascertain how they agreed with the Register, certified as that fact now is, and here proved by the chairman, may perhaps be accounted for by those who would boast that this Department has promptly submitted every thing to our investigation.

It will be observed that reference is made in the report to exhibits marked X, of which Blair's accounts form a part. Copies of these accounts were made out for the committee, after the report was drawn up, and were afterwards annexed to it. The difference between them and the report, is precisely the difference between them and Mr. Barry's own official returns of the incidental expenses on which, be it remembered, the report is founded. Mr. Barry's official report of these expenses, will be found among the printed documents attached to the report, from page 222 to 232. Every man who shall be put in possession of a copy of the report, will see by referring to it that the statements of the committee are fully sustained by it; and, whenever in the play of the game now practising, (by which every understrapper and hanger-on of this Department, who can be prevailed on to publish a denial of any part of the report, is to be found with a counter statement in the newspapers,) any printer or "travelling agent," whether "general agent" or "special agent," referred to by the committee, contradicts any thing alleged in their report, a reference to the Postmaster General's return of the incidental expenses, will immediately, either show the falsehood of the contradiction, or that reliance is not to be placed on a document emanating from this Department. This exhibit, commencing on the 222d page of the report, which for the first time, exposes to public view the secret-service fund of this corrupt and corrupting engine of Government, ought to be perused by every man in the nation.

My honorable colleague from Ohio, [Mr. EWING,] has so fully vindicated the report of the committee against the aspersions of certain pet mail contractors, that it has become unnecessary for me to take notice of them. No one stands so conspicuous among them as Mr. James Reeside, the foundation of whose complaints has just been so ably exposed. His $40 contract, so adroitly turned into one for $1,400, by "pencil marks," and his ingenuity in converting $99 into $1,999, as will be seen by reference to the 11th page of the report, and the extra allowance or gift of $10,000 to him and Slaymaker, referred to on 14th and 15th pages of the report, whereof Parson Brown, the chief clerk, "was to have $1,000," as Jesse Tomlinson has proved in his deposition on the 245th page. These, sir, I say, in connexion with the other facts disclosed regarding him, place him in a point of light before the public, which will prevent him from making many more very valuable "increased services" of this kind, at least, for his employers.

Mr. C. then replied at length to Mr. GRUNDY, on the subject of the "minority report," criticising some of its statements, and denying the validity of its inferences. [The extreme heat of the weather, and the crowded state of the Senate Chamber during this part of the discussion, prevented our reporter from noting these remarks.] He concluded by observing, in regard to the publications made to misrepresent the report of the committee, that he could not descend, as a political gladiator, into the arena with every hireling who might choose the Post Office press as the medium of attack on the committee. But in this chamber he was ready to defend their statements, and defied contradiction of them. The report had been made by his friend from Ohio, [Mr. EWING,] who had taken upon himself nearly all the labor of the investigation, his own time having been, during its progress, occupied by the duties of three other committees, so that he had not been able to visit the Department once during the session. His judgment on the facts had been formed from the documents and proofs laid before him, and every Senator here had now the same means of judging. He invited examination and discussion of these facts, among other reasons, because, if there were any error in the report, if amidst such a multiplicity of matter it could be found that, in any single instance, injustice had been done to any human being, it would give him pleasure, he was anxious, to acknowledge it, and to correct the error. He trusted that he was incapable of being governed by that false pride which dictated perseverance in error, when fairly convinced of it; and he was equally incapable of being restrained, by the fear of a Post Office persecution, from exposing these frauds on the public revenues. He hoped, nay, he knew, that his former colleagues, who still remained on the committee, and who had leisure for the purpose, would continue faithfully and fearlessly to investigate the corruptions of this Department. They would doubtless be assailed by its whole vengeance—by a host of stipendiaries, exercising more influence, when aided by its money, than all the other Departments combined. Menaces would be employed, when other measures failed, to deter them from their duty, but those menaces would, he knew, be treated with unutterable scorn and contempt. The whole power of the Post Office, and its newspapers combined, would be exerted in vain against men who gave themselves up to a service of such importance to the country; and the falsehoods which would be circulated to injure

them, would only recoil on the heads of those whose frauds would continue to be dragged to light by the investigation.

Mr. CLAY addressed the Senate. Precious as were the few remaining hours of this arduous session of Congress, I feel it to be my duty (said he) to say a few words on the extraordinary condition of the Post Office Department. Indeed, I do not know that our time could be better spent than it would be in exposing and remedying the acknowledged abuses in its administration. But I shall avoid details, and speak only of leading, undeniable, and striking facts. And, first, allow me to say, that the Senate, the country, and all honorable men, owe a great obligation to the committee, for the able and satisfactory manner in which they have discharged their duty. With their full share of other duties, incident to this protracted and memorable session, they have displayed ability, diligence, and untiring labor, which have been seldom equalled. They have especially manifested, in an eminent degree, the possession of moral courage, that admirable virtue, without which the character of a public man, whatever other excellences may be blended in it, is greatly defective. The committee have only broken the crust of abuse and corruption, but it has brought them into contact with favorites and mercenaries, who have already commenced a warfare of calumny and abuse, and who will continue to assail the committee, in every village print, from Maine to Louisiana. Go on, gentlemen of the committee, regardless of these assaults, and fear not. Open to the gaze of an insulted and outraged people, the venal enormities, the surface only of which you have touched, and confidently rely upon the support and the justice of a generous and enlightened community. The memorial from the editor of the Globe, reflecting upon your conduct, has been received, and ordered to be printed by the Senate, without, I am persuaded, any knowledge of its contents, by the Senate, generally, certainly none by me. If we had time, I would submit a motion to expunge its reception from the Journals of the Senate.

The first incontestable fact which the committee has brought forth, is, that a little more than five years ago, the late Postmaster General transferred the Department to his successor, the present incumbent, with an acknowledged surplus in its treasury of about a quarter of a million of dollars; and with an official assurance, founded on long experience, of its competency to yield to the public treasury a clear annual revenue of half a million of dollars. This fact cannot be denied, and it is not denied.

The next fact, equally well established, is, that the Department is now bankrupt, and that it has been insolvent since the month of December, 1832. In less than a term of four years after the present Postmaster General entered upon the duties of his office, the Department became insolvent.

A third fact is, that the actual condition of the Department was not only concealed from Congress and from the public, but, at the very moment when its flourishing and successful operations were vauntingly proclaimed in official documents, it was actually insolvent and unworthy of credit.

A fourth fact is, that, without the color of legal authority, and in direct and positive violation of an express provision of the constitution, a series of loans, beginning in December, 1832, and continued down to the present session of Congress, has been negotiated, upon the credit of the United States, to sustain the Department. These loans have been negotiated by a head of one of the five Departments of Government, established in Washington, under the eye and immediate direction of the President—a head almost in daily intercourse with him, and forming a part of his cabinet. It is said that the President was not informed of the fact of these loans being negotiated. If it be true (which is scarcely credible) that the Chief Magistrate was ignorant of them, then the Postmaster General, by concealing that fact both from Congress and from the Executive, has been guilty of a double violation of his official duty. But, since January last, now about six months, when an official report to the Senate communicated the existence of these loans, the President has known of them, by the admission of the Postmaster General himself. These loans are a plain, palpable, indefensible, and undefended, violation of the constitution. And, notwithstanding, the President continues the Postmaster General in office, and he continues in office every subordinate under him, without the least animadversion upon his conduct.

Sir, I have already expressed my feelings to the Senate in respect to the Postmaster General. He was, for a long time, my neighbor; and, once, both my personal and political friend. I am grieved, pained, mortified, in contemplating his present situation; and I would not utter one word beyond what is demanded of me by an imperative sense of public duty, to inflict a wound upon his feelings. But I am constrained to believe that he has been guilty of gross, inexcusable, and culpable neglect of his official duty, to say the least.

And now, sir, let us pause and estimate the value of that responsibility which the President, in his celebrated protest, asserts he lies under for all the Executive officers of the Government. Of what avail is it? It is not a case of distant, remote, or doubtful malversation. It is present, at the threshold of the Executive mansion, and perpetrated by one of his cabinet counsellors. Where was the President himself, that he did not look into the general state of this Department? If really ignorant of the existing abuses, and the unconstitutional contraction of large loans, why, after he has obtained full knowledge of the fact, does he forbear to apply any corrective within his power? Why does he not exercise the boasted power of dismission? Does he not make himself at least accessary after the fact, to the acknowledged delinquency?

And what, too, are we to think of the President's professions of hatred to abuse and corruption, of his avowed solicitude for the preservation of the public morals, and of his anxious desire to promote the purity and fidelity of all our institutions?

The facts to which I have adverted, stand out in bold and prominent relief. They are not denied. They are not justified or defended. They cannot be excused or palliated. They are admitted by both branches of the committee charged with the investigation into the affairs of the Department. And they alone furnish ample means of forming a correct judgment. They supersede all necessity of looking further, or looking into other details, in determining upon the conduct of the chief of this Department. I cannot, however, forbear to make a few more observations.

The practice of making enormous extra allowances is so general, and is so capable of being employed as means of rewarding and stimulating the zeal of favorites and partisans, that it should command the attention and provoke the decided condemnation of the public. Proposals for contracts, clearly defined, are advertised, and instead of making them according to the proposals, different contracts, under the pretext of improvement, a slight acceleration in the rapidity, or an inconsiderable deviation in the route of the mail, are entered into. Or, if the contracts are made in conformity with the proposals, upon some one of these pretexts, the extra allowance is subsequently made, and the contract varied. The effect is to destroy all competition. One set of contracts is thus advertised, and another is actually made. Why perform the farce of a public advertisement, if this practice is to be tolerated? Why pay to the editor of the Globe for publishing the Post Office proposals the extravagant sum of

upwards of eight thousand dollars, (more than $5,000 beyond what, under another administration, was paid to Gales and Seaton for similar services,) if the advertisement is to be disregarded? It would be a measure of economy to publish proposals for printing the proposals, provided always, that there was no extra allowance made.

These extra allowances, sometimes exceeding the original contract three or four times, are not only made without adequate consideration, but, in some instances, are downright gratuities, as in the instance of the $10,000 to Reeside and Slaymaker. No one can impartially read the account of that allowance without being convinced that it was a most scandalous transaction. The pretext for it was, that, in consequence of the rapidity of their coaches, the burdens belonging to other lines were shifted upon them from other contractors. Well, ought they not to have anticipated, from their long and great experience, that state of things, if it existed? And if they were to be compensated by an additional allowance for what was within the fair scope of their original contract, should not the other contractors have been subjected to a proportionate abatement, from the amount stipulated to them, in consequence of the reduction of their burdens? But the extra allowance is made to them, without any corresponding deduction from the others. And what demonstrates that these extra allowances were not justly due is, that, when the necessities of the Department at last forced upon it some measure of retrenchment, the extra allowances have been, in some cases, (that amongst others,) given up, or reduced quietly, without a murmur.

The indignation of the public must increase when it learns that these very objects of the extraordinary favors of the Department, are, in their turn, dispensing favors to those high in the Department. Thus, the Postmaster General himself places himself under pecuniary obligation to Mr. Reeside. And O. B. Brown, about the period of this extravagant allowance to Reeside and Slaymaker, is obtaining a large sum from them under color of a loan, but which, I am compelled to say, is unexplained, and wears a much more suspicious aspect. We see him, too, borrowing from one company of contractors, and lending to another company.

Mr. President, these matters cannot fail to make a deep and serious impression. Considering the delicate relations between the Department and contractors, its high officers should have no pecuniary transactions with them; should be the objects of no presents of quarter casks or boxes of wine, (as in the case of Mr. Brown,) or of any thing else, from those who are so directly interested in conciliating their favor.

I remember an example which I recommend as worthy of their imitation. During my youth, I acted as the amanuensis of that pure, upright, and excellent man, the late Chancellor Wythe, of Virginia. An opulent West Indian (or one supposed to be opulent) removed to Richmond, and fixed his residence in the neighborhood of the Chancellor. He had an important suit in chancery; and one morning, when I was present, he sent by a servant to the Chancellor a demijohn of old arrac; and a little orange tree for his niece. With that ineffable politeness, which characterized his demeanor, as strongly as that of any gentleman whom I ever knew, he begged the servant to take back the articles to his master, with his compliments and his thanks, and to say to him that he had passed the season of life for enjoying the old arrac, and that he feared the orange tree might be neglected and die, if it were accepted, as his niece was frequently absent, and he could not bind himself to attend to it.

Mr. President, I feel it my duty, unpleasant as it is, to notice one or two other facts. Of the two members of the minority of the committee, one (the Senator from Illinois) has a brother, who is a member of a company that has received an extra allowance on a contract three times the amount of the original sum stipulated. I know that brother well: he is a gentleman of high character and respectability, and opposed to this administration. But he is associated with others, who are its supporters, and who are members of a family that has received larger sums from the public treasury than any two, or, perhaps, ten, other families in the United States. And, sir, there is reason to apprehend that these extra allowances are sometimes made to opponents of the administration, that, under cover of them, its supporters may be allowed safely to plunge their hands deeper into the public treasury. I am far from saying or insinuating that the fact to which I have alluded, has biased the judgment of the honorable Senator. But the fact ought to be known to the public.

Again: the only Senator, out of the committee, who has risen to make a formal defence of the Post Office Department, is the honorable Senator from New Hampshire, [Mr. HILL.] That Senator read from his place, as a speech, a prepared, deliberate, and elaborate essay; and his brother has fifteen contracts within the limits of that single State! I make no comments upon the fact. I know not that it has had any influence upon the mind of the honorable Senator; and I do not, therefore, assert that it has; but it is right that the public should know the fact.

Mr. President, the principal object of my rising was to express the acknowledgments due to the committee. I hope they will fearlessly proceed in the discharge of their important and arduous duties, unawed and undismayed. I trust that they will despise and disregard the attacks already made, or which may be made, upon their motives and upon their probity and character. They may expect many more. They may even anticipate doleful complaints from the Reverend O. B. Brown, of their prying curiosity, as to his private transactions! Private transactions! It is to be feared that there are some so private that they can never be fairly exhibited to the public eye. Bribery and corruption are generally extremely secret transactions. Go on, I say again, gentlemen; penetrate all the labyrinths of the Augean stable; drag forth the public culprits, and fear not that you will finally triumph over all the calumny and malignity of the whole tribe of venal favorites and mercenaries, and win for yourselves the thanks and gratitude of a just and generous, but highly abused public.

Mr. ROBINSON felt himself compelled to make a few observations in reply to the Senator from Kentucky, [Mr. CLAY.] It was not, however, a matter of his seeking: for what reason the Senator from Kentucky had thought proper to proclaim his (Mr. R.'s) brother as a contractor, and as having received an extra allowance, he did not know. The matter had long since been published in the Blue Book, which was open to the inspection of any one. It was true the gentleman had said that his brother was opposite in politics to the administration, but, at the same time, the manner in which the affair had been brought forward, appeared to imply some censure. His brother, Mr. R. said, was associated in his contract with three gentlemen, whom the Senator from Kentucky, and no one else, could possibly assail. For the sake of doing justice to himself, Mr. R. would say, that the contract bore date in 1832, and although he was well acquainted with the gentlemen connected with his brother, he had never heard one word of it until it came before his notice as a member of the committee. Further, he had received letters from his brother this winter, loudly complaining of the administration, because his mail-route had been reduced. For the purpose of fully explaining this matter, he would ask the Secretary to read that which related to it, from page 264 of the report of the minority.

The Secretary then read the following extract:

"A contract was made with James F. Robinson, dated the 15th of October, 1831, to transport the mail from January 1, 1832, to December 31, 1835, between Cincinnati, Ohio, and Georgetown, Kentucky, seventy-two

miles, daily, in four-horse post-coaches, for $1,000 a year. After this contract was made, and before the service under it commenced, such increased expedition was given to the great Western mail as to carry it from Washington city, and from Baltimore, to Cincinnati, in two days less time than under the former contracts, and to arrive at Cincinnati at six o'clock in the evening. To give to Kentucky the full benefit of this expedition, it was deemed necessary to direct the contractor on this route to leave Cincinnati every night after the arrival and distribution of the mail from the East, at seven o'clock, and arrive at Georgetown the next morning by seven o'clock, so as to connect with the mail to Louisville. He was, therefore, directed, on the 29th of December, 1831, to run through in twelve hours, instead of fourteen hours, his contract time. The schedule in the original contract was to leave Cincinnati at four o'clock in the morning, and arrive at Georgetown by six o'clock in the evening; leave Georgetown at five in the morning, and arrive in Cincinnati by seven in the evening, giving fourteen hours each way, and the day time for running. The alteration gave but twelve hours each way, and the night instead of the day for running. The contractor alleged that this increased expedition, added to the difficulty of running in the night instead of the day, subjected him to an additional expense of $4,800 a year, and claimed that sum as an extra compensation for the service. The second article of the contract stipulates that the Postmaster General may alter the times of arrival and departure, and alter the contract, he making an adequate compensation for any extra expense that may be occasioned thereby. He did not reject the claim, but refused to make any allowance until satisfactory evidence should be produced of the amount of such extra expense. He therefore named two experienced stage proprietors in that State, John Hutchins and John G. Chiles, and proposed to refer to them the decision of what was the extra expense, the Postmaster General still reserving to himself the right of determining what was equitable after receiving their certificate. These gentlemen certified that the increased expedition required four additional teams of four horses each, and two coaches: that the annual expense of the four teams was fairly estimated at $800 each, making $3,200, and the two additional coaches at $300, making an additional expense of $3,500 per annum. The Postmaster General was still unwilling to allow so large a sum, but three other citizens, Milus W. Dickey, Robert W. Ewing, and John Dudley, certified that $4,000 a year would be but a moderate and reasonable compensation for the service. The Postmaster General, upon these testimonials, made him an additional allowance of $3,000 a year."

Mr. ROBINSON continued. He would only say, that he was not acquainted with the gentlemen whose certificates were given, but he was informed that they were highly respectable. He had nothing more to say on this part of the subject; but really he must say that his feelings, on this occasion, were not very agreeable. It appeared to him, that the gentleman had unnecessarily drawn him out on a subject of delicacy to himself and his relations, and which was not at all called for by the course of the debate. While up, Mr. R. said, he would trouble the Sen te with a few remarks on the subject before it. We have been told, said he, in high-sounding language, of the flourishing condition of the Post Office Department, in the time of Mr. McLean, yet that gentleman tells you, in the very last report he made, that the expenditure of the Department exceeded its income by $20,000. How, then, did gentlemen find out that the Department was in such a flourishing condition, with a surplus fund, and sustaining itself from its own resources? It had also been said, that these increased mail routes ought to give increased revenue? How could gentlemen make that out? The routes now, said Mr. R., are twenty-two millions and odd miles, which shows that the Department, under its present administration, carries mails double the distance that it did under the former. It had been said, that there was great extravagance in the allowances from the Department to contractors. This Mr. Reeside was a contractor in Mr. McLean's time, and received eleven cents per mile, for running the same route that he now receives but 9 2-10 cents, for running three times a day. Taking also into consideration the great increase of expedition, Mr. Reeside receives now but a little more than half of what he received for the same route during the administration of Mr. McLean.

Newspaper privileges had been talked of as having been granted for political effect. Now, this was a very small matter. Every gentleman knew, that papers carried under this newspaper privilege, were not carried in bundles, but were distributed in single papers. Gentlemen, too, had talked of increased mail routes in parts of the Western country, where the receipts were not equal to the expenses incurred. Why, gentlemen ought to bear it in mind, that it was Congress, and not Mr. Barry, that established these mail routes. But would any gentlemen suppose that a necessary mail route was to be refused to a new county, in a new State, because the receipts would not probably cover the expense? Public indignation would cry out against such a refusal.

Mr. CLAY made some remarks in reply to Mr. ROBINSON, of which it is regretted that a sketch has not been preserved.

Mr. WEBSTER said, that he thought great credit was due to the committee for the labor, diligence, and ability, which its members had bestowed on the subject referred to them. They have now made a report of a very serious character, containing explicit charges of mal-administration, and accompanied by the evidence on which these charges are founded. Two members of the committee have made a report, or presented a paper, of their own, in which they undertake in some instances to defend, and in others to excuse, the conduct of the Postmaster General, and other persons employed in the Department. Now, sir, said Mr. W., in an affair so complicated, where there are so many charges, and so much evidence, the first question to be asked, is, Are any of these charges admitted to be true, by the friends of the administration, and, if any, which? And, as to the rest of the charges, are they all denied or contradicted, or are some of them, and, if any, which, left without denial or contradiction? The honorable chairman of the committee, [Mr. GRUNDY,] who does not agree in the report of the committee, but who is one of the two members who signed the other paper, called the report of the minority, has addressed the Senate repeatedly, on the subject of these charges. Some of them he has objected to, others he has not attempted to rebut, and of others he has said nothing. The honorable gentleman is friendly to the administration, and to the head of the Post Office Department; and, therefore, perhaps, it was hardly to be expected that he should show great zeal in the prosecution of this inquiry. Yet I think, sir, we had a right to expect from him not only his opinion on all the charges, but also some degree of patriotic indignation against lawless acts, which he admits to be lawless. Take, for example, the first resolution of the committee, which declares that the Postmaster General has borrowed money on the credit of the United States, without any authority of law. The honorable chairman says, he admits the truth of this charge. Admits it? But why does he content himself with admitting it? Does he not regard it as a gross violation of duty? Does he not think it an alarming thing, that the Postmaster General should borrow half a million of dollars, in order to cover up the deficiencies of the Department, and that he should keep this loan concealed, for years, from the knowledge of Congress? As the head of

a committee charged to inquire into abuses, and this enormous abuse having been discovered, can the honorable member justify himself by simply saying he admits its existence? Has he no reproof, no word of censure for such a flagrant violation of law? Has he no disapprobation to express, no complaint to enter, in such tones as that the administration shall hear them? No man denies the fact, and none undertakes to defend it. What then? Is the Department still to go on in its career, and nothing done, any more than if nothing had been discovered? If there were nothing else in the whole report, if that charge stood alone, I cannot conceive how any man can doubt that the Department ought to be immediately and thoroughly reformed. The country, if I mistake not, will call for such reformation. As to upholding the administration of the Department, with such charges against it proved and admitted, it is more even than the spirit of party devotion can accomplish.

Again, sir: the third resolution distinctly declares that a practice prevails in the Post Office, of granting contracts on bids which vary from the advertisements, and of altering contracts, after they are made and accepted; a practice which destroys all competition, and enables the Department to give all contracts to favorites. Is this charge denied, or admitted? I have not heard the honorable member, the chairman, deny it. Does he acknowledge it to be true? If he does, why does he not tell us, in a plain and direct manner, that this, too, is an enormous abuse, and ought to be reformed? Is such a practice to pass without reprehension? While its existence is detected, discovered, and acknowledged, is there to be no rebuke of it?

There is then the sixth resolution, which declares, that extra allowances have been made to contractors, which are unreasonable and extravagant, and out of all proportion with the increase of service. Is this true?

The 11th resolution alleges, in general terms, that the Department is deeply in debt, and its affairs in disorder. I have heard no man deny this. None can deny it. The Department is deeply in debt; its affairs are disordered, greatly disordered. These extra allowances appear to have lost their original character. Instead of being extraordinary, they have become ordinary. Contractors calculate upon them. The probability of an extra enters into their motives, when they make bids. Indeed it seems of very little importance what bids they make. They are in fact paid just what sums the Postmaster General sees fit to pay; and they are generally very well satisfied. From the frequency and the amount of these extras, the constant changing of contracts, it is quite evident that all fair competition among contractors is done away.

Mr. President, the country is awakened to these abuses in the Post Office, and it will not be, and ought not to be, satisfied without a thorough examination, and an honest and real reform. I give my hearty thanks to the committee for their zeal and industry. They have had a laborious winter, and are likely to have a laborious summer. Let them go on, fearlessly, and the country will appreciate their services.

Let them explore all the sources of corrupt patronage; let them bring all abuses into the broad light of day. Let them inquire into the number of removals of postmasters, with the alleged causes of such removals. Let them inquire at whose bidding honest and faithful men have been removed, to make way for partisans. Let them ascertain whether it be true that persons here may go into the Post Office, and require the removal of postmasters by dozens; and whether the postmaster General, as matter of course, complies with such requisitions.

Mr. President, it is due to the committee, it is due to the Senate itself, it is due to this highly important subject, that we should express an opinion on some of the leading resolutions reported by the committee. If some are more doubtful than the rest, or require further examination, let them remain for further consideration. But on the plain, acknowledged, notorious cases, let us come to a vote. Let us show the country that we are in earnest. Let us begin with the first, with that which respects the borrowing of the money from banks, without authority of law, or even the knowledge of Congress; and let us see whether any one individual member of the Senate is prepared to withhold from that proceeding his vote of censure.

Mr. BENTON thought the Senate ought to defer, for the present, taking a vote on the resolutions. He said he had had no opportunity of carefully examining the reports, and therefore knew but little of their contents. However, he must say, that he had found things in them at which he had felt much mortified.

Mr. WEBSTER thought the best course, which was called for by the importance of the subject, and what was due as well to the committee as the Senate, was this, to take a vote on the first resolution. He would then move to lay the others upon the table, until such time as gentlemen had an opportunity of examining them, when he would move that they be taken up.

The question was then taken on agreeing to the first resolution reported by the Post Office committee, in the following words:

"*Resolved*, That it is proved and admitted, that large sums of money have been borrowed at different banks by the Postmaster General, in order to make up the deficiency in the means of carrying on the business of the Post Office Department, without authority given by any law of Congress; and that, as Congress alone possesses the power to borrow money on the credit of the United States, all such contracts for loans by the Postmaster General are illegal and void."

And the question on agreeing to this resolution was decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Chambers, Clay, Clayton, Ewing, Forsyth, Frelinghusen, Grundy, Hendricks, Hill, Kane, Kent, King of Alabama, King of Georgia, Knight, Lynn, Mangum, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Robinson, Shepley, Silsbee, Smith, Southard, Sprague, Swift, Tomlinson, Tyler, Waggaman, Webster, White, Wright.—41.

NAYS.—None.

So the resolution was unanimously adopted.

On motion of Mr. WEBSTER, who congratulated the Senate on the unanimity of this vote, the residue of the resolutions were then ordered to lie on the table.

A message was received from the House of Representatives, by Mr. Franklin, their Clerk, stating that the House had passed a joint resolution, suspending the rule which prohibits either House from sending bills to the other within the last three days of the session.

Mr. CHAMBERS, after some remarks, moved to concur in the resolution.

Mr. CLAY moved to lay the resolution on the table; which motion was agreed to.

On motion of Mr. POINDEXTER,

The Senate proceeded to the consideration of Executive business; after which,

The Senate adjourned, at half past ten o'clock.

SATURDAY, JUNE 28.

On motion of Mr. CLAY, the order for the Senate's taking a recess from 2 until 4 o'clock of each day, until the end of the session, was repealed.

On motion of Mr. WEBSTER, the Senate proceeded to consider the joint resolution from the House suspending the 16th joint rule of the two Houses, which prevents the transmission of bills from one House to the other during the last three days of the session.

On motion of Mr. WEBSTER, the joint resolution was amended so as to extend the provision up to this day, at 2 o'clock, as regards the reception of bills from the House, and to include four bills which had been acted on by the Senate, but had not yet been sent.

On motion of Mr. WEBSTER, the joint resolution was further amended, by including in the suspension the 17th rule, which prohibits the transmission of bills to the President of the United States during the last day of the session.

Mr. CLAY moved to rescind the order of the Senate setting apart the Fridays and Saturdays of each week for the consideration of bills; and, after a discussion on a point of order, in which Messrs. WEBSTER, CALHOUN, CLAY, KING, and SHEPLEY, took part, the resolution was rescinded.

GOLD COINS.

On motion of Mr. WEBSTER, the Senate proceeded to consider the bill to regulate the gold coins of the United States.

Mr. WEBSTER briefly explained the provisions of the bill. He concluded by moving to strike out from the bill the lines making provision for the gold dollar. The amendment was agreed to.

Mr. EWING said he had made up his mind to vote for the bill, in deference to the opinions of others, although he was of opinion that the relative value of gold had been fixed too high. He adverted to what had been said on the subject of the value being placed at 16 to 1; and also to the various value of the foreign silver coins. He expressed his apprehension that the silver would disappear from among us, and that small notes would take its place. While the States admitted the circulation of small notes, they would, in three years, constitute the sole circulation. Still, he should vote for the bill.

Mr. CALHOUN advocated the bill in a very few remarks. He thought that wherever silver was protected it would retain its place; and where it was not protected, paper would take its place. He thought the bill safe, and should give it his support.

Mr. SPRAGUE said he could not vote for this bill. He believed it would throw the evils on the other side. We were creating the same disproportion between gold and silver, as at present existed, making a distinction on one side as much too wide as that which now existed on the other. All agreed that the true line was between the two estimates. Why gentlemen should transcend the point which every body agreed was the true line of value between the two metals, he did not know. No one contended that the true value was 16 to 1, but all believed that it was between 15 and 16.

Mr. EWING added that the gold had been debased by this bill, which he regretted.

Mr. CALHOUN stated that the superintendent of the mint had been consulted.

Mr. BENTON said that the debasement was too trifling to be an object of exception.

Mr. PORTER expressed his intention to vote against the bill, and asked for the yeas and nays, which were ordered.

Mr. KING, of Georgia, stated, that the effect of the bill would be to raise the value of gold 4½ per cent., which is only a little above the mercantile value of the article.

Mr. SPRAGUE thought that the bill changed the value 6 per cent., which was more than the true relative proportion. Why was it made more? To establish a legal currency of two metals, their value must exactly correspond. Why adopt an evil by creating a disproportion?

Mr. WEBSTER replied, that if it had been imagined that there would have been any evil, it would not have been recommended. He referred to the various modes of computing value, and the difficulty of coming to an accurate result.

Mr. CALHOUN said, the usual custom of foreign countries was to make gold somewhat above the mercantile value. In Spain the relative value of gold was 16 to 1. In Cuba it was 17 to 1.

Mr. CHAMBERS read an extract from the letter of a correspondent, in opposition to the passage of the bill.

The question was then taken on the engrossment of the bill, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Ewing, Frelinghuysen, Grundy, Hendricks, Hill, Kane, Kent, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Morris, Poindexter, Prentiss, Preston, Robbins, Robinson, Shepley, Smith, Swift, Tallmadge, Tipton, Tomlinson, Tyler, Waggaman, Webster, White, Wilkins, Wright.—35.

NAYS.—Messrs. Chambers, Clay, Knight, Porter, Silsbee, Southard, Sprague.—7.

The bill was then passed.

The Senate proceeded to consider the bill to regulate the circulation of foreign gold coins in the United States.

Mr. WEBSTER moved to amend the bill, after a conference with the director of the mint, by modifying the clause concerning the French coins, and also concerning those of Spain, Mexico, and Peru; which was agreed to.

The bill was then ordered to be engrossed, and was then read a third time and passed.

Mr. SILSBEE, from the Committee on Commerce, reported the bill making appropriations for building lighthouses, &c., with certain amendments.

On motion of Mr. MANGUM, the Senate took a recess (at ¼ past 2) for one hour.

EVENING SESSION.

The VICE PRESIDENT did not take the Chair at the opening of the evening session.

On motion of Mr. WEBSTER, the Senate proceeded to the election of a President *pro tem.*

On the first balloting, the whole number of votes being 42, and 22 being necessary to a choice, there were—for

Mr. Poindexter	21	Mr. Frelinghuysen	1
Mr. King of Alabama	14	Mr. Waggaman	1
Mr. Bibb	1	Mr. Tyler	1
Mr. Clay	1	Blanks	2

There being no choice, the Senate proceeded to a second ballot, the result of which was declared as follows:

Whole number of votes 40: necessary to a choice 21.

Mr. Poindexter	20	Mr. Waggaman	1
Mr. King of Alabama	13	Mr. Tyler	3
Mr. Bibb	1	Mr. Calhoun	1
Mr. Clay	1		

There being no choice, the Senate proceeded to a third ballot, the result of which was declared as follows:

Whole number of votes 42: necessary to a choice 22.

Mr. Poindexter	22	Mr. Tyler	7
Mr. King of Alabama	10	Mr. Bibb	1
Mr. Frelinghuysen	1	Mr. Waggaman	1

So Mr. POINDEXTER was declared duly elected President *pro tem.*, and was conducted to the Chair by Mr. CHAMBERS. From his seat in the Chair, Mr. POINDEXTER then rose and addressed the Senate to the following effect:

Senators: Penetrated with the most profound sense of gratitude for the kind manifestation of your confidence in calling me to preside over the deliberations of this honorable body, I rise to express to you my thanks, and the unfeigned diffidence with which I enter upon the discharge of the arduous and delicate duties assigned to me. Unskilled in the technical rules of parliamentary proceed-

ings, I feel sensible of my own defects, and that, on all occasions of doubt and difficulty, I must rely on the indulgence of the Senate, and the friendly aid of those Senators who have more experience in such matters than myself. Permit me, gentlemen, to assure you, that for the few remaining hours of the present session, and so long as I may occupy the Chair, it shall be my constant endeavor to meet your just expectations, and to preserve the order and decorum of debate, so necessary to the harmony and dignity of every deliberative assembly, and to the despatch of the important business which may be brought to the consideration of the Senate.

On motion of Mr. CHAMBERS, a committee was ordered to be appointed to wait on the President of the United States, and inform him that the Senate have elected the honorable GEORGE POINDEXTER to be their President *pro tem.*; and that the Secretary do communicate the same to the House of Representatives.

LIGHT-HOUSE BILL.

On motion of Mr. SILSBEE, the bill making appropriations for building light-houses, placing light-vessels, &c., was taken up; and the amendments of the committee having been gone through with—

Mr. MANGUM submitted an amendment, making an appropriation for purchasing a site for an hospital near Wilmington, in North Carolina; which was adopted—ayes 19, noes 11.

Mr. KNIGHT submitted an amendment to appropriate $5,000 for a marine hospital at Providence, Rhode Island.

Mr. HILL asked for the yeas and nays on the question, which were not granted, there not being a sufficient number of members concurring.

The question being taken upon Mr. KNIGHT'S motion, it was negatived.

The bill was then reported to the Senate, and the amendments passed in the Committee of the Whole, with the exception of the amendment of Mr. MANGUM, were agreed to.

Mr. MANGUM'S amendment being under consideration, it was adopted, as follows:

YEAS.—Messrs. Benton, Bibb, Black, Brown, Calhoun, Clay, Ewing, Frelinghuysen, Hendricks, Kane, Kent, Knight, Leigh, Linn, Mangum, Poindexter, Porter, Prentiss, Preston, Robbins, Robinson, Southard, Tyler, Waggaman, Webster, Wilkins.—26.

NAYS.—Messrs. Chambers, Clayton, Grundy, Hill, King of Alabama, King of Georgia, Naudain, Shepley, Silsbee, Smith, Sprague, Swift, Tallmadge, Tipton, Tomlinson, Wright.—16.

Mr. LINN them moved further to amend the bill, by adding an appropriation to build a marine hospital at St. Louis, Missouri. This amendment was adopted, as follows:

YEAS.—Messrs. Benton, Bibb, Calhoun, Chambers, Clay, Clayton, Ewing, Hendricks, Kane, Kent, Knight, Leigh, Linn, Mangum, Moore, Naudain, Poindexter, Porter, Prentiss, Preston, Robbins, Robinson, Shepley, Tipton, Webster, White.—26.

NAYS.—Messrs. Black, Hill, King of Alabama, King of Georgia, Silsbee, Smith, Sprague, Swift, Tomlinson.—9.

On motion of Mr. KNIGHT, the amendment submitted by him in Committee of the Whole, was passed without a division.

On motions severally made by Messrs. SHEPLEY, SMITH, and CHAMBERS, amendments were made, making appropriations for marine hospitals at Portland, Maine, New Haven, Connecticut, and at Baltimore, Maryland.

Mr. TYLER moved to amend the bill, by adding an appropriation for a marine hospital at City Point, Virginia; which motion was negatived.

Mr. KING, of Alabama, submitted an amendment, making an appropriation of $10,000 for a marine hospital at Mobile, Alabama.

After some debate on this amendment,

Mr. CLAY moved to lay the bill on the table.

Mr. SILSBEE called for the yeas and nays, which being ordered, the question was decided in the negative, as follows:

YEAS.—Messrs. Bibb, Black, Calhoun, Clay, Grundy, Hill, Kane, King of Georgia, Leigh, Moore, Morris, Prentiss, Preston, Robinson, Smith, Tyler, White.—17.

NAYS.—Messrs. Brown, Chambers, Clayton, Ewing, Hendricks, Kent, King of Alabama, Knight, Linn, Mangum, Naudain, Poindexter, Porter, Robbins, Shepley, Silsbee, Southard, Sprague, Swift, Tallmadge, Tipton, Tomlinson, Waggaman, Wilkins, Wright.—25.

Mr. KANE then moved to reconsider the votes taken on all the amendments made in the Senate, for appropriations for marine hospitals; which motion being concurred in, the said amendments were all negatived.

Mr. CALHOUN renewed the motion to lay the bill on the table, and, after some remarks from Messrs. SILSBEE, CALHOUN, WRIGHT, and KING of Alabama,

The yeas and nays being ordered, the question was taken, and decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Calhoun, Clay, Ewing, Grundy, Hill, Kane, King of Georgia, Leigh, Linn, Mangum, Moore, Poindexter, Prentiss, Preston, Robinson, Smith, Swift, Tyler, White.—22.

NAYS.—Messrs. Chambers, Clayton, Hendricks, Kent, King of Alabama, Knight, Naudain, Porter, Robbins, Silsbee, Southard, Sprague, Tallmadge, Tipton, Tomlinson, Waggaman, Webster, Wright.—18.

So the bill was laid on the table.

The Senate proceeded to consider the amendments of the House to the bill of the Senate, concerning the duties on hardware, and, on motion of Mr. WEBSTER, the Senate concurred in the amendments.

The bill making appropriations for the public buildings, as amended by the Committee on the District of Columbia, was taken up, the amendments was agreed to, and the bill subsequently read a third time and passed.

The bill to grant a township of land to the Polish exiles, came from the House with an amendment, subjecting the Poles to the payment of the minimum price on the lands selected, ($1 25 per acre.)

Mr. CLAY moved that the Senate disagree to the amendment. The motion was supported by Mr. WEBSTER.

On taking the question, the amendment was disagreed to.

On motion of Mr. CLAY, the motion to lay the light-house bill on the table was reconsidered, ayes 17, noes 15, and the bill was then recommitted to the Committee on Commerce.

The bill from the House making appropriations for the Potomac bridge, and repealing all former acts on the subject, was taken up, and, on motion of Mr. LEIGH, the whole of the bill, after the first section, was stricken out, and the bill was then amended, on motion of Mr. WRIGHT, by adding a new section; modified, on motion of Mr. BIBB, and the amendment was then ordered to be engrossed, and the bill to be read a third time.

On motion of Mr. WEBSTER, the Senate took up for consideration the bill making appropriations for certain fortifications within the United States, for the year 1834.

Mr. BENTON, in pursuance of the instructions of the Military Committee, submitted an amendment appropriating $107,040 for furnishing towers, barracks, and storehouses, at New Orleans, for the use of the United States troops; which was agreed to; after which the bill was ordered to be engrossed. It was then read a third time and passed.

The Senate were busily engaged throughout the whole day, in acting upon and passing a great number of bills; and, at 11 o'clock P. M., proceeded to the consideration of Executive business, and after remaining some time therein,

Adjourned until 9 o'clock Monday morning.

MONDAY, JUNE 30.

BOSTON MEMORIAL.

The Senate assembled at 9 o'clock.

Mr. WEBSTER said that he would now discharge the last of his duties with regard to memorials connected with the removal of the deposites. It would be recollected that, in the spring, a memorial, professing to be the memorial of the citizens of Boston, and to be signed by about six thousand names, in support of and friendly to the action of the administration in the removal of the deposites, was referred to the Committee on Finance for examination. The memorial was printed, and compared with a list of the electors, and the memorial was found to contain eleven hundred and thirty real signatures, instead of three thousand and sixty, as it purported to be. Among the names were found repetitions; the names of the dead, as well as of the living, were found inscribed upon it. Mr. W. moved that the report be printed and laid upon the table.

It was so ordered.

On motions of the various Chairmen, the several committees were discharged from subjects committed to them and remaining to be acted upon.

INDIAN INTERCOURSE.

The Senate then proceeded to consider the bill to regulate Indian intercourse.

The amendments reported by the Committee on Indian Affairs were agreed to.

Mr. FRELINGHUYSEN moved a further amendment, providing that the repeal of former laws by this bill should not affect the rights of the Indians on the Mississippi; which was agreed to.

The amendments were then ordered to be engrossed, and the bill to be read a third time; and the bill was then read a third time and passed.

Subsequently, on motion of Mr. FRELINGHUYSEN, this bill was reconsidered, for the purpose of making an amendment concerning the superintendency of Indian affairs at St. Louis. The amendment was agreed to, and the bill was read a third time and passed.

DEPOSITE BANKS.

The Senate then proceeded to consider the resolution offered by Mr. SOUTHARD, instructing the Committee on Finance to sit during the recess, in order to investigate the condition of the banks in which the public deposites are made.

Mr. HILL asked for the yeas and nays—which were ordered.

Mr. KING, of Alabama, objected to the instruction, and asked for further explanations to show its necessity.

Mr. SOUTHARD replied, that the public treasure was in danger; and if there was any object which could require the attention of a committee during the recess, it was this. The Committee on Finance had been instructed to obtain information, and had not yet been able to gain it for want of time. It was to enable the committee to act at all, that this proposition was made.

Mr. KING made some further remarks in reply.

The question was then taken, and decided as follows:

YEAS.—Messrs. Bibb, Chambers, Clay, Ewing, Frelinghuysen, Knight, Leigh, Mangum, Moore, Naudain, Poindexter, Porter, Robbins, Silsbee, Smith, Southard, Sprague, Tomlinson, Waggaman, Webster.—20.

NAYS.—Messrs. Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Robinson, Shepley, Tallmadge, Tipton, White, Wright.—12.

So the resolution was agreed to.

IMPROVEMENT OF THE HUDSON RIVER.

On motion of Mr. WRIGHT, the Senate proceeded to consider the bill from the House of Representatives, appropriating $70,000 for the improvement of the navigation of the Hudson river below Albany.

Mr. WEBSTER asked for the yeas and nays on the question of ordering the bill to a third reading—which were ordered.

Mr. CALHOUN said a few words as to the impropriety of making an appropriation so wide in its latitude.

Mr. CLAY said he had designed to make an amendment to embrace the obstructions in the river between Albany and Troy, but if the Senators from New York would give a pledge that the money should be equally expended above and below Albany, he would not press his amendment.

Mr. WRIGHT and Mr. TALLMADGE stated their readiness to have the money equally expended.

Mr. SMITH moved to amend the bill by introducing an appropriation for the Connecticut river, and accompanied his motion with some remarks in explanation.

Mr. WEBSTER expressed himself in favor of the object, but was opposed to pressing the amendment now, as it would hazard the present bill, since the amendment must be sent to the House for concurrence.

Mr. TOMLINSON advocated the amendment, and stated that the appropriation had been made in a bill which was vetoed by the President, and that the object was important and ought to receive the sanction of Congress.

Mr. CALHOUN opposed the bill, objecting to the hasty passage of such a bill at this period of the session, when it required the utmost deliberation, and moved to lay the bill on the table.

The yeas and nays were ordered on this question, which was decided as follows:

YEAS.—Messrs. Benton, Bibb, Black, Calhoun, Grundy, Hill, King of Georgia, Leigh, Linn, Mangum, Moore, Preston, Shepley, Tyler, White.—15.

NAYS.—Messrs. Clay, Ewing, Frelinghuysen, Hendricks, Kane, Knight, Naudain, Poindexter, Robbins, Robinson, Silsbee, Smith, Southard, Tallmadge, Tipton, Tomlinson, Waggaman, Webster, Wright.—19.

So the motion to lay the bill upon the table was negatived.

The question was then taken on the amendment moved by Mr. SMITH, and the amendment was negatived.

Mr. TOMLINSON moved to amend the bill, by introducing an appropriation of $25,000 for the improvement of the river Thames; which was negatived.

The question was then taken on the engrossment of the bill, and decided as follows:

YEAS.—Messrs. Clay, Ewing, Frelinghuysen, Grundy, Hendricks, Kane, Knight, Naudain, Poindexter, Robbins, Robinson, Silsbee, Smith, Southard, Sprague, Tallmadge, Tipton, Tomlinson, Waggaman, Webster, Wilkins, Wright.—22.

NAYS.—Messrs. Bibb, Black, Calhoun, Hill, King of Alabama, King of Georgia, Leigh, Linn, Mangum, Moore, Preston, Shepley, Tyler, White.—14.

The bill was then read a third time and passed.

VIRGINIA LAND WARRANTS.

On motion of Mr. TYLER, the Senate took up the bill appropriating 500,000 acres of land for the satisfaction of land warrants of the officers and soldiers of the Virginia continental line.

Mr. TIPTON moved some amendments, the object of which was to substitute money for scrip, at the rate of one dollar an acre.

After some discussion, in which Mr. CLAY, Mr. LEIGH,

Mr. FRELINGHUYSEN, Mr. TYLER, Mr. PRESTON, Mr. HENDRICKS, Mr. BIBB, Mr. KNIGHT, and Mr. CALHOUN, took part—

Mr. HENDRICKS moved to lay the bill on the table, and called for the yeas and nays; which were ordered.

The question was then taken, and decided as follows:

YEAS.—Messrs. Black, Clay, Ewing, Frelinghuysen, Hendricks, Hill, King of Alabama, King of Georgia, Knight, Naudain, Porter, Robbins, Shepley, Silsbee, Smith, Sprague, Tallmadge, Tipton, Tomlinson.—19.

NAYS.—Messrs. Benton, Bibb, Calhoun, Grundy, Kane, Kent, Leigh, Linn, Mangum, Moore, Poindexter, Preston, Robinson, Tyler, White.—15.

So the bill was ordered to lie on the table.

The House having insisted on their amendment to the bill granting a township of land to the exiled Poles, the Senate receded from their disagreement—it being intimated that the Poles were willing to take the bill on the terms stipulated by the House, (paying the minimum price, &c.)

The Senate asked a conference with the House on the disagreeing vote on the Potomac bridge bill, and Messrs. CHAMBERS, TOMLINSON, and KING of Geo., were appointed a committee.

[Subsequently, Mr. CHAMBERS reported a recommendation that the Senate recede from their amendment, striking out the second section of the bill, and adhere to their amendment striking out the third section; and the report was agreed to.]

The House having non-concurred in the amendment of the Senate to the bill to regulate the Indian intercourse, which provides that the provisions of the intercourse bill of 1802 shall not be interfered with as regards the Indians east of the Mississippi,

Mr. FRELINGHUYSEN moved that the Senate insist on their amendment.

The motion was agreed to.

Mr. SILSBEE, from the Committee on Commerce, reported the bill making appropriations for the constructing of light-houses, &c., with sundry amendments.

Mr. S. stated that thirty-two items had been stricken out, amounting to $141,694, being nearly one-half of the original amount.

Mr. CALHOUN repeated his wish that, at the next session, the light-house system would be transferred to the Navy Commissioners.

The amendments were then ordered to be engrossed, and the bill was passed.

DEPOSITE BILL.

The CHAIR having called up the bill to regulate the public deposites in the State banks,

Mr. WEBSTER said that he was ready to meet discussion on the bill, or to assent to laying it on the table. He was instructed to move an amendment, which was printed with the report of the committee, if the bill should be taken up for consideration.

On motion of Mr. BLACK, the bill was then laid on the table.

The bill for re-building the frigate Congress was taken up.

Mr. HILL moved to lay the bill on the table—yeas 11. Rejected.

The bill was then passed.

The resolution offered some days since by Mr. PRESTON, relative to the mode of printing the pension information called for by him, was taken up and negatived—yeas 12, nays 15.

[The above resolution was afterwards reconsidered and adopted.]

The resolution giving the Committee on Public Lands authority to issue commissions to take testimony during the recess, was taken up for consideration—yeas 18, nays 11.

The question being on an amendment moved by Mr. WRIGHT, the yeas and nays were called for by Mr. W. and ordered.

After some remarks from Mr. WRIGHT and Mr. CLAY, the question was taken, and decided as follows:

YEAS.—Messrs. Benton, Black, Grundy, Hendricks, Hill, Kane, King of Alabama, King of Georgia, Linn, Robinson, Shepley, Tallmadge, Tipton, White, Wright.—15.

NAYS.—Messrs. Bibb, Calhoun, Chambers, Clay, Ewing, Frelinghuysen, Kent, Knight, Mangum, Moore, Poindexter, Porter, Silsbee, Smith, Southard, Sprague, Tomlinson, Waggaman, Webster.—19.

So the resolution was agreed to.

A resolution presented by Mr. MOORE a few days ago, and ordered to be laid on the table, was then taken up. Mr. M. said it would be recollected that, at the commencement of the session, he called for information from the War Department, in relation to the disposition of the funds for the removal of the Indians. This call had proved to be of too extensive a nature to be executed this session. A portion of the information called for had, however, been procured; and the object of the present resolution was to have that portion printed, during the recess, for the benefit of the public; and in order that it might be ready for Congress at their next sitting.

The resolution was agreed to.

Mr. BENTON submitted a resolution that the resolution of the Senate of Tuesday, the 20th of March last, that the President of the United States, in ordering the removal of the deposites from the Bank of the United States, had assigned a power not granted by the law or the constitution, but in derogation of them both, is a resolution imputing impeachable matter to the President, and ought not to be passed except in the regular form of constitutional impeachment, and ought to be struck out of the Journals.

Mr. CLAY said, it ought to be remembered the time and circumstances under which that resolution was offered, when the Senate was within a few hours of its adjournment, and when one-third of the members had already left town. He looked upon it as an improper time to introduce a resolution of that nature.

The motion was opposed by Messrs. CLAY, CALHOUN, and WEBSTER; and on the question being taken by yeas and nays, negatived—yeas 11, nays 20.

[Much other business was transacted, and a great number of bills finally disposed of by the Senate to-day, besides those noticed above.]

Mr. GRUNDY, from the committee appointed to wait on the President of the United States, reported that the committee had discharged that duty, and that the President stated that he had no further communications to make to the present Congress. The President had signed all the bills but that for the improvement of the Wabash river, which had been presented to him at so late a period that he had not time to examine it; but, as the subject of the bill was interesting to many, he would sign it within the time allowed by the constitution, if, upon examination, he should feel himself justified in so doing; if not, he would use his privilege.

Mr. CLAY observed, that the bill was dead after the adjournment, and that the bill for the improvement of the Hudson river went along with it.

Mr. GRUNDY said, as to that he had nothing to say; but he did not expect a dispute. The President had a right to exert his privilege.

Mr. TIPTON said, the bill for the improvement of the Wabash was sent in on Saturday, and that for the improvement of the Hudson to-day.

The two Houses having exchanged the usual messages,

The Senate adjourned *sine die*, at 45 minutes past six.

DEBATES

IN

THE HOUSE OF REPRESENTATIVES.

LIST OF MEMBERS

Composing the House of Representatives the present session.

MAINE.—Francis O. J. Smith, Rufus McIntire, Edward Kavanagh, Gorham Parks, Joseph Hall, Leonard Jarvis, George Evans, Moses Mason, Jr.—8.

NEW HAMPSHIRE.—Henry Hubbard, Joseph M. Harper, Benning M. Bean, Franklin Pierce, Robert Burns—5.

MASSACHUSETTS.—Isaac C. Bates, Rufus Choate, John Quincy Adams, John Davis, George N. Briggs, Edward Everett, George Grennell, Jr., John Reed, William Baylies, Benjamin Gorham, Gayton P. Osgood, William Jackson—12.

RHODE ISLAND.—Tristam Burges, Dutee J. Pearce—2.

CONNECTICUT.—Jabez W. Huntington, William W. Ellsworth, Noyes Barber, Samuel A. Foot, Ebenezer Young, Samuel Tweedy—6.

VERMONT.—Hiland Hall, Horace Everett, Heman Allen, William Slade, Benjamin F. Deming—5.

NEW YORK.—Abel Huntington, Isaac B. Van Houten, Churchill C. Cambreleng, Campbell P. White, Cornelius W. Lawrence, Dudley Selden, Aaron Ward, Abraham Bockee, John W. Brown, Charles Bodle, John Adams, Aaron Vanderpoel, Job Pierson, Gerrit Y. Lansing, John Cramer, Henry C. Martindale, Reuben Whallon, Ransom H. Gillet, Charles McVean, Abijah Mann, Jr., Samuel Beardsley, Joel Turrill, Daniel Wardwell, Sherman Page, Noadiah Johnson, Henry Mitchell, Nicoll Halsey, Samuel G. Hathaway, William Taylor, William K. Fuller, Rowland Day, Samuel Clark, John Dickson, Edward Howell, Frederick Whittlesey, George W. Lay, Philo C. Fuller, Abner Hazeltine, Millard Fillmore, Gideon Hard—40.

NEW JERSEY.—Philemon Dickerson, Samuel Fowler, James Parker, Ferdinand S. Schenck, William N. Shinn, Thomas Lee—6.

PENNSYLVANIA.—Horace Binney, James Harper, John G. Watmough, William Hiester, William Darlington, David Potts, Jr., William Clark, Harmar Denny, George Chambers, Thomas M. T. McKennan, John Banks, Andrew Stewart, Charles A. Barnitz, George Burd, Jesse Miller, Joseph B. Anthony, Henry A. Muhlenberg, Joel K. Mann, Robert Ramsay, David B. Wagener, Henry King, Andrew Beaumont, John Laporte, Joseph Henderson, John Galbraith, Samuel S. Harrison, Richard Coulter, Joel B. Sutherland—28.

DELAWARE.—John J. Milligan—1.

MARYLAND.—James P. Heath, James Turner, John T. Stoddert, Isaac McKim, Richard B. Carmichael, Francis Thomas, William C. Johnson, Littleton P. Dennis—8.

VIRGINIA.—John M. Patton, John Y. Mason, William F. Gordon, Thomas T. Bouldin, William S. Archer, Nathaniel H. Claiborne, Joseph W. Chinn, Charles F. Mercer, Edward Lucas, Samuel McDowell Moore, Andrew Stevenson, Thomas Davenport, John J. Allen, George Loyall, James H. Gholson, Edgar C. Wilson, James M. H. Beale, William P. Taylor, John H. Fulton, William McComas, Henry A. Wise—21.

NORTH CAROLINA.—Micajah T. Hawkins, Thomas H. Hall, William B. Shepard, Jesse Speight, James McKay, Abraham Rencher, Daniel L. Barringer, Edmund Deberry, Lewis Williams, Augustine H. Shepperd, Henry W. Connor, Jesse A. Bynum, James Graham—13.

SOUTH CAROLINA.—James Blair, George McDuffie, Thomas D. Singleton, William K. Clowney, Henry L. Pinckney, William J. Grayson, Warren R. Davis, John M. Felder, John K. Griffin—9.

GEORGIA.—James M. Wayne, Richard H. Wilde, George R. Gilmer, Augustine S. Clayton, Thomas F. Foster, Roger L. Gamble, Seaborn Jones, William Schley, John Coffee—9.

KENTUCKY.—Chilton Allan, Thomas A. Marshall, Amos Davis, Richard M. Johnson, Thomas Chilton, Robert P. Letcher,* Thomas P. Moore,* Benjamin Hardin, Chittenden Lyon, Martin Beaty, James Love, Christopher Tompkins, Patrick H. Pope, Albert G. Hawes—14.

TENNESSEE.—John Bell, Cave Johnson, James K. Polk, David W. Dickinson, Balie Peyton, John Blair, Samuel Bunch, Luke Lea, James Standefer, David Crockett, John B. Forester, William M. Inge, William C. Dunlap—13.

OHIO.—Robert T. Lytle, Taylor Webster, William Allen, Jeremiah McLene, Thomas L. Hamer, John Chaney, Robert Mitchell, John Thomson, Benjamin Jones, William Patterson, Humphrey H. Leavitt, David Spangler, James M. Bell, Elisha Whittlesey, Thomas Corwin, Joseph Vance, Samuel F. Vinton, Jonathan Sloane, Joseph H. Crane—19.

LOUISIANA.—Philemon Thomas, Henry A. Bullard, Edward D. White—3.

INDIANA.—Amos Lane, Jonathan McCarty, John Carr, George L. Kinnard, Edward A. Hannegan, Ratliff Boon, John Ewing—7.

MISSISSIPPI.—Henry Cage, Franklin E. Plummer—2.

ILLINOIS.—Joseph Duncan, Zadok Casey, Charles Slade—3.

ALABAMA.—Clement C. Clay, Dixon H. Lewis, John Murphy, Samuel W. Mardis, John McKinley—5.

MISSOURI.—William H. Ashley, John Bull—2.

DELEGATES.

MICHIGAN.—Lucius Lyon.

ARKANSAS.—Ambrose H. Sevier.

FLORIDA.—Joseph M. White.

MONDAY, DECEMBER 2, 1833.

At 12 o'clock, M., the House came to order, at the invitation of their late Clerk, M. St. CLAIR CLARKE, Esq., who then proceeded to call the roll of members by States, beginning with the State of Maine.

The calling of the roll having proceeded as far as to the State of Kentucky, before the names of the members from that State were called,

Mr. ALLAN, of Kentucky, rose, and asked permission to address the House. He observed that, by the

* In the two cases marked thus, *, in the above list, the seat was claimed by both the gentlemen named.

law passed at the last Congress apportioning the number of representatives among the several States, the State of Kentucky had been declared entitled to thirteen representatives in the present Congress; but that, in casting his eyes around the Hall, he recognised fourteen gentlemen ostensibly claiming to be representatives of the State, and members of this House. The State, he said, was divided by law into thirteen districts, from each of which one member was directed to be chosen to represent her interests in this body. From one of these districts, the fifth, consisting of the counties of Mercer, Garrard, Lincoln, Jessamine, and Anderson, there were two gentlemen present, both claiming a right to appear on this floor. From the circumstances of the case, it was obvious that the question of their right to a seat must be decided in the present stage of the proceedings. The question arising from these conflicting claims, was one deeply interesting, not only to their own immediate districts, but to the State at large; so much so, that the delegates from the State had met together, and had deemed it their duty to take the novel case presented, under their most serious consideration. They had, accordingly, examined the electoral law of Kentucky, and the returns from the district in question, and had concluded (very contrary to his own wishes) to appoint him as their organ to raise the question, involved by the circumstances of these claims, before that body.

He rose, as must be obvious, under circumstances peculiarly embarrassing, to address, at this early moment, a new Congress, with a majority of whose members he was personally unacquainted. But the duty was imposed upon him, and although, if left to consult his own feelings, he should much rather have occupied his seat, and given a silent vote, he did not feel at liberty to decline its performance. The duty was the more painful, because the question to be raised related to two individuals, with both of whom he was personally acquainted, and in habits of the most friendly intercourse. He could assure both the gentlemen, however, that he should endeavor to perform the unwelcome task assigned him, in the manner most respectful to their feelings.

In order to enable the House to decide the controversy between these claimants, he would ask the Clerk whether he had in his possession any certificates or other vouchers, in relation to the late election, in the district from which both the gentlemen came? And, if he had, he would call upon the Clerk to read them.

The CLERK replied, that there were in his possession divers papers on that subject, and, if it were the desire of the gentleman, they would be produced.

[Cries of "Read! read!" resounded from all parts of the Hall.]

The papers were accordingly produced; but, before reading them, the CLERK stated that they would have been in his possession at an earlier period, but owing to their being addressed to "the Speaker or Clerk of the House of Representatives," they had been placed in the box at the post office usually appropriated to the Speaker of the House: here they had remained until late the night before, when, there being no Speaker as yet, he had taken the liberty of opening the package, which was postmarked "Lexington," and which he concluded must probably refer to this matter.

The Clerk was now about to read the papers, when,

Mr. WAYNE rose, and, after premising his wish that it should be clearly understood that he took no part in the controverted claim, on either side, inquired of the Clerk whose name appeared on the roll which had been made out by him, as elected from the district in question?

The CLERK replied, that the name on the roll was that of THOMAS P. MOORE.

Mr. WAYNE then resumed, and expressed his wish that the individual whose name had been inserted on the roll, should produce and exhibit his credentials, that the House might be in circumstances of judging of the validity of his claim. From the earliest period of our congressional history, this had been the usage, and no new member was sworn in until his credentials had first been produced and examined. Of late, a different course had been pursued, probably to avoid delay; but, in the present instance, there was an obvious propriety that the original usage should, in this case, be revived. Mr. W. said, that with one of the claimants he had no personal acquaintance, with the other he had, and cherished much regard for him, and he did not wish that his rights should be compromited on this occasion. He felt his present course to be a solemn duty--it sprang from his heart; he was imperatively bound to stop, if possible, a course of proceedings by which the right of any member claiming a seat on that floor might be contested in the most irregular manner. As yet, he believed a majority of the names on the roll had not been called, and until that had been done, and gentlemen had answered, although he saw them on the floor and in those seats, he could not recognise them as members of the House of Representatives; nor, indeed, could he do so after they had answered, until they had been sworn into office, as prescribed by the constitution. He submitted it to the judgment of gentlemen present, whether the old mode of calling for the credentials of claiming members was not the fit mode of settling this affair.

Mr. ALLAN inquired whether he was to understand the gentleman from Georgia as objecting to the reading of the papers in the hands of the Clerk?

Mr. WAYNE answered in the negative; but said that he wished the credentials of the gentleman entered on the roll should first be produced.

Mr. ALLAN replied, that the paper about to be read was precisely the document which the gentleman from Georgia wanted to be read.

The CLERK then proceeded to read, first, the envelope which contained the election returns of twelve out of the thirteen districts in Kentucky (the sixth district not being included, for what reason he was ignorant.) The return from the fifth district (the district now in question) was included, and he would now proceed to read it.

Mr. WAYNE inquired whether it had been presented by the gentleman whose name was on the roll, as his credentials?

The CLERK replied that he had received no paper of any kind from Mr. MOORE.

The Clerk then read the certificate of the Governor of Kentucky, accompanying the returns.

Mr. ALLAN called for the reading of the certificate from the sheriffs of the fifth congressional district.

Mr. WAYNE objected to its being read.

Mr. ALLAN then inquired whether the gentleman from Georgia meant to be understood as maintaining the position, that, because any individual had been enrolled by the Clerk as a member of the present Congress, that individual was, on that account, entitled to be sworn in as a sitting member?

Mr. WAYNE said that the person claiming to be substituted for the individual upon the roll, ought to produce his credentials, and say whether those were the papers on which he intended to found his claim to a seat. If that were done, Mr. W. would be ready to pass upon them.

Mr. MOORE, of Kentucky, said, that had he not been informed from various quarters that this movement would be made, it would have greatly surprised him. Unprecedented as it is, he was prepared to meet it calmly, and to submit it to the decision of the House, though unformed, and not having the power to give a legal decision, as is now the case. It is upon *prima facie* evidence only,

said Mr. M., that any member of this House is entitled to be sworn, and it cannot be known to us, as a constitutional body, whose election is to be contested and whose not, until the House is organized. Until then, there is in fact no one entitled to make such a motion, and no one entitled to decide it. I come here with the *prima facie* evidence of my election, like the honorable gentlemen around me. I have in my possession the certificate of a majority of the sheriffs, convened according to law, to compare the polls; and the Clerk of this House has received the same evidence from the Governor of the State of Kentucky, that I am the representative of the fifth congressional district, that he has transmitted to establish the claim of the other members from Kentucky. If these documents are informal or defective, a committee of this House, after it is duly organized, will so decide, and until they do so decide, and it is sanctioned by this House, I am as much entitled to my seat as any member on this floor.

I not only have the *prima facie* evidence of my right to the seat, but if any one, at a proper period, shall come forward to contest it, I shall, I hope, be prepared to show that I am duly elected, or that the election was marked by such gross irregularities, as ought to induce this House to refer it again to the decision of the people. Nothing but a deep conviction of the truth of what I have stated, would have brought me here; and, if my wishes could have controlled, all doubts as to who is legally entitled to the seat would have been decided by the people themselves, without troubling this House. But as that appeal to decide ultimate as well as *prima facie* rights was declined, I am left no alternative but to assert my rights, and those of the people whom I claim to represent here.

Ever inclined to pursue that course which will preserve order and decorum in this Hall, and not being disposed to retard the organization of the House, I shall cheerfully submit to any decision the gentlemen present shall make; but it is my duty to do it with a proper reservation of my rights, and the rights of those who sent me here.

I therefore respectfully deny the right of any one at this time to vote on the subject, and if I am prohibited from qualifying, I shall protest against it as an arbitrary exertion of power, which will form a most dangerous precedent, and not only deprive me of my just rights, but the people of the fifth congressional district of their representative.

The reading of the papers then proceeded, and the election return from the fifth district of Kentucky was read,* at the close of which the words "the votes of Lincoln county not being taken into the account," occurring,

Mr. MARSHALL inquired whether those words preceded the signatures?

The CLERK, as the reporter understood him, replied in the affirmative.

Mr. MOORE then inquired whether these words were not in a different hand-writing from the body of the certificate?

This also was answered by the Clerk in the affirmative.

Mr. ALLAN inquired (turning to Mr. MOORE) whether it was intended to contend that that part of the paper was a forgery?

Mr. MOORE explained; but all the reporter could catch, was, that Mr. M. had been told that the words had been inserted at the instance of one of the sheriffs, after the signing; but he disclaimed any intention to impute forgery.

Mr. ALLAN then proceeded. He now understood that the paper which had been read, was the document by virtue of which the gentleman who had just taken his seat, claimed to be duly elected to the present Congress; and he admitted that if that paper, according to the laws of Kentucky, had been certified and signed by the persons required to certify and sign it, then, by the usages of that House, the gentleman was entitled, for the present, to be recognised as the sitting member. But if the paper was not, in point of fact, a certificate of the electoral vote of the fifth congressional district of Kentucky, and was not signed by those persons required by law to sign it, then it was a nullity; and it turned out that the individual was claiming a seat on that floor without any certificate of his election. The delegation from Kentucky had compared this paper with the laws of that State, and had come to the conclusion that the certificate was null and void: and he would briefly submit to the House the reasons of such conclusion.

The paper professed to certify the vote of a district composed of five counties. By the State law, it was the duty of the sheriffs of these five counties to meet together on a certain day after the polls were closed, to compare the votes given in their several counties, add them up, and give a certificate of the result, signed by all of them. The object of the law certainly was to ascertain who had a majority of all the votes given in; and to furnish such individual with a legal certificate of his election.

Mr. WAYNE here made some inquiry of Mr. ALLAN; but his back being turned to the reporters, not one word of what he said could be distinctly heard.

Mr. ALLAN, in reply, said that he understood himself to possess the right of rising, and presenting the question in this case to the House. This was a House. Under the view of the constitution, it was competent to perform any act pertaining to the House of Representatives, and

---

* The following is the copy of the certificate, by virtue of which Mr. Moore claimed his seat:

STATE OF KENTUCKY,
Fifth Congressional District.

We, the undersigned sheriffs for the counties of Mercer, Garrard, Anderson, Lincoln, and Jessamine, composing said fifth congressional district, do certify, that, on the fifteenth day after the commencement of the late congressional election for said district, to wit: on the 20th day of August, 1833, we met at the court-house in Harrodsburg, Mercer county, and, adjourning from day to day, made a faithful comparison and addition of the votes and polls, for said congressional election for said district, and found, and accordingly certify, that Thomas P. Moore is duly elected representative to Congress, from the said fifth congressional district, by a majority of the qualified votes of said district.

Given under our hands, this 21st day of August, 1833.

The vote of Lincoln county not taken into calculation.

JACOB KELLER, Deputy for
G. W. THOMPSON, S. M. C.
JOHN WASH, Sheriff of Anderson county, by R. WALKER, Deputy.
JAMES H LOWRY, Deputy for
JOHN DOWNING, S. J. C.

The following is the clause of the law of Kentucky, read by Mr. ALLAN, in objecting to Mr. Moore's claim:

AN ACT to divide the State into congressional districts, approved February 2, 1833.

SEC. 3. *Be it further enacted*, That the sheriffs of the several counties in each district shall, on the fifteenth day after the commencement of their elections, assemble at the places hereinafter designated, in each of their respective districts, and there, by faithful comparison and addition, ascertain the person elected in their districts.

SEC. 5. *Be it further enacted, &c.* * * * * After having ascertained, as before directed, the person elected in such district, the sheriffs thereof shall make out a certificate of the election of the person in their district, which shall be signed by all the sheriffs of the district, and which shall be lodged with the sheriff of the county wherein the polls are compared, and by him, together with a copy of the polls, transmitted to the Secretary of State.

its first duty was to ascertain who were its own members. This was a representative Government—and the first question which demanded attention was, whether individuals, claiming to be representatives of the people, were actually their representatives.

Mr. FOSTER having, by permission of Mr. ALLAN, taken the floor, proposed the appointment of a Chairman, to give order to the proceedings.

A member inquired whether a quorum of the House had answered to their names?

Mr. FOSTER further urged the expediency of choosing a Chairman. The House was competent to do this, whether a quorum had answered or not; just as a number of gentlemen, met for any other business, were accustomed to do.

Mr. ELLSWORTH thought it would be better to let the Clerk proceed as usual. Till the roll was gone through with, they could not tell who was entitled to vote for a Chairman.

Mr. FOSTER said the Clerk did not act as Chairman; he only read a list he had made out, on what ground, or by what authority, Mr. F. did not know; surely his placing the name of a particular person on that list did not make him a member of the House of Representatives.

Mr. SPEIGHT thought it would be much better to postpone this matter until the roll had been gone through, the members qualified, and the Speaker chosen. A debate previous to that, would only produce confusion.

Mr. ALLAN replied, that if it were the custom of the House to qualify the members before the Speaker was elected, and the gentlemen from Kentucky would acquiesce, he should be more willing to comply with this suggestion; but the usual course had been to elect a Speaker first, and qualify the members afterwards. It was known to every man, of the least observation or experience, that the election of the Speaker gave a character to the House and a tone to all its proceedings; and he asked whether his State was not entitled to have her full and just representation upon that floor, when an act so important was about to be done? Surely she had a right to demand the decision of a question of such consequence, a question which went directly to that vital interest of freemen, the right of suffrage. He admitted that the question was of a novel and somewhat embarrassing character, and required to be treated with consideration; but there was abundant time for its examination. How could the time of the House be occupied more profitably than in putting a question of this magnitude to rest? There was no necessity to hurry a decision. Believing it to be conceded that he had a right to the floor, he should now proceed, respectfully and very briefly, to state the two fatal objections which existed to the legality of the paper which had been read at the Clerk's table. They were on the face of the paper itself. He should not go behind it.

Here Mr. BOON requested Mr. ALLAN to yield the floor to him for a moment; but Mr. A. refused, and was about proceeding to explain his objections to the sheriff's certificate, when [having been spoken to aside by Mr. CHILTON] he said that he understood a proposition would be made by one of the gentlemen claiming the seat, and with a view to afford an opportunity for such a movement, he would readily take his seat.

Mr. LETCHER then proposed to Mr. MOORE, that they should both withdraw until after the election for Speaker had taken place.

Mr. MOORE was understood as acquiescing in this proposal; whereupon,

The Clerk proceeded to call the residue of the roll; when it appeared that 229 members were present.

Those Representatives absent were Messrs. BURNS, CHOATE, PEARCE, MUHLENBERG, WISE, SINGLETON, BULLARD, E. D. WHITE, and PLUMMER; and, of Delegates, Mr. WHITE.

ELECTION OF SPEAKER.

The House then proceeded to the election of Speaker of the House. The ballots having been cast, Mr. JARVIS, Mr. POTTS, and Mr. C. C CLAY, were appointed tellers; and, having counted the votes, reported to the House that the whole number of ballots was 218, of which 110 were necessary to a choice; that there were

For Andrew Stevenson,	- -	142 votes
Lewis Williams,	- - -	39
Edward Everett,	- - -	15
John Bell,	- - -	4
Other scattered votes,	- -	9
Blank ballots,	- - -	8;

and that ANDREW STEVENSON, of Virginia, having received a majority of all the votes given in, was duly elected Speaker of the House.

Whereupon, Mr. STEVENSON was conducted to the Chair by Mr. WILLIAMS, of North Carolina, from which he returned his thanks, in the following address:

"Gentlemen: This is the fourth time that you have been pleased to call me to this high office. For this new and distinguished mark of your confidence and favor, I pray you to accept my warm and grateful acknowledgments; and whilst it will be deeply valued and cherished by me as the best reward for any past service that I may have rendered, it shall inspire me with a zeal so to conduct myself, as to justify in some measure the choice of my friends, and merit the continued approbation of my country. Would to God that I was better qualified to fulfil the arduous duties of this Chair, in a manner suitable to its dignity and importance, my own wishes and honor, and the just expectations of the House. There are few stations, gentlemen, under our Government, either in relation to their elevation, or the nature and extent of their duties, more laborious or responsible than that of Speaker of this House; and there probably has been no period in the past history of our country, when the duties of the Chair were more important, or calculated to impose higher responsibilities, than at the present moment; enhanced as they necessarily must be, by the enlarged number of the House; by the increased mass of its ordinary business; and by those interesting and important subjects, which will, no doubt, be presented for consideration, and probably give rise to deep political excitement.

For the last six years, my experience in this Chair has taught me, not only to know and feel its responsibilities and trials, but to know likewise how difficult and indeed impossible it is, in an office like this, whose duties must often be discharged amidst the warmth of party feeling, for any man, whoever he may be, to free himself from censure or give unqualified satisfaction; and especially in times like these, when the acts of public men are not passed lightly over, nor any very charitable judgment pronounced upon their motives.

Under these circumstances, gentlemen, sincerely distrustful of my abilities, both in their character and extent, I come again, at your bidding, to this high office. All that I dare hope or promise, will be, to proceed in the path marked out, and in the spirit of the principles which I laid down for my government when I first came to this Chair. It shall be my constant and ardent desire to discharge my duty with all the ability and address in my power; with the temper and moderation due to the station and the House; and at least with a zeal and fidelity of intention, which shall bear me up under every embarrassment and difficulty, and entitle me to the approbation of the just and liberal portion of my country. But all my efforts must prove unavailing without that liberal and cordial co-operation which the House have heretofore so kindly extended to the Chair. How much will depend upon yourselves gentlemen, individually, and collectively, in preserving the permanent

laws and rules of the House, and giving dignity and character to its proceedings, it is not necessary that I should attempt to impress on you; nor is it needful, I am sure, that I should admonish you of the magnitude of your trust, or the manner in which it ought to be discharged. But this I will take occasion to say, that if it be true that this House is justly to be regarded as the great bulwark of liberty and order; if here, here in this exalted refuge, the people are to look for the security and safety of their free institutions, and to repose with unlimited confidence and affection, how important, how deeply important is it, that we prove ourselves worthy of the trust, and act as becomes the representatives of a free and enlightened nation.

Yes, gentlemen, animated by a virtuous and patriotic zeal, let all our proceedings, I pray you, be marked with forbearance, moderation, and dignity; let us diligently and steadfastly pursue those measures, and those only, which are best calculated to advance the happiness and glory of our beloved country, and render that Union which our fathers established for the protection of our liberties, imperishable and immortal!"

The SPEAKER then took the required oath to support the constitution of the United States, which was administered by Mr. WILLIAMS; after which the same oath was administered by the SPEAKER to the members respectively; except that when Mr. MOORE was called, it appeared that he and Mr. LETCHER had concurred in allowing the organization of the House to be completed before the question between them was again raised, and neither of them was sworn.

ELECTION OF CLERK.

The House then proceeded to the election of Clerk of the House. Mr. POLK, Mr. HENRY KING, and Mr. MANN being tellers; who, after counting the ballots, reported that the whole number of votes given in was 231; that of these 116 were necessary to a choice, and that there were for

Matthew St. Clair Clarke - -	113
Walter S. Franklin - - -	107
Eleazer Early - - - -	2
Thomas C. Love - - - -	5
Walter Franklin - - - -	1
Blanks - - - - -	3

No one having a majority of votes—

The House then proceeded to ballot a second time for Clerk; and the result having been reported, it appeared that there were in all 228 votes; of which

Matthew St. Clair Clarke had - -	112
Walter S. Franklin - - -	114
Blanks - - - - - -	2

No one having a majority of votes, a third balloting was had, which resulted as follows:

For Mr. Clarke - - - -	110
Mr. Franklin - - - -	117
Blanks - - - - -	2

So WALTER S. FRANKLIN, of Pennsylvania, was elected Clerk of the House.

TUESDAY, DECEMBER 3.

Walter S. Franklin, Esq., the Clerk elect of the House, appeared, and was sworn into office.

A message having yesterday been received from the Senate, stating that they were ready for business, and had passed a resolution providing for the appointment on their part of two members of a joint committee to wait upon the President,

Mr. WARD called up the resolution for consideration, and it was thereupon concurred in.

Messrs. WARD and SPEIGHT were appointed members of the joint committee on the part of the House.

Mr. ADAMS moved that the Clerk inform the Senate that the House was organized, and ready to proceed to business.

On motion of Mr. MASON, of Virginia, the House then proceeded to the election of a Sergeant-at-arms.

Mr. MASON nominated Thomas Beverly Randolph, (Sergeant-at-arms to the last Congress.)

Mr. SPEIGHT nominated William D. Robinson, of Virginia.

The House proceeded to ballot, and Messrs. MASON, WILLIAMS, and WARDWELL were appointed to count the votes.

Mr. MASON then reported that 220 votes had been given; that 111 were necessary for a choice; that

Thomas Beverly Randolph had received	158 votes.
William Robinson - - - - -	54
Scattering - - - - - -	4
Blanks - - - - - - -	4:

Consequently that THOMAS BEVERLY RANDOLPH, having a majority of votes, was duly elected Sergeant-at-arms.

Mr. CLAY offered a resolution, that OVERTON CARR be appointed Doorkeeper to the House, and WILLIAM HUNTER assistant Doorkeeper; which was agreed to *nem. con.*

The Sergeant-at-arms and Doorkeepers were then sworn into office.

Mr. SUTHERLAND moved that the rules and orders adopted by the last Congress should stand as the rules and orders of the present Congress.

Mr. HUBBARD wished the resolution modified, so as to except those rules which designate the number of members of which the Standing Committees are to be composed; as it was his opinion that, in consequence of the enlarged number of the House, the committees should consist of nine members, instead of seven, as heretofore.

The rules to be excepted (the 55th and the 76th,) were read.

Mr. POLK wished the resolution modified so as to provide that the members should sit in the House uncovered, unless under special leave of the Speaker.

After some further conversation, the resolution was for the present withdrawn, to make way for the following proceedings:

Mr. WARD, from the joint committee appointed to wait upon the President, reported that the committee had performed the duty assigned them, and that the President would send a communication to both Houses this day, at 1 o'clock.

A message was then received from the President of the United States, by A. J. Donelson, Esq., his private Secretary, and read at the Clerk's table. [See Appendix.]

Mr. HUBBARD offered a resolution, proposing that all the former rules and orders of the House be adopted, with the exception of the 55th and 76th rules, for which he proposed substitutes, going in effect to increase the number of Standing Committees, by adding one on the Militia; to increase the number of such as heretofore consisted of seven members, to nine; and such as consisted of three, to five; and also proposing that members sit uncovered, unless otherwise permitted by the Speaker.

Mr. WILLIAMS, considering the proposed changes important, wished time for consideration, and moved to lay the resolution on the table.

Mr. HUBBARD explained.

Mr. BURGES thought with Mr. WILLIAMS, and wished more consideration, especially of the proposition in relation to the coverings of the heads of members, esteeming it much more important, he said, to attend to what was under them.

Mr. WILLIAMS further urged his objections to acting at this time on these matters. If gentlemen were to be forbidden to wear their hats, what were they to do with them? No place was provided in which they could con-

veniently be put. He was opposed also to increasing the size of committees. Experience had taught him that the larger they were made, the less efficient they usually became. It was often difficult to get a quorum of a committee together now. If the quorum should be enlarged, it would be harder still.

Mr. SUTHERLAND suggested that it would be better to adopt such rules as were not objected to, at once, and defer the consideration of the rest for the present.

After some further conversation, this was agreed to; and the old rules were adopted, with the exception of the 9th, 55th, and 76th, above referred to.

Mr. WARDWELL offered the usual resolution for supplying the members with papers; and

Mr. GRENNELL offered the usual motion respecting the appointment of Chaplains, (two, of different denominations,)—both of which were adopted.

WEDNESDAY, DECEMBER 4.

KENTUCKY ELECTION.

Mr. ALLAN, of Kentucky, called the attention of the House to the question of the contested election for the fifth congressional district of Kentucky, which was pending on Monday, and which was deferred, by their consent, until the organization of the House should have been completed; that having now taken place, he proposed to proceed to the consideration of the subject. [A gentleman from Alabama (Mr. McKINLEY) rose.] Mr. A. could not on such an occasion waive his right to the floor.

Mr. McKINLEY. I rise to a question of order. There is no distinct question, that I am aware of, at present before the House.

The SPEAKER said that both the gentlemen claiming the disputed seat, had agreed to defer the question of right to it until the organization of the House should be completed, and that having been done, he conceived the gentleman from Kentucky [Mr. ALLAN] was not infringing upon the order of the House in calling their consideration to the subject.

Mr. ALLAN said the remarks which he was submitting to the House, on Monday, had been suspended by the voluntary withdrawal of the two gentlemen claiming the seat. He would now briefly conclude what he had to say in presenting this subject to the consideration of the House. We have now before us the certificate under which Mr. Moore claims a seat, and also the law of Kentucky, from which the merits of this controversy may be easily comprehended.

It is likely, from the skirmish we had the other day, that there exists a mistake as to the character of this certificate. Mr. A. saw by the printed reports of the debate on Monday, that Mr. Moore stated in his speech that "the Clerk of this House has received the same evidence from the Governor of the State of Kentucky that I am the representative of the 5th congressional district, that he has transmitted to establish the claim of the other members from Kentucky."

Mr. A. said that he understood from this statement, that the impression had been made that the Governor of Kentucky was (like the Governors of several other States) authorized to give certificates of election to members of Congress, and that he had, in this case, actually given such certificate. It is proper that any misapprehension on the subject should be corrected. There is no law in Kentucky that requires the Governor to certify who is elected to Congress: in this case the Governor has not undertaken to give any such certificate. He has fully discharged his duty in transmitting to this House the original certificates of the sheriffs of the several congressional districts, which were filed in the office of the Secretary of State, and this is all the Governor has done in relation to the certificate in question.

No one can pretend that the meaning of this certificate has been changed, or that any new weight or additional authority has been communicated to this paper by the mere fact that it was taken out of the Secretary's office, and sent here by the Governor. So the right of the gentleman who claims under this certificate, if right he has, must be sought for upon the face of the paper itself, and not in any surmise that the Governor of Kentucky has furnished any other evidence. But, sir, this certificate does not contain the same evidence of the election of the gentleman who offers it as is contained in the certificates transmitted here by the Governor to establish the claim of the other members from Kentucky.

There is this essential difference between the certificate in question, and those held by all the other gentlemen from Kentucky. This certificate states that the vote of one of the five counties of the district was not taken into the calculation when the polls were compared, and it is only signed by three of the five sheriffs. Each of the certificates from the other districts in Kentucky are signed by all the sheriffs of the districts respectively. Now, sir, the question is, whether this certificate is *prima facie* evidence of the election of Mr. Moore? There is upon the face of the certificate two defects, either of which would render it a nullity. The fact is certified that the vote of Lincoln was not counted. The sheriffs, being mere ministerial officers, had no power to reject a single vote. The law made it their duty to count the votes of the whole district, for the puspose of ascertaining who had a majority. Will any one contend that this law is complied with by a certificate that states that a part only of the votes of the district were counted? The right to elect a member to Congress is in a majority of the voters of the whole district. A certificate showing for whom a majority of a part of the district voted does not prove how a majority of the whole voted.

But again: to make a certificate valid, the law positively requires that it should be signed by all of the sheriffs of the district. This certificate has the signature of but three out of the five sheriffs; in this case, one sheriff cannot act for another—nor can a majority of them act for the whole. They do not represent the same interest—each one acts for a separate community—each one had in his possession the official evidence of the vote of his county—each one was the organ by which this official evidence should be conveyed to the rest. The law, therefore, required the action of the whole of the sheriffs of the district; in the first place, to ascertain who had a majority of the votes of the whole district; and, in the second place, required the signatures of them all to authenticate the certificate of election.

It is therefore manifest, that the certificate under which Mr. Moore claims his seat, is a mere nullity.

It appears from this certificate that all the sheriffs met at Harrodsburg, on the 15th day after the election, the time and place appointed by law for them to convene. It is difficult to imagine how they could so far mistake their duty. The result of the election in every county was then a matter of public notoriety. The election of Mr. Letcher was announced in the newspapers; the sheriffs had their poll-books before them, that showed at once that he had a majority of the whole district.

They met on the 20th of August, and adjourned until the next day. Whence this delay? To add up the polls and give the certificate was not the work of an hour, yet it appears from the certificate that the subject was under consideration two days.

It appears that a part of the sheriffs were not willing to abide by the voice of a majority of the district; and to control the majority, it seems that the sheriff of Lincoln marched off with his poll-book, and, in his absence, three of the sheriffs has undertaken to say who should represent that district.

In Lincoln county, Mr. Letcher had a majority of 149 votes.

If this certificate should prevail, the people of Lincoln (which is one of the oldest and most highly improved counties in Kentucky) need not be at the trouble of going to the polls at the next election; they can send their sheriff to say whether they shall be allowed to vote or not.

In good old times, in Kentucky, said Mr. A., a certain candidate who had been beaten at an election, was asked the reason of his defeat. "Nothing but the want of a sufficient number of votes," was the reply. In those times of simplicity, this was thought to be a very good reason; indeed, the idea of getting into Congress without a majority of votes, had not then entered into the mind of any one. But, said Mr. A., if the precedent which a decision of this case in favor of the gentleman whose name is returned (Mr. Moore) be once established, there will in future be a way of coming to Congress independent of the will of the people.

The poll-books from all the counties in the district regularly certified, according to all the requirements of the law, was now on the Clerk's table, from which it appeared that Mr. Letcher had a clear majority of all the votes given in the district. If the gentleman now offering to be qualified should, for the present, succeed as the sitting member, and should finally lose the seat, the treasury would be charged with the mileage and per diem of both the claimants, until the final decision of the controversy. Mr. A. said he did not present this as a very prominent consideration; but still it was one that had a bearing on the case, and ought not to be entirely unattended to.

Mr. A. concluded by observing that he had endeavored to do his duty in bringing before the House this most singular occurrence. He had presented the law and the facts of the case. It now remained with the Representatives of the people of the United States, assembled here, in the House of the people, to decide whether they will give their sanction to a proceeding by which the arbitrary will of the deputy sheriffs shall be substituted for the vote of a whole district—a proceeding destructive to the rights and liberties of the people of the fifth congressional district, injurious to the interests of the State of Kentucky, and may, as a precedent, affect the right of suffrage in every part of the Union.

Mr. HAWES would not undertake to contradict what his colleague had stated as the facts of the case, but contended that these facts, according to his own showing, proved that the ancient method of admitting members to a seat ought to be resumed. He admitted that the certificate of the sheriffs was informal and defective, yet he insisted that it ought to be received, in the present stage of proceedings, as *prima facie* evidence of Mr. Moore's claim, and that he ought thereon to be received as the sitting member until further investigation It did not appear from the face of the certificate that if the votes of Lincoln county had been included, Mr. Letcher would have had a majority of the votes in the district. The omission of one of the sheriffs to certify, was a case not provided for by the laws of Kentucky. A similar omission in the election of Governor, however, was provided for; and there the majority of the sheriffs were competent, after waiting for a prescribed period, to make a return which should be valid in law. In case of congressional elections, the law assigned a punishment for the delinquent sheriffs, yet their failure ought not to deprive a man of his seat under such certificate as might be furnished him. Mr. H. professed entire impartiality, and only desired that justice might be done between the parties.

Mr. CHILTON followed on the opposite side. He thought that his colleague's admission of the accuracy of the statement of the facts of this case was fatal to his whole argument; for, if the facts were as had been stated by his colleague first up, what need could there be of any committee to judge of them? The sole question in the case was, whether the certificate which had been produced, was or was not of a legal character? The duty of the sheriffs was plainly pointed out by the law, and all to be decided was, whether they had complied with it or not. He then reviewed the certificate, and insisted that it was palpable that they had not. Nor could he admit, as had been concluded, that though the evidence furnished by such a paper might be incomplete, yet it was the next best that could be obtained in the case, and therefore ought to be received. Would it be admitted in a court of justice, in a case where there were two witnesses to a fact, one of them competent, credible, and disinterested, and the other of an opposite character, that, if the first could not be obtained, the testimony of the interested witness must be obtained, because it was the next best? Surely not.

Mr. C. dwelt upon the dangerous consequences that must grow out of the reception of such a paper to the purity of elections, and the safety of the elective franchise. If the nullity of the certificate had not been upon its face, then the case ought doubtless to take the usual course, and go to a committee; but the defect was palpable, open to all, plain at first sight.

Mr. LANE contended that the question before the House was not, who had or had not received a majority of the votes given? but, who had produced the best *prima facie* evidence of his right to a seat? Now, he had yet to learn that Mr. Letcher had produced any certificate of any kind. It was a principle of law, that in cases where acts had been performed by persons legally appointed to perform them, it was to be presumed that those acts were rightly done, until the contrary should be shown. Now, there might have been good reasons why the votes of Lincoln county had not been included in the certificate; no election might have been held in that county, or no returns received from it. It had been contended by one gentleman [Mr. ALLAN] that a member was not to be admitted to a seat without papers perfect in all respects: but had Mr. Letcher such papers? If not, how, then, would the gentleman receive him?

Mr. MARSHALL said he concurred fully in the remark just made, that this question lay within a very narrow compass. Indeed, so narrow was the inquiry, and so palpable, as it seemed to him, was the correct conclusion, that, after the argument already advanced by two of his colleagues [Messrs. ALLAN and CHILTON] against the validity of the certificate, he had deemed any further remarks unnecessary to prove its utter insufficiency to entitle Mr. Moore to take his seat and be sworn in as a member of the House. But, as the debate had been continued by the gentleman who had just addressed the House in support of the certificate, he felt it to be his duty, as one of the Representatives from the State of Kentucky, where this question had arisen, to present his views to the House.

The single question now before the House was, whether the certificate under which Mr. Moore claimed, contained upon its face such evidence of his election, that this House could safely, with a due regard to the law, to the rights of its members, and to the rights of the great body of free electors, admit him to qualify as the representative of the fifth congressional district of Kentucky. The gentlemen who have maintained the sufficiency of the certificate, have done so on the alleged ground that it contains *prima facie* evidence that Mr. Moore is elected. *Prima facie*, he said, was a term exceedingly indefinite. When the right of a gentleman claiming a seat here is unquestioned, this fact alone may perhaps be considered as *prima facie* evidence that he is elected. A gentleman who has rumor in his favor, who comes forward as the

reputed member, and whose right of membership is uncontested and unquestioned, would doubtless be admitted to qualify and act as a member. But if his right were questioned, if he were called on to exhibit the evidence of his election, if another were on the spot claiming to be the elected member from the same district, he must bring forward a different grade of testimony from that which mere rumor would furnish—he must prove the fact of his election by that testimony which the law requires—by that testimony which the law and reason declare to be evidence of the fact.

It is apparent, he said, that while gentlemen insist that this certificate contains sufficient evidence *(prima facie)* of Mr. Moore's election, they find themselves compelled to supply its defects, to make it sufficient, by conjecturing facts which the certificate does not state. The certificate (due weight being given to all its parts) does not on its face assert that Mr. Moore has been elected by the whole district, but that he has received a majority of the votes in four of the five counties which compose the district—the vote of Lincoln county not being taken into the calculation. The law of Kentucky, by which this case must be decided, requires that all the votes shall be counted. There is not in law or in reason, any other mode of ascertaining who has received the majority, but by faithful addition and comparison of all the votes given. It is by such addition and comparison that the law of Kentucky requires the result to be ascertained; and it is the result so ascertained which it authorizes the sheriffs to certify. This certificate shows upon its face that all the votes were not counted. It shows upon its face that the entire vote of one of the five counties was excluded from the addition and comparison. It shows upon its face that the legal and only means of ascertaining the result of the election were not adopted. It shows that the result of the election was not legally ascertained, and it cannot therefore pretend to state the result. It could not state the result of the addition and comparison of the vote of five counties, when it expressly states that the vote of one of the five was not included in the estimate. The fact that Mr. Moore received the majority of votes in four counties, does not prove, it does not tend to prove, that he received the majority in five counties. It does not prove, in the slightest degree, what the vote of the fifth county was. It does not furnish any ground of inference that the addition and comparison of the vote of the five counties would show a result similar to that exhibited by the addition and comparison of the vote of the four counties.

How, he asked, can an instrument be deemed *prima facie* evidence of Mr. Moore's election by the fifth district, which neither states that fact itself, nor any other facts from which that fact must or can be properly inferred? The most that can be inferred from the body of the certificate is, that Mr. Moore is or would be elected, if the vote of Lincoln be not counted. But it neither appears that the vote of Lincoln ought to have been excluded, nor why it was in fact excluded from the count. Gentlemen, however, guess that there was, or that there might have been, some good reason for excluding or omitting the vote of Lincoln. He must repeat, in answer to these surmises, that the law required all the votes to be counted, and allowed no other mode of ascertaining the result. The law of Kentucky, he said, requires the sheriffs of the several counties comprising a congressional district to meet, with the poll-books of their respective counties, at a time and place prescribed, and, by faithful addition and comparison of the votes, to ascertain who is elected. The sheriffs have no discretion to exclude or omit from the count any vote actually given, even by a single individual. That the law does not contemplate the possibility of the entire vote of a county being omitted, appears not only from the mode prescribed for ascertaining the result, but from the express requisition that the certificate making known the result shall be signed by the sheriff of each county in the district. The law, therefore, does not admit of any good reason for excluding the vote of a county from the count—or, to speak more accurately, it does not admit that the result can be ascertained and certified by the sheriff, if the vote of a county be excluded. If there was room for conjecture or surmise, as to the causes of the exclusion of the Lincoln vote, those who claimed that the certificate on its face conferred or evidenced a right, were not at liberty to aid it and eke it out by surmise. If conjectures and surmises were to be allowed, they belonged to the other side. Against a paper so illegal and defective, the strongest presumptions might be indulged.

The certificate, Mr. M. said, is not only defective in its contents, by failing to state the main fact, the result of the election, and by showing that the legal means of ascertaining that fact had been omitted, it is also defective, and, as he contended, fatally defective, in its execution or authentication. The law requires the certificate of election to be signed by the sheriffs of all the counties of the district. This certificate is signed by but three, when it should have been signed by five sheriffs. Partial as the statement of the certificate is, that statement is not evidenced as the statute requires. And yet it is contended that this paper is sufficient to entitle Mr. Moore to a seat in this House.

If this paper, signed by three out of five sheriffs, stating that Mr. Moore has received a majority in four out of five counties, is to be taken as sufficient evidence of his right to sit as a member of the House, on what ground could you refuse the seat to a gentleman who might produce a statement, signed by three out of five sheriffs, that he had received the majority in three, or two, or even one, of five counties composing a district, the vote of the other counties not being taken into calculation? If this is called a certificate, and is therefore deemed *prima facie* sufficient, so might that be called a certificate—and therefore be good. If that should be deemed insufficient, because it is not what the law requires, so must this, for the same cause, be deemed insufficient. If the defects in the present case can be passed over, or supplied by conjecture—if this certificate, utterly defective in the most essential requisites prescribed by the law, is still to be deemed (under the character of *prima facie* evidence) sufficient to admit the gentleman named in it to a seat, what paper can be brought here, in the shape of a certificate, signed by one or more of the sheriffs of a district, that may not equally have that effect?

The great fact, Mr. M. said, of which we are seeking evidence, and of which this certificate is presented as *prima facie* evidence, is the vote of the fifth congressional district—the election it has made of a representative in the present Congress. By the laws and usages of Kentucky, the name and vote of every voter is entered in a book, at the moment his vote is given, by a clerk, and under the inspection of judges of the election, appointed for the purpose. This is a record of the fact itself, made while the fact is in progress, and is an essential accompaniment, if not an essential part of the election. It affords, *prima facie*, the very best evidence of the votes given, and of the election made. It is so regarded by the statute of Kentucky, which requires the sheriffs to ascertain the result of the election by faithful addition and comparison of the votes appearing on the poll-books (or records of election) of their several counties. The poll-books being the record of the facts from which the result stated in the certificate is a deduction, constitute the primary evidence, and, in comparison with the certificate, the best evidence of the facts. How, then, does the certificate, which is secondary and derivative in its character, acquire the force of evidence at all? It is solely, said he, by virtue of the statute which authorizes the sheriffs

to meet with their poll-books, add and compare the votes, and execute a certificate, the very object of which is to make known, that is, to be evidence of the result. By these provisions the certificate is made, for the sake of convenience, the substitute of the original record, the result or general effect of which it should state with precision and truth. The certificate now under consideration, he said, was a paper which showed upon its face that the sheriffs had not acted according to the authority and requirement of the statute; that they had not ascertained the result, nor used the means for ascertaining it required by the statute; and that they had not stated the essential fact which they were authorized and required to state—the result of the election in the whole district. It, moreover, wanted that authentication, by the signatures of all the sheriffs, which, by the statute, is necessary to make it a certificate of election. It is therefore clear, that, with such defects, it is not the instrument which the statute authorizes; it has not the character which the statute imparts to a proper certificate; it is not the substitute for the original record provided by the statute; and, deriving no aid from the statute, to which it does not conform in any essential requisite, as a statutory paper, it has no authority, and proves nothing. He submitted to gentlemen of the legal profession, of whom there were many in the House of the highest attainments, whether, if such a paper were presented as evidence in a court of justice, it would not be rejected as utterly incompetent, except against those who signed it, to prove even the facts which it stated. It certainly could not be *prima facie* evidence of the result of an election which it did not pretend to state.

The principle, he said, which gave importance to this case, and which impelled him to oppose the claim to a seat under this certificate was, that the people have the right to choose their representatives in this House, and that their choice, when made, shall not be defeated or disturbed by the acts or omissions of ministerial officers, whose agency is called in merely for the purpose of ascertaining and making known that choice. The law of Kentucky on this subject had been made with a view to this principle, and had sought its preservation by excluding the returning officers from all action after the people have voted, except that of adding and comparing the votes, and by expressly requiring the signature of each of them to the paper making known the result. Although Congress might, by its own legislation, change some of these provisions of the State laws, yet, as it had not done so, this House, sitting in judgment upon the qualification and return of its members, or those claiming to be so, was bound by the laws of the States, and could not, in the present instance, dispense with any principle or requisition of the statute of Kentucky. The certificate must be measured by the statute which authorizes it. How far it fell short of that standard and its consequent worthlessness, he had attempted to show. He could not, he thought, be mistaken in saying, that without the aid of the statute, a certificate signed by all the sheriffs, stating who was elected, would not be legal evidence of the fact.

With regard to the case of the contested election from Michigan, which had been referred to by his colleague, [Mr. HAWES,] Mr. M. stated various particulars, showing that it had no analogy with the present case. The fact, he said, that in that or in any other case, a gentleman had qualified as a member with a good certificate, and when there was no objection, is surely no precedent for permitting a gentleman to qualify under a bad certificate, and when there is objection. It appeared, he said, from the report of the committee in the Michigan case, that the board of territorial canvassers to whom the votes were returned, had rejected or omitted from the count as illegal several of the votes actually given, and had, by this means, come to the result that Mr. Wing, who had not received the highest number of votes, was elected. But neither the original state of the vote, nor the process by which the result was attained, appeared, as he understood the case, in the certificate itself; and of course the House was not and could not have been called upon in that case to judge of the correctness or legality of the process in this preliminary stage, even if the certificate had been called for and inspected. In the case before us, he said, it appears, upon inspection of the certificate, that the vote of an entire county had been omitted in the count, and the House was obliged to determine whether such omission was legal, whether it did not vitiate the certificate. He had sufficiently examined this question. But he wished it to be distinctly understood that there was not in Kentucky, as there seemed to be in Michigan and elsewhere, a board of canvassers, who had the right to scrutinize the poll, to judge of the character of votes standing on the poll-book, and strike off or reject from the count such as they considered illegal. It was the duty of the officers of the election to know, and, if necessary, to investigate the right of every individual presenting himself as a voter; and, by their decision, his vote was either rejected or received and entered on the poll-book. But there was no intermediate tribunal between them and this House, with power to scrutinize the polls, and reject illegal votes. The sheriffs had no power but to count and compare the votes, make a certificate of the result, and send it to the Secretary of State. The Governor had no power but to transmit to this House the certificate of the sheriffs, without addition, inference, or comment. There was, he said, so far as he had heard, no precedent for the present case. It was a new one. There had been no instance in which the certificate under which a seat was claimed had been objected to at this stage—there had been no instance in which two gentlemen had presented themselves while the House was in the act of organizing, each claiming to be sworn in as the representative of the same district; each asserting that he had the best evidence of his right; each endeavoring to be received as the sitting member, and to throw the burden of contesting the seat upon the other. Such was the case at present. It was a preliminary contest, the determination of which, in favor of either gentleman, would not preclude the ultimate rights of the other. He insisted that it should not be decided in favor of him whose evidence did not show that he had received the highest number of votes.

The gentleman from Indiana [Mr. LANE] seems to have supposed that those who object to Mr. Moore's taking the seat, because his certificate does not conform to the law, must also object to Mr. Letcher's taking the seat, since he has no certificate of the assembled sheriffs. This, Mr. M. said, was not his view of the case. He objected to the certificate under which Mr. Moore claims, because, while it has no force or effect as evidence but by virtue of the statute, it varies so materially in form and substance from the requisites prescribed by the statute, that it is not the instrument to which the statute gives effect, and therefore is not evidence at all of the result of the election.

If the certificate had been signed by all the sheriffs, and had been legally sufficient in all its statements, still, it would at best have been but a compendium of the poll-books--a statutory substitute for the original record; and in case of variance between them, the evidence of the poll-books must prevail. Much more must it prevail over a certificate defective as this is. In the present case, he said, Mr. Letcher had produced exemplifications of the original record; he had laid upon the Clerk's table copies of the poll-books themselves of each of the five counties of the district, certified by the officers in whose custody the law places the originals, showing the name and vote of every man who had voted for representative in that

district, at the late election, and showing that, on a faithful addition and comparison of the votes, he had received the majority, and is therefore entitled to take his seat, as being *prima facie* the member elect. Whatever might be the weight of this evidence, if the credentials of Mr. Moore were such a certificate as the law makes evidence of the election, he contended that, in the absence of any such certificate, these copies of the poll-books constituted the best evidence that could be offered, and were *prima facie* sufficient to prove who had received the majority of votes and who was entitled to the seat. By requiring a record of the election to be made and preserved, the law of Kentucky had, he said, provided the means of curing all defects, omissions, and irregularities, casual or intentional, in the addition and comparison of the polls, or in the certificate intended to make known the result. That record is competent to aid a defective certificate, correct a false one, or supply the place of one where there was none. It bore with it sufficient weight as evidence to secure a seat in this House to the man whom the people have elected, although the sheriffs should refuse to give him a certificate.

Mr. ELLSWORTH presumed that, if either of the claimants could satisfy the House what had been the actual state of the ballot-box, the House would be governed by that fact, and decide accordingly. This was not one of those cases where a majority of sheriffs could act for the whole. Had they certified that A B had been elected according to the votes of one county, could that be deemed sufficient? Surely not. Suppose they had certified the same according to two counties, would that be admitted? or of three? Why then of four, when five counties had voted? Would a certificate be admitted that a certain paper was the record of a court, except one page? This was just such a certificate.

Mr. BEARDSLEY maintained that the question was to be settled solely on the face of the certificate. Now, though the certificate stated that the Lincoln returns were not included, it did not say that any votes had been given in Lincoln, or that if they had, they would have given a majority to Mr. Letcher. And though the number of sheriffs certifying was less than the whole, yet the principle of law applied, that in all public bodies, the act of a majority was the act of the body. Had one of the sheriffs died before certifying, would that have destroyed the certificate?

Mr. POLK stated several precedents from the history of elections in the State of New York, where claimants had been admitted to a seat, although, from the fault of the officers returning, the word "junior," though appended to votes as given, was omitted in the election returns. By this, a Mr. Teneyck was admitted, and Daniel Huguenin, the person really chosen, had to wait till the case was passed upon by the Committee of Elections. The same thing had happened in the case of Silas Wright. If the House should open the poll-books, they must receive affidavits, and all other testimony, and become, in fact, a Committee of Elections.

Mr. WARDWELL further explained the facts referred to by Mr. Polk, and showed them to be stronger than he had put them.

Mr. ALLAN was surprised that it should be said Mr. Letcher had produced no certificates. They had been on the Clerk's table since the opening of the session—and they would show the following result of the district election:

	For Letcher.	For Moore.
Jessamine county,	581	489
Garrard do	1,075	240
Anderson do	199	436
Mercer do	686	1,469
Lincoln do	650	501
	——3,191	——3,143

giving Mr. Letcher a difference of 48 in his favor. Mr. Allan then called for the reading of the returns from the judges of election in each county.

Mr. POLK objected to this, as opening the whole testimony, of all sorts.

Mr. McKINLEY wished the reading to proceed--it could do no harm--it was relevant to the preliminary question.

Mr. BURGES objected to the certificate, because on its face it was evident sheriffs had certified to what they could not know. Four sheriffs had certified the result of the election in five counties. They might as well certify the number of prisoners in the jail of an adjoining county. Each sheriff could only legally certify for his own county.

Mr. POLK withdrew his objection to the reading.

But, before the reading was resumed,

Mr. McKENNAN moved an adjournment; but withdrew it to receive the Speaker's report of sundry communications received by him from the Heads of Department.

After which the House adjourned.

THURSDAY, DECEMBER 5.

KENTUCKY ELECTION.

The House then resumed the consideration of the contested election between Mr. T. P. Moore and Mr. Letcher.

Mr. HARDIN rose and said, he thought, from what he had heard on the preceding day, that many gentlemen had felt embarrassed, owing to the question not being before the House in a tangible form. He would offer two resolutions, the object of which was to obviate this difficulty.

The resolutions were then read.

Mr. Hardin said he rose for the purpose of referring to the laws of the State of Kentucky with regard to elections. He discovered yesterday, that many gentlemen were desirous of further information on this point; he would therefore enter a little more in detail into that subject, hoping, as he did, that he might be able to state, briefly, yet clearly and distinctly, what were the laws of that State, governing elections. It would be recollected, that the constitution of the United States, after prescribing the qualification of members, contained the following provision: "The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators." But Congress had not legislated for Kentucky on this subject; and, therefore, whatever might be the laws and rules of the Territory of Michigan, the Territory of Arkansas, or the State of New York, as to elections, they had nothing to do with the laws and rules of Kentucky, as to this subject, nor could they enter into the question before them. The decision on that question must be governed solely by the laws of Kentucky, just as questions on its land titles, &c. were governed. If gentlemen would turn to the laws of Kentucky, they would find that that State was laid off, like other States, into counties; it had its county courts, its circuit courts, its courts of appeal, &c. By an act of its Legislature, it was made an indispensable duty of the county courts to appoint a time and place for the election of members of the Legislature every year, and members of Congress every other year.

[Mr. H. here went into an explanation of the rules of election pursued in the State of Kentucky, and read several extracts from the laws of that State on the subject.]

He would call the attention of the House to one point. He had read to them the act under which each gentleman claimed his seat on that floor. Now, what were the facts of the case? There were five counties, forming the fifth congressional district; polls were opened in these five

counties, not only for the election of members for the State Legislature, but also for members of Congress. They continued open for three successive days. On the fifteenth day from the day on which the polls were opened, the sheriffs of the five counties, either by themselves or their deputies, assembled at Harrodsburg, according to law. When assembled, for it appeared from the certificate that they did assemble, a certificate was made by the sheriffs of the counties of Jessamine, Anderson, and Mercer, that Thomas P. Moore was elected as a representative in Congress from the fifth congressional district of the State of Kentucky. But did the sheriff of Garrard county certify this? No. And yet he was present. But three sheriffs certified for five counties; and no sheriff could certify for more than his own county. He would ask gentlemen, how they knew what portion of the qualified electors of the fifth district these three counties contained. He could select an instance, in which one county contained one-half the district. He estimated that about four-sevenths only of the qualified electors had voted. A gentleman had said yesterday, that it did not appear on the face of the certificate, that the county of Lincoln had given any votes. This was said, upon the principle of special pleading; but they were not assembled there as special pleaders, but as legislators for a mighty nation. The question was this: Was the signature of the certificate by three sheriffs sufficient?

After some further remarks on the subject of the signature of the Governor of the State to the certificate, Mr. H. continued, by contending that they must have one preliminary question settled in the House, before they could properly proceed with the subject before them. Where was the evidence from the States of the validity of the election? They must have the credentials of the gentleman claiming the seat, in conformity with the laws of the State from which he came. The law of Kentucky provided, substantially, that the returns should be made from all the counties of a district; and that those returns should be certified by all the sheriffs of such counties. But gentlemen might say, Suppose all the sheriffs should not attend at the place of the appointed meeting? If they should, he would take the freedom of supposing another case: Suppose all the sheriffs of the district should actually attend with their poll-books, and that one of the sheriffs should happen to be a friend of the defeated candidate; and suppose, furthermore, that this said sheriff should put his poll-book under his arm, and refuse to have the votes which it contained scrutinized and recorded? What was the inference in such a case? And in presenting that case to them, he begged to be understood as not ascribing any agency in the matter to the claimant of the seat, [Mr. Moore.] The character and standing of that gentleman alike forbade the supposition. But, apart from all personal considerations, the question must be decided on its intrinsic and apparent merits. A majority of forty-eight votes appeared for Mr. Letcher: and one of the sheriffs withholds his poll-books, and says to his brother officer, You shan't count my votes. This was the case. The vote of Lincoln county was withheld, not because the sheriff had died on the road to Harrodsburg—not that he was incapable of attending—not that he did not attend—but, as was shown on the face of the certificate, because he would not permit the votes to be counted.

What! Mr. H. asked, would they permit a gentleman to qualify, when it was manifest that he appeared before them in a minority of forty-eight votes? Would they permit him to qualify because he had received the certificate of three sheriffs out of five? No. If they did so, it was because they would not count the vote of Lincoln county—and would meet the objection to his taking the seat by saying, that three sheriffs say he was elected in four counties out of five. Not that he was elected by a majority of all the votes—for if that were pretended, it might wear a plausible color of propriety. But no, he repeated, it could only be that three sheriffs had certified to the vote of four counties.

Suppose again, said Mr. H., that in a congressional district composed of ten counties, two sheriffs should certify for A, two for B, and so on. Would the House permit either, or which, or all of the claimants to take seats as members duly returned? No, assuredly not; and it was therefore that he did not wish either Mr. Moore or Mr. Letcher to be declared elected until the matter should have undergone an investigation before the election committee. Whether that committee should call for the production of the original poll-books, or require other evidence in order to arrive at a proper conclusion, it was not for him to say; but still he thought it nothing but fair that both the gentlemen should wait until it should be ascertained which of them was justly entitled to the contested seat. Besides, he might ask, in another point of view, what would be the relative situation of the claimants in the event of one of them being allowed to qualify for the seat? Suppose, for instance, Mr. Moore was permitted to assume it, and Mr. Letcher would have to wait, say until the month of May, when the Committee of Elections might decide in favor of the validity of his election. The gentleman occuping the seat in the interim would have stood on high vantage ground; he would have been drawing his per diem allowance, whilst the other, who might afterwards be declared the legal member, would have to depend on his own resources.

Mr. H. went next into an argument on the duty of the sheriffs to send a verified return of the votes to the clerks of the county courts, to be preserved among the records of their offices, and concluded by expressing a wish that the question should have a speedy investigation before the committee, and a hope that both the gentlemen would coincide in the adoption of the measures to obtain it.

Mr. ARCHER contended that this was a question, in the determination of which, the country was deeply interested, and which mainly concerned that House to decide upon. He could not avoid expressing his unfeigned surprise at the observations that had fallen from several gentlemen who had addressed the House on both sides of the question: He differed from most of them. He contended, as we understood him, that the House ought at once to decide, without referring it first to a committee; and that the course proposed by several honorable gentlemen who had preceded him, went to abrogate the most important rights and privileges of that assembly. What did the constitution say? Why, that the House was he to be the sole "judge of the elections, returns, and qualifications of its own members." It would be derogatory to the character of that legislative body to say aught against this doctrine. To be its own judge constitutes one of its subordinate usages. [The honorable member's back was towards the reporter during the greater part of his speech, and he was therefore not distinctly heard.] The honorable gentleman said, that it was only a common-sense proposition to say that there were two things essentially necessary to constitute a good return: the one was, that it should contain sufficient matter or a sufficient number of votes, and the other, that those who made it out possessed adequate authority to do so. If the certificate offered by a gentleman at the bar of that House, were deficient of either of these essentials, the return was invalid. If it purported to be a report of a certain election, and neither contained the required matter, nor was legal in its forms, could they, he would ask, have the face to say that such a document was good, and would entitle any gentleman presenting it to take his seat in that House? He was equally astonished that the House should already have consumed so much time in this debate. The House had now had the question before them for three days, and yet the matter seemed to have progressed but little. He was surprised

that any gentleman would support the legality of that paper, which proved its own inadmissibility. If it were to be laid down that a mere return is sufficient to constitute a right to take a seat in that House, then were both the gentlemen qualified. The return was not only insufficient, but self-contradictory, and, as he said before, proclaimed its illegality.

The honorable member from New York [Mr. Beardsley] contended yesterday that the certificate might be received as valid, because it contained a majority of the requisite signatures, and that the attestations of the three sheriffs were as binding as if the whole five had signed. He could not but be surprised at this, for that gentleman was a very eminent member of the legal profession, and he would appeal to the honorable member, as a lawyer, to say, whether, in the event of a trustee dying or refusing to execute the trust imposed upon him, the remaining trustee or trustees could go on with the trust? Would it not be indispensable to elect or appoint another in his room? And the Legislature of the State of Kentucky has wisely provided for any such deficiency. If the doctrine thus laid down by the honorable member were followed out, they might have proxies every day, after the plan of the House of Lords of Great Britain. The members of that House, continued Mr. A., were the representatives of the people, and it was in their constitutional power to substitute any other member than the one returned by any constituency. The paper on which they had now been deliberating for three days, was stigmatized and branded as a nullity; and can it be expected that such a document should entitle a man to exercise the highest privilege which it was in the power of the people of the United States to bestow?

The honorable member proceeded to maintain that the House was, to all intents and purposes, a court, and was then to be considered as exercising a judicial capacity. The principle of this was admirably defined yesterday by one of the members from Kentucky, and, concurring as he did with the views of that gentleman, he would ask if such a document as the certificate presented by Mr. Moore, were offered as evidence in a court of justice, it would not be rejected? Because the return was imperfect, was that House to be called upon to confirm it?

There was another view of the question, and one of great import, which should be considered, and that was, Suppose a return was made, perfect in its forms, and, at the moment of presenting it, gentlemen were to rise and offer to prove at the bar of the House that that return was an imposition, would any honorable member tell him that the House was precluded from entertaining such an allegation? If a mere return were deemed sufficient qualification, then, any one producing a required form, became at once a member of that House. Suppose that, in his own district, consisting of four counties, on the third day of the election, the sheriff, or deputy sheriff, or one of his friends, had taken away the poll-books, knowing, perhaps, that he might be in a minority, would his return have been sufficient? Ought he to be allowed the high privileges devolving upon a member of that House? He (Mr. A.) would not affirm that such a case had occurred, but he put the case, and sure he was that the moment such a return was made known to the House, that return would be invalidated.

Mr. HUBBARD differed entirely from the views taken of this question by the honorable member who had just sat down, though he considered himself no less zealous in the faithful discharge of his duty than the honorable gentleman himself. He concurred with him, however, in what he urged respecting the Committee of Elections—and should most probably vote with him on that point. He himself could not avoid expressing his astonishment at the somewhat extraordinary departure from the real question. He hoped that he should not be misunderstood—but a plain statement of facts was still requisite to be placed before them. The question to be deliberated was, Does the certificate adduced to the House contain *prima facie* evidence of the due return of T. P. Moore as a member of that House, for the fifth congressional district of Kentucky? Or, in other words, has Mr. Moore produced to the House such evidence as should qualify him to take a seat in that House? In his (Mr. H.'s) opinion, he had offered a sufficient qualification. If the document furnishes that evidence—if it confessed on its face that an election had been held, and that Mr. Moore was duly returned, then, he apprehended, that according to the usages of that House, the qualification tendered should be deemed sufficient, and the necessary oath at once be administered. He (Mr. H.) agreed with the view of the question taken by the honorable member from Kentucky who last addressed the House, that if an election had taken place, it must have been in conformity with the laws of the State, and the only point at issue was, whether there had not been some informality in the notification of the return. What did the laws of Kentucky require? Not more than the statutes of other States of the Union deemed requisite under similar circumstances. In the State which he had the honor to represent, the votes were determined by the Governor and council. In New York, he knew, as well as in other States, the form varied, but the principle was retained. A certain judicial tribunal is always indispensable. In the case before us, the laws of Kentucky expressly declare that the returns should be made to the sheriff, and that he should constitute the tribunal. He would ask if the paper did not furnish incontestable evidence of the return being good? The honorable gentleman here proceeded to read an extract from the laws of Kentucky, respecting the forms necessary to be observed at elections, and to show that there was nothing before the House which exhibited that a departure from them had taken place. He would take, he said, the very words of the act, and believed that there had been a compliance with the provisions thereof. The district was composed of five counties, constituting the fifth congressional district of the State of Kentucky; and the law provided that the sheriffs should assemble and make the return. Did not the paper before the House state that the sheriffs had assembled? Was not that requisition of the statute complied with? The law required the assembling and signing of the sheriffs; the certificate affirmed that they did this; and what more could be required? The honorable member here read the certificate, and went on to say, that, in his opinion, if the paper furnished any evidence at all, it unquestionably showed that the sheriffs had proceeded to discharge the duty which devolved upon them by the act. If he understood it rightly, they performed their duty correctly—they compared the votes, and determined which had the majority—and they constituted the only tribunal before whom that matter could then be decided. They expressly certified that T. P. Moore was duly elected a representative to Congress from the district in question, by a majority of qualified votes of the district. Then, it was added that the vote of Lincoln county was not taken into calculation; but he was at a loss to know how, from that, the inference could be drawn which had been by a gentleman who had preceded him, that the friend of one of the candidates had pocketed the poll-book and taken it away? It was a fact with which he (Mr. H.) was unacquainted; and how it came to the knowledge of that gentleman, he left him to explain.

Mr. H. said he would contend, that the only authority by which the House should be guided, must be the return itself. He would put a case: Supposing the county of Lincoln had held their meeting on a day not warranted by the statutes of Kentucky—or the proceedings had been conducted in so confused a manner, that it was not possi-

ble for the returning officer to ascertain who had the majority. Suppose, further, that fifty votes had been counted, when only twenty-five votes had been taken, would they have attested that return? Certainly not; they would have rejected it. There is not a word said on the certificate, as to whether any votes at all were taken for the county of Lincoln. How, then, did it happen that the honorable gentleman knew that the friends of one of the candidates seized the poll-book and took it away? Mr. H. was then clearly of opinion, that the paper should be received in the character in which it spoke, viz. as the certificate of the due return of T. P. Moore to that House. Another matter for deliberation was, whether the officers should make the return *in propria persona*. He apprehended that that was not indispensable, and that a less number than the whole, provided they were a majority, was sufficient to comply with the directions of the statute. In the State, for instance, whence he came, it was the duty of the Governor and council to receive the returns, to examine them deliberately, and, upon a faithful examination, to make a return of the election. This was specially enjoined; and yet it had rarely occurred that the whole number had assembled to perform those duties. In the State of New York, two persons were appointed to make returns of the town to the Attorney General, the Secretary of State, &c.; but if one of those persons neglected to attend, the return, he apprehended, would not thereby be vitiated. The member entitled to the return would obtain the certificate of the officer, would come to the bar of that House, and be duly sworn as a member thereof.

Mr. H. said, his principal object, before he sat down, would be to propose an amendment to the resolution of the gentleman from Kentucky, by giving the seat to that gentleman in whose favor the certificate had been made out, according to the invariable usages and practice of that House. Subsequent investigation should be referred to a committee; for that House, he contended, was not the tribunal before whom such an inquiry as was necessary should be made. If questions like the one before them were to be settled in this way, for what purpose were committees formed? and more especially the Committee of Elections? They were for the purpose of investigating facts, and of producing evidence before the House for them to adjudicate on. The course heretofore pursued, had been to take the certificate of the member in the first instance, to administer the oath to him; and, should any dispute have arisen of his return, to refer it to the Committee of Elections, who, upon due inquiry, would prepare a report, and upon that report the House would deliberate and adjudicate. He urged upon that House not to depart from its ancient usages--not to make a new precedent needlessly. If they decided according to the views of several honorable members, it would be the first time in which the House had exercised its dignity and honor in such a manner. He would call upon the gentleman from Virginia [Mr. ARCHER] to refer to a single case where the right of a member to take his seat had been disputed, when he presented a certificate of his return. Has it not been the invariable usage of this House to qualify the member who lays his certificate upon the table, and then the evidence required is gone into before a committee? Moreover, he would oppose the decision at that time, on the principle of expediency, since, if the House were to go into such matters, the many details incident to such inquiries would leave them nothing more to do. Let there be a scrutiny before a committee of that House, but he would claim for Mr. Moore the same courtesy that had been extended to every other member.

Mr. H. proceeded to argue, that the omission of the result of the county of Lincoln, did not invalidate the return of Mr. Moore. Surely, said he, if the paper in question had set forth a falsehood, the sheriff would ere then have come forward with a counter certificate. That fact, added Mr. H., went far to confirm the truth of the return. In conclusion, he congratulated the House on the good temper with which that question had been debated; not a single gentleman had spoken but in terms of unfeigned respect for both Mr. Moore and Mr. Letcher, and certain he was that nothing but a sense of duty had brought on the discussion. He had himself no other motive; with one of the gentlemen he was entirely unacquainted, and had had but little intercourse with the other; but, exclaimed the honorable member, it was due to the individual himself—it was due to the members of that House--it was due to the nation at large, to receive the qualification presented by Mr. Moore. Every one who knew any thing about their elections, knew well enough that they were often contested; but who ever heard before that the body he was then addressing had formed themselves into a committee for the purpose of collecting evidence of the return or non-return of one of its members? The honorable member made a further reference to the laws of Kentucky, as they bore on the case before the House, and offered the following resolution:

"*Resolved*, That the certificate presented by Thomas P. Moore, of his election as a representative from the fifth district in Kentucky, furnishes *prima facie* evidence of his having been duly elected, and that he is now entitled to be sworn accordingly."

Mr. HUNTINGTON, of Connecticut, commenced by declaring his intention to vote against the amendment proposed by the honorable member from New Hampshire, and for the reason that, in his judgment, it did not contain the truth. He could not agree with that honorable gentleman that the certificate contained *prima facie* evidence of the right of Mr. Moore to take a seat in that House. It seemed admitted on all hands that, in relation to the laws of Kentucky, as bearing upon the question before the House, they were clear, distinct, and expressive; and that it seemed further admitted that those laws should be the rule by which they should be guided. Moreover, it had been admitted by all the speakers, that if an objection be taken to the credentials offered, and they are not in themselves such as to satisfy the House that the individual presenting them is qualified to sit there as a member, he could not retain his seat. The whole question, said Mr. H., resolved itself into these two inquiries. First: Was the paper presented to the Clerk's table properly and sufficiently authenticated, and is it such a document as should entitle a member to qualify himself for a seat in that House? Out of that question resulted another, which was: Did the paper bear upon it the signature of those, and of all of those, whom the laws of Kentucky said were requisite?

The other question was: Admitting that the certificate were properly signed, did it set forth that the person in whose favor it was made out had been duly elected? If the paper were deficient of either of these requisites, and of course it was of both of them, the return was null and void.

Mr. H. proceeded with his argument on the validity of the certificate. The law of Kentucky requires that it should be signed by each of the sheriffs, whereas the certificate states that each of them were present, and yet it appeared that only three out of the five had signed it. The question arose, then, whether it was legal, by the laws of Kentucky, that three sheriffs could certify for five? or, in other words, to the same purport, whether that which was required to be certified by five, could be certified to by three? That such an assumption was not against the very letter of the law in this case, he believed few persons who were within the reach of his voice would be found to deny. Five members composed the body, and were required by the law to sign the certificate. The only principle upon which the signature of three can

be contended to be the signature of five, is, that the act of the majority is the act of all. The gentleman from New York [Mr. Beardsley] had maintained yesterday, that any act of a public nature passed by a majority, was a legal act. The gentleman (Mr. H. observed) was as unfortunate in the extent as in the application of his principle. It was not necessary for the House to examine how far the acts of the majority of a public body were binding and legal, but he asked if any gentleman in that assembly would hazard his reputation by advancing the position, that, where specific restrictions were made by an express statute, as in the present case of the law of Kentucky requiring the signatures or certifications of all the sheriffs, that a majority could do that which was especially required of all? The sheriffs assembled to prepare the returns of the votes were a unit, and could act only as such, and not by fractions. After some further remarks, Mr. H. asked permission to cite a few cases by way of illustrating his argument.

Suppose this House, said he, acting within its legitimate sphere, authorize the judges of the court to ascertain the facts of any given question, the decision cannot be rendered by a majority of the judges. It would be otherwise if the court were authorized to inquire into the matter, for then a majority might pronounce upon the facts; but in the case of the judges, the certificate of all would be requisite.

Another case he should suppose by way of illustration was this: If that House should appoint a committee to investigate and report upon any subject coming under its consideration, then the report would be accepted, if signed only by a majority of the members of that committee; but if the House should have added a clause in its instructions, that the report should be signed under the hands of all the members of that committee, then no gentleman in that House could contend that a majority report could be received. The distinction between the cases was clear and obvious.

Mr. H. proceeded on the subject of the law of Kentucky relative to congressional elections, and briefly recapitulated the heads of his preceding argument. He observed that the sheriffs attended the meeting with their poll-books, and when the certificate was made out, it was predicated that each one scrutinized and compared the votes, not only for his own district, but for all. This was a principle which, if departed from, would leave all elections determinable by the sheriffs in districts where there were only five of these officers. No exception could be taken to this position, unless the suggestion of the gentleman from New Hampshire [Mr. Hubbard] was correct, that sheriffs are judicial officers, appointed to judge in all matters appertaining to elections.

Mr. H. said he should not stop to inquire, if the term judicial proceedings was applicable to the meeting of the sheriffs, but this he would say, that the law of Kentucky gave no authority to those officers, who were to sign the certificate of election, to reject votes. Their duty was to count the poll-books; if they contained illegal votes, the remedy was provided by law. He wished to present a question to the House, which he considered the best question, as to this part of the subject. Had the requisitions of the law of Kentucky been complied with? What were these requisitions? They required that all the sheriffs should sign. It was specially provided by the law of Kentucky that such should be the case, to avoid abuses. Was this requisition complied with by the signature of three out of five, and that without any intimation of the reason why the other two did not sign. He had said all he had to say of the authenticity of the instrument. Was a majority of that House prepared to say that three meant five; or that a certificate signed by three was the same as a certificate signed by five. But what did this certificate say? Did it say that Mr. Moore was duly elected? The gentleman from New Hampshire [Mr. Hubbard] had said, that if he understood the language of the instrument, it did say so. He would analyze that certificate, and what did it state? It stated that the poll-books of the several counties were presented; that the sheriffs were present; that they compared the votes, and found that T. P. Moore was duly elected; the vote of one county not being counted. The gentleman from New Hampshire seemed to consider this latter clause of the instrument as mere surplusage. No gentleman in that House, however, could make more or less of the certificate of Mr. Moore than this—that he had the majority of votes in all the counties which the sheriffs had chosen to count; and, that they had not chosen to count the county of Lincoln. Now, suppose the certificate had stated in words, as it did in fact, that Mr. Moore was duly elected, having received a majority of all the votes of the fifth congressional district of Kentucky, excepting such as they (the sheriffs) had not thought proper to count. Would the members of that House, in such a case, solemnly say that a man so elected was duly elected? Suppose, instead of omitting to count one county, they had omitted to count two; that Jessamine county had been omitted as well as Lincoln; surely no one would contend that a man thus elected was duly elected. But let them go further; for the principle was the same. Let them say that T. P. Moore was duly elected by two counties, the other three counties not being counted; nay, they might, on the same ground, certify that he was elected, all the counties not having been counted except one. The substance of the argument of the gentleman from New Hampshire was this—that being a judicial act, if only a majority of the sheriffs signed, it was valid. But it would be seen, if gentlemen looked further into the language of the certificate, that it was a qualified declaration; that after declaring Mr. Moore duly elected, it was superadded, that all the votes of the district were not counted; and yet the House were called on to say, upon the face of this certificate, that Mr. Moore had a majority of the qualified votes of the district. It seemed to him that the House ought to take the plain common-sense meaning of the language of the laws of Kentucky, in comparison with that of the instrument, and they would then find, that they had neither authenticity nor substance. The law required that the instrument shall be perfectly signed. But the present one was not so signed; it was not satisfactory evidence as to the results of the election. So much as to the merits of the question, as presenting a new case. He would make one observation as to precedents. It seemed to be impressed on the minds of some gentleman, that they were called on to depart from former rules and usages. But, in his opinion, no case had ever previously presented itself to the House in which a member was refused the oath, inasmuch as he proffered at the table an instrument which was not properly signed. To take a contrary course would be subversive of all the laws of election, and the rights of the elector. Suppose a citizen of the District of Columbia should present himself with a paper, which he called a certificate, at their doors, would they administer the oath to him, and permit him to take his seat? The question then, was, whether the credentials of T. P. Moore were properly authenticated? In all the cases which had heretofore come before the House, this subject had not been touched upon; but if one hundred cases could be produced, he thought the good sense of the House would not decide that any paper which might be presented, would entitle a member to take his seat. What were the precedents? There were members then in that House, who were in Congress when the cases cited as precedents were under consideration. He would appeal to those gentlemen, if in any of those cases, upon the credentials being presented, an objection had been made to the member's taking his seat. No, their credential had all been passed. The objections had

arisen subsequently, on the reports of committees as to the facts of the respective cases. To show the bearing of the cases cited on the present, a case must be produced in which the credentials of a member were refused. But he would beg leave to call their attention to one other subject, which would utterly destroy the analogy betwixt the present case and those which had been alluded to. In every one of those cases the member presenting his certificate, had offered a certificate duly signed. In the case of the contested election in New York, it was expressly stated in the report of the committee, that the certificate had been duly signed; that there was but one Silas Wright in the district, and that therefore all the votes given to Silas Wright belong to the Silas Wright mentioned in the returns of the district. The present case was altogether different. The credentials of Mr. Moore were objected to; were met on the very threshold of that House; and were declared, as he believed them to be, a mere nullity, a piece of blank paper, signifying nothing. The House, then, was brought back to the point, to answer ay or no, to these two questions: Was the paper presented at the table of the House, by Mr. T. P. Moore, properly authenticated, according to the laws of Kentucky? And also, Did it contain, on its face, a majority of all the votes in the fifth congressional district of the State of Kentucky? The member who voted ay, must say this—that the law of Kentucky, which says that the certificate of a member returned shall be signed by five members, is complete with the signatures of three, and that the law which says that a member shall be returned according to the majority of votes in five counties, is answered, by the return of a member elected upon the majority of votes in three.

After some further remarks, which we regret to say were inaudible at our desk, Mr. H. concluded by observing, that he did not wish to stand upon forms merely, but he thought there was an important principle involved in the question. If they permitted, in this case, the majority of the sheriffs of a district to declare that a certain individual was elected, it would place the election of others at the discretion of a similar majority. Were they prepared thus to decide? Was such the intention of the laws of Kentucky? or rather, had she not expressly guarded against such an evil? He thought, for these reasons, that the certificate of Mr. Moore was merely a piece of blank paper, and that it did not entitle him to take his seat.

Mr. JONES, of Georgia, apologized for troubling the House on the present occasion, being so young a member; but, although a young member, he was not altogether unacquainted with the principles on which the question before them must be decided. It appeared to him that gentlemen had not taken into consideration the difference betwixt a ministerial and a judicial officer. It appeared to him that the sheriffs in this case were purely ministerial officers. Leaving then the laws of Kentucky out of the question, and considering the sheriffs in their true character, as ministerial officers, did they return opinions or facts? And, could they return even facts, out of their respective counties? He thought not, for the law of Kentucky expressly required the returns of all the sheriffs. The question was not, if the certificate proffered was the best evidence, but if it was evidence at law? whether, in fact, it was any evidence at all? He thought it was not evidence at law, inasmuch as it did not comply with the requisitions of the election laws of Kentucky, which required the signatures of five sheriffs, &c. Gentlemen had said that a majority of sheriffs might sign a certificate. He dissented from this opinion. He would cite an example in illustration: Suppose a case in which there were three candidates; that one should produce a certificate signed by two sheriffs; another, a certificate signed by four; whilst the third candidate claimed to have the majority of votes. In what a dilemma would the House then be placed? Two individuals would have a majority. This was not the only difficulty. Mr. Letcher had produced his certificate, in which it is certified that the majority of qualified voters in the whole five counties had given their votes in his favor. It had been argued, and correctly argued, that he who had such a majority was the member entitled to the seat. If they decided otherwise, it would place the House in the dilemma which he had just stated.

It had been argued, that it did not appear on the face of the certificate, that any poll had taken place in the county of Lincoln. It was not so. It was evident, from the certificate itself, that a poll had taken place. He would read the language of that document. [Here the honorable member read the certificate of Mr. Moore.] He would call the attention of the House to the concluding statement—that the vote of Lincoln county had not been counted. It was plain, from the caption, that it was intended that all the sheriffs should sign; but when the time arrived for their signing, it was found that two of the five would not sign, because the sheriff of Lincoln had chosen, for some reason, to withhold the poll-book containing the returns for that county. They were not left in the dark on this point. It was clearly shown that there were books there, and that the votes they contained were not taken; otherwise it would have been so stated. If the officer had neglected to take the votes, the fact would have been expressed on the certificate. They were expressly told therein, that the votes were taken, but not counted. He would not go into the question, why the sheriff of Lincoln county had acted as he had done? The House must come to the conclusion that the certificate was not properly signed, unless they were prepared to meet the difficulty he had previously stated, of deciding that three persons might be entitled to one seat, because they had something like a certificate. When a committee of that House should have determined which of the candidates had the majority of the votes of the qualified voters of the district, that person should be allowed to take his seat, and no one till then; otherwise, it would be actually offering a premium or reward to the man who could best practise the arts of corruption and venality.

Mr. BEARDSLEY said, he conceived that gentlemen were mistaken in supposing that it had been argued, that the House had not the power of looking back to facts and circumstances connected with the certificate which had been offered by Mr. Moore, at the table of the House. The argument which he had heard was, that the usual mode of proceeding was, not to go behind a certificate, on a question as to its validity. The gentleman from Kentucky [Mr. Moore] had presented his certificate, which, he said, was in accordance with the laws of Kentucky, and on which he had claimed his seat. Had they not all done the same thing? They had all presented their certificates to the Clerk of the House, and had all come up to be sworn in virtue of such presentation. No objection had been made to any but the certificate of the gentleman from Kentucky, and yet it would have been competent, if the doctrine now advanced was the correct one, for any gentleman to have objected to any one of them. But would it have been proper, in such case, to refer the subject to a committee, or for the House to decide the question at once, and on the face of the instrument itself, if the member presenting it was entitled to a seat?

The simple question was, did the certificate comply with the requisitions of Kentucky? He agreed, that to be valid, it must so comply, or it could not be received by the House, nor the gentleman be permitted to take his seat, were they to give the laws a literal construction, or to decide according to their spirit. Some gentlemen had said that the power of signing the certificate could not be performed by a deputy, because the act expressed that it should be done by the sheriff himself. Since he had heard

this argument advanced, he had had the curiosity to look at some of the returns made to the Governor of Kentucky, and he believed that the majority of the returns of members in that State was signed by deputies.

Mr. HARDIN explained, disclaiming, as the reporter understood, having advanced the argument stated by the gentleman from New York.

Mr. BEARDSLEY resumed. He had then misapprehended the gentleman, and should waive further argument on this point. Mr. B. then went into an examination of the language of the certificate. If it were taken literally, and read by fragments, it would appear to be the certificate of five sheriffs; but if read further, it was otherwise. He inferred from its language that only three had convened and signed. The sheriffs had met and adjourned from day to day; the certificate stated that they had faithfully added and compared the votes that were presented; and that, after this faithful comparison and addition, they had found Thomas P. Moore duly elected. It was said that if they took the residue of the certificate, it would show that they had not examined all the votes returned. He did not think any evidence was deducible from that instrument that there had been any return for the county of Lincoln; and the law did not provide that the sheriffs should not proceed in their duty as canvassing officers, because certain votes had not been returned.

Mr. HARDIN read an amended resolution, to the effect that until the Committee of Elections had decided on the question, and reported to the House, neither Mr. Moore nor Mr. Letcher should take the seat, and that testimony and depositions should be taken by the committee.

Mr. HUBBARD then withdrew his amendment.

Mr. POLK proposed a modification of Mr. HARDIN's resolution, to which Mr. H. assented.

Mr. ARCHER asked a division of the question.

Mr. POLK explained the object of the latter proposition, which was agreed upon by both the gentlemen who were the parties.

Mr. HARDIN also stated that it met the concurrence of both Mr. Letcher and Mr. Moore.

Mr. ARCHER opposed it as a compromise of the dignity and rights of the House.

Mr. POLK would yield to no gentleman in regard to the honor, the dignity, and the rights of the House, and his fellow-citizens in general. He explained that the honorable member who spoke last, had not comprehended what fell from him, (Mr. P.) He had not contended that his object was to exclude inquiry, nor that a single fact tending to elucidate the matter should be withheld; and he would ask, Supposing Mr. Moore were allowed to take his seat, what right of that House would be affected? or what right of the representation would be affected? There is testimony already taken, which had been the work of months to collect, and would be a labor of equal time to go over again. All he would call upon the House to do, would be to proceed precisely after the manner they had always hitherto done; and denied that there was so great a principle involved in the matter as some gentlemen had apprehended.

Mr. DAVIS, of Massachusetts, expressed his surprise that the question should then appear under another shape than at first, since, from what had fallen from the honorable member from Tennessee, he inferred that it was reduced to a matter of compact and agreement. He was unwilling to give instructions to a committee on a subject of which he was himself uninformed, and after some further remarks, the honorable member concluded by expressing his dissent from the second resolution, and his intention to vote against its adoption.

Mr. POLK cited a precedent for giving instructions to a committee. The case was that of Michigan. He denied that the House would be sanctioning a bargain by adopting his (Mr. P.'s) resolution.

Mr. BURGES proposed an amendment to the resolution respecting the taking of evidence, to which Mr. POLK had no objection.

Mr. HARDIN explained that Mr. BURGES's amendment was unnecessary.

The resolutions were then agreed to, and are as follows:

Resolved, That the Committee of Elections, when appointed, inquire and report to the House who is the member elected from the fifth congressional district of the State of Kentucky; and, until the committee shall report as herein required,

Resolved, That neither Thomas P. Moore nor Robert P. Letcher shall be qualified as the member from said district.

Resolved, further, That the Committee of Elections shall be required to receive as evidence all the affidavits and depositions which may have been heretofore, or which may hereafter be taken by either of the parties, on due notice having been given to the adverse party or his agent, and report the same to the House.

COMMITTEES OF THE HOUSE.

On motion of Mr. STEWART, the House then resumed the consideration of those rules and orders which had been excepted out of the resolution by which all the other rules and orders of the last Congress were adopted yesterday.

Mr. HUBBARD again moved his amendment to the 55th rule, which fixes the number and size of the Standing Committees of the House, so as to make those formerly containing only seven members now to contain nine, and those consisting of three, now to consist of five members.

Mr. WHITTLESEY, of Ohio, opposed this amendment at considerable length, going into a history of the early committees of the House, from the foundation of the Government, and arguing from all past experience, that increasing the size of the committees would fatally impede the business of the House. He cited instances to show the great difficulty of getting a quorum of even the most important committees to attend in the committee rooms; and predicted that that evil would be greatly aggravated by the adoption of Mr. HUBBARD's amendment.

Mr. HUBBARD defended his amendment—adverted to the increased size of the House; the desirableness of having committees large enough to embrace different local interests; and compared the proportion of the size of the Senate's committees to the size of that body, with the former size of the committees of the House in proportion to its numbers.

The amendment was carried, and the rule as amended was adopted.

An order was passed for the appointment of Standing Committees.

The President's message was referred to a Committee of the Whole House on the state of the Union.

And the House adjourned over until Mond y.

MONDAY, DECEMBER 9.

The following Standing Committees were announced to have been appointed by the Speaker, in consequence of the order made by the House on Thursday last.

Of Elections.—Messrs. Claiborne, Griffin, Hawkins of N. C., Banks, Vanderpoel, Jones of Ga., Peyton, Hamer, Hannegan.

Of Ways and Means.—Messrs. Polk, Wilde, Cambreleng, Gorham, McKim, Binney, Loyall, McKinley, Hubbard.

Of Claims.—Messrs. Whittlesey of Ohio, Barber, McIntire, Grennell, King, Gholson, Cramer, Forester, Bynum.

On Commerce.—Messrs. Sutherland, Davis of Mass.,

Harper of N. H., Foot, McKay, Lawrence, Pinckney, Heath, Selden.

On Public Lands.—Messrs. Clay, Duncan, Boon, Mason, Clayton, Slade of Vt., Leavitt, Ashley, Inge.

On Post Office and Post Roads.—Messrs. Connor, Kavanagh, Pearce of R. I., Thomas of Lou., Briggs, Murphy, Lane, Lytle, Laporte.

On District of Columbia.—Messrs. Chinn, W. B. Shepard, McKennan, Stoddert, Allen of Va., Dennis, Hiester, Fillmore, Taylor.

On the Judiciary.—Messrs. Bell of Tenn., Ellsworth, Foster, Gordon, Beardsley, Thomas of Md., Hardin, Parks, Pierce of N. H.

On Revolutionary Claims.—Messrs Muhlenberg, Crane, Bates, Standefer, Bouldin, Marshall, Young, Bayles, Turrill.

On Public Expenditures.—Messrs. Davenport, Lyon, Page, Clark of Penn., Tweedy, Gillet, Hall of Vt., McLene, Kinnard.

On Private Land Claims.—Messrs. Johnson of Tenn., Mardis, Carr, Galbraith, Mann of N. Y., Cage, Felder, Casey, Bull.

On Manufactures.—Messrs. Adams of Mass., Huntington of Con., Denny, Davis of S. C., Corwin, Dickerson, Martindale, McComas, Osgood.

On Agriculture.—Messrs. Bockee, Taylor of Va., Hathaway, Barnitz, Bean, Dunlap, Clowney, Turner, Davis of Ky.

On Indian Affairs.—Messrs. Lewis, Gilmer, McCarty, Everett of Vt., Graham, Allen of Ohio, Dickinson of Tenn., Howell, Love.

On Military Affairs.—Messrs. Johnson of Ky., Vance, Speight, Ward, Blair of S. C., Thomson, Burd, Coffee, Bunch.

On Naval Affairs.—Messrs. White of N. Y., Milligan, Watmough, Patton, Lansing, Reed, Grayson, Parker, Smith.

On Foreign Relations.—Messrs. Archer, Everett of Mass., Wayne, McDuffie, Hall of N. C., Coulter, Jarvis, Pierson, Carmichael.

On Territories.—Messrs. Williams, Allan of Ky., Potts, Johnson of N. Y., Anthony, Wilson, Jones of Ohio, Ewing, Gamble.

On Revolutionary Pensions.—Messrs. Wardwell, Barringer, Tompkins, Moore of Va., Lea, Deming, W. K. Fuller, Fowler, Bell of Ohio.

On Invalid Pensions.—Messrs. Burges, Evans, Beale, Schley, Adams of N. Y., Schenck, Chilton, Chaney, Mitchell of Ohio.

On Roads and Canals.—Messrs. Mercer, Blair of Ten., Vinton, Stewart, Rencher, Johnson of Md., Lucas, Pope, Slade of Ill.

On Revisal and Unfinished Business.—Messrs. Dickson, Harrison, McVean, Shinn, Beaty.

On Accounts.—Messrs. Mann of Pa., Lee of N. J., Mitchell of N. Y., Crockett, Miller.

On Expenditures in Department of State.—Messrs. A. H. Shepperd, Day, Beaumont, Bodle, Patterson.

On Expenditures in Department of the Treasury.—Messrs. Allen of Vt., J. C. Fuller, Harper of Pa., Spangler, Clark of N. Y.

On Expenditures in Department of War.—Messrs. Whittlesey of N. Y., Deberry, Chambers, Webster of Ohio, Halsey.

On Expenditures in Department of Navy.—Messrs. Hall of Me., Huntington of N. Y., Ramsay, Sloane, Van Houten.

On Expenditures in Department of Post Office.—Messrs. Hawes, Fulton, Burns, Wagener, Lay of N. Y.

On Expenditures on Public Buildings.—Messrs. Whallon, Darlington, Brown, Henderson, Hard.

Mr. PATTON moved the following resolution:

"That the following shall be established as the 9th rule of the House:

"In all cases, the Speaker shall vote; and if the House shall be equally divided, the question shall be lost."

Mr. PATTON said, that in pursuance of the intimation he gave a few days ago, he had offered the resolution which had just been read; that from the first moment when, several years ago, he was apprized of the existence of the old rule, by which the Speaker was precluded from voting except in the few cases in which there was a division of the House, he regarded it as inconsistent with the spirit of our institutions, and injurious to the rights of the gentleman who might happen to be chosen Speaker, to the district he represented, and the State from which he came. Experience, subsequent reflection, the concurring opinions of almost all with whom he had conversed on the subject, and the concurring example of almost every legislative assembly in the United States, had confirmed his original impressions, and had imboldened him to present the resolution just read. It is neither the purpose or effect of the resolution, said Mr. P., to change at all the effect of the Speaker's vote upon the decision of any question. It will give him no new power, but, on the contrary, hold him to the just responsibility which every member of this House, and every public man, ought to encounter. It will, on the other hand, take from him no power heretofore enjoyed, but, on the contrary, restore him to the enjoyment of valuable privileges of which he has been deprived.

I have endeavored, said Mr. P., to ascertain the authority on which the former rule was founded, and the reasons for it. I have been able to find nothing in the way of authority, but the usage of the House of Commons, which seems to have been founded on considerations wholly inapplicable here. In the House of Commons, the Speaker does not vote, except the House be equally divided, and then he is called on to give the casting vote. There are several reasons which exist there, in favor of their rule, none of which have any force in this country. There, the Speaker is nominated and approved by the King. Here, we have no King to nomitate, and he need not necessarily be approved by the Executive. In the House of Commons, the yeas and nays are never taken: when the House divides, one party goes forth beyond the bar of the House, the other side remain within, and are counted; and then those who have gone forth come in, two-and-two, between the tellers, and are thus counted. Here, the yeas and nays are taken, upon the demand of a very small proportion of the House; and this right was considered so important as to be specially provided for in the constitution.

If our Speaker should always be, as he generally is, and always ought to be, a high-minded, manly, and independent representative of the people, to deprive him of the right to record his opinions among the yeas and nays, is to deprive him of a high and valuable privilege—that of exhibiting to the House, to his constituents, to his State, and the whole Union, his undisguised opinions, expressed in an open and manly way; moreover, it deprives his district of the full benefit of his representation of them, by taking away the advantage of the moral influence which the opinions of such a man has upon measures of public policy; and, in fine, to every practical purpose, except the mere numerical force of his vote, takes away from his State one of its representatives.

If, however, in the vicissitude of human affairs, and the revolutions of human opinion, it should so happen, that a man of a different character should be chosen to the high and responsible station of Speaker of this House, it will be equally necessary and proper that the rule I propose should be adopted. Suppose that one of that description of politicians should happen to be chosen, who pay the most literal obedience to the apostolic invocation, to be "all things to all men," who always trim their sails so as to catch the popular breeze, whose employment generally

is to watch the political weathercock, to see which way the wind is, and then commence puffing and blowing with all their might in the same direction. It may be that such a politician may reach the Speaker's Chair, as such have frequently reached other high places. Do you not perceive, Mr. Speaker, that our old rule plays up to the strong hand of such a one—that it enables him to play out the play, and gives him a mask, by law, which he may wear always, and which renders it as impossible to know who he is, politically speaking, as if you had to look at him through a pair of "glorification spectacles?"

I feel, said Mr. P., all due and becoming reverence for ancient usages, and would not lightly change any rule which had long received the sanction of a representative assembly—especially one so much entitled to the respect of every freeman as the House of Commons. Many of its usages, however, result from the fact that the House of Commons is a part of the government of a limited monarchy. Some of these usages have been properly abandoned here, as inconsistent with our republican Government. I have already referred to one of the former description, which required that the Speakers should be approved by the Executive. Another curious one is to be found in the "*Lex Parliamentaria*," (which I have been examining in consequence of the frequent reference to it here as authority.) It seems that, after the Speaker is chosen in the House of Commons, he rises in his place, and disableth himself from the high and responsible duties of Speaker, and begs the Commons to make choice of another, which, however, in spite of his modesty, they decline, and insist upon his services. He is then carried up to the King, in the House of Lords, where he again most humbly entreats his majesty to command the House of Commons to choose another Speaker, which, however, is never done, as the King has taken care to have a man to his liking chosen. Now, sir, these usages have all been abandoned, very properly; and I am sure our Speakers, generally, would be unwilling that the custom of disabling themselves, and begging the House to choose another, should be retained here, notwithstanding its venerable foundation and long existence in England; as peradventure, it might sometimes happen the House would take them at their word. There is, however, another ancient custom of the House of Commons, which has come down to us, and which I would be very sorry to have changed. I mean the really harmless but apparently indecorous practice of wearing our hats, and for which, if I am correctly informed as to its origin, there is as much occasion for here as there. In the House of Commons the members always wear their hats in their seats. Even the Speaker, formerly, and perhaps still, wears his hat, except when he rises to put a question. The reason of this practice is a very good one, though seemingly somewhat quaint. It was, that the House of Commons was the representation of the people; its important, and originally its chief business, to determine upon the grants of money which should be made to the King, and it was deemed improper for the King to come into the presence of the House of Commons while sitting. The practice of wearing their hats was prompted, therefore, by the jealous spirit of English freedom, as a perpetual manifestation that they legislated free from all executive control; and that their grants were what they purported to be, the free and voluntary gift of the Commons to the King. Regarding then this usage as merely "the outward and visible sign of the inward and spiritual" freedom of this body from all executive control or interference, let us preserve it. And whenever, if ever, our executive magistrates shall attempt to employ any improper influence on this body, let us be found with our hats on. But the change I propose in the usage of the House of Commons is opposed by no such reason. The old rule is, I repeat, in my estimation, utterly inconsistent with the genius of our institutions, if indeed it be not an infringement on the just limits to the power of the House.

What right has the House to deprive one of its members of his vote in any case? If the Speaker may be thus deprived, any other member, and any number of members, may be so deprived of their votes; and thus a right made sacred by the constitution is taken away by the vote of a majority of this House. The former rule takes away this right. Those who framed that rule seemed to have been aware of this difficulty, and have endeavored to obviate it by giving the Speaker a vote whenever his vote would be efficient in affecting the result, as if that was the only value of a vote, and the only purpose for which the constitution requires the yeas and nays to be taken. I do not so understand it. It is a very valuable and valued privilege of every member to have his vote taken, whether he be in a minority or a majority, that in future times his opinions may not be misconstrued, nor his motives misconstrued—a valuable right to his constituents, that they may be enabled to overlook his conduct, and if approved, give him the best reward of an honorable and enlightened representative—evidence of their approbation. Are there any reasons founded in experience or authority, which justify the old rule? I do not think there is a plausible one. The only reason which I can find stated, is to be found in a paragraph in the "*Lex Parliamentaria*," in which it is said the Speaker ought not to vote, because "he ought to be indifferent between the parties."

This reason supposes what is hardly supposable, consistently with a proper self-respect in the House, that a Speaker may be chosen so corrupt as wilfully and fraudulently to give advantage to one side over another—and, moreover, that is to be done because he votes, when he would not be thus guilty if he was not required to vote—and indeed, as most of our votes are taken, it is in the nature of things that the Speaker, however much disposed he might be, cannot give any advantage, by not being impartial.

But we have, on the other hand, examples furnished by legislative bodies acting under the same influences and impulses as this, and which furnish, therefore, much stronger authority than may be derived from the usages of the House of Commons. One very strong case is presented by the proceedings of the Senate of the United States. There, the Vice President, who is not a member of the body, does not vote but when the Senate is equally divided, and that right is given him by express provision of the constitution. But when the Vice President vacates the Chair, and a President *pro tempore* is chosen, he being a member of the Senate, as the Speaker is of this House, votes in all cases, as I propose our Speaker shall vote. Now we all know that a very great portion of the sessions of the Senate have been presided over by Presidents *pro tempore*—as I believe, until the time of the last Vice President, those officers did not generally act in the Senate.

Has experience shown any evil to have arisen from this rule in the Senate—any instances of partiality, or the exercise of any improper influence? I believe, none. Besides this, we have twenty-four State Legislatures, and of these I understand the rule I propose exists in all the following States: Tennessee, Kentucky, Ohio, Pennsylvania, New York, New Jersey, South Carolina, Maine, Maryland, Virginia, and I know not how many more. I have heard of no State in which a different rule than the one I propose exists, except Georgia. The rule is variously modified, to be sure, in those States named; for instance, in Kentucky and Tennessee the Speaker is required to vote first; in Virginia, and perhaps Pennsylvania, he votes last; in the former, the idea seems to be, that the vote of the House may influence his vote unduly; in the latter, the apprehension seems to be, that he may perhaps influence the House improperly by his vote. These apprehensions I imagine to be alike fanciful and unfounded. I would

have him vote when his name is called under the rule by which all the other members are called.

I trust that the resolution I have proposed may be adopted. I think no possible evil will result from it, while I calculate upon many and important benefits. Let us give the Speaker the privilege to which he is entitled—restore to his constituents and his State, the advantages of a full and actual representation, and let the Speaker of the House now, and in all future time, act in the discharge of the high duties of the station, under a due sense of his responsibility to that public opinion, which, having found in the art of printing and the freedom of the press a place to stand upon, constitutes the great moral lever that moves the world.

Mr. SUTHERLAND supported the resolution. The old rule, (said Mr. S.) which it was now proposed to abrogate, had indeed been in force since 1789—but ever since Mr. S.'s attendance in Congress, he had been more and more persuaded that it was wrong in principle, and ought to be changed. He had ever been of opinion that a representative of the people ought neither to gain nor to lose power by ascending the Chair as presiding officer. This impression was, perhaps, strengthened by the circumstance of his coming from a State where all votes were given *viva voce*. There was nothing in favor of the ancient rule but simply its antiquity; but, in an age like this, when society was so rapidly advancing in light and improvement, such a relic of former days ought not to be suffered to remain. It was certainly a just principle that the Speaker of the House, like every other member of it, ought to be required to vote in such a manner that his constituents might have an opportunity of becoming acquainted with his course. Filled as the Chair now was, he had no doubt its occupant, a member from the State of Virginia, was not only willing, but anxiously desirous that such should be the case. He thought the present a favorable opportunity, when the Chair had been filled with so little opposition, to adopt such an improvement as was proposed. He joined cordially in the proposition; and should like still better to see the alteration carried so far as to require all the votes in that House to be given, as they were in his own native State, *viva voce*.

Mr. WILDE demanded that the question on the resolution be taken by yeas and nays; which was ordered by the House.

Mr. WAYNE said he was too unwell to go at large into a statement of all his objections to such a resolution as was now proposed; he would not however suffer the vote to be taken without stating one or two of them. There were difficulties of a practical kind connected with such an alteration, of which the honorable mover was probably not aware, but which, when mentioned, would be obvious to every one. The existing rule had, by long experience, been found to be a rule of convenience. The alteration of this would, in justice, require a corresponding change in many other rules. Why impose on the Speaker the necessity of voting and of having his votes recorded, and at the same time deprive him of the advantage enjoyed by every other member of explaining his vote upon the floor of the House? Was it fair that his vote should go before the public recorded but unexplained? The rule, as it stood, did not deprive the Speaker of power, but on the contrary, conferred an increase of power, by allowing him to give the casting vote when the House was equally divided, and rendering the votes equal, which would otherwise not be so. To require the Speaker to vote on all questions, would be, in effect, to introduce him into all the partisan conflicts which might be going on in the House, and thus subject his decisions to the suspicion of being influenced by party considerations. Besides, it would require him to vote on his own decisions of all questions of order, and that when he had no opportunity of vindicating the vote given.

Mr. W. concluded by moving that the consideration of the resolution be postponed to this day week; which was agreed to.

The SPEAKER laid before the House the following messages, which were appropriately referred.

WASHINGTON, Dec. 6, 1833.

To the House of Representatives:

I transmit herewith to the House of Representatives, a communication from the War Department, showing the circumstances under which the sum of $5,000, appropriated for subsistence of the army, was transferred to the service of the medical and hospital department, and which, by the law authorizing the transfer, are required to be laid before Congress during the first week of their session.

ANDREW JACKSON.

WASHINGTON, Dec. 6, 1833.

To the House of Representatives:

I transmit herewith, for the information of the House, the report of the survey made in pursuance of the 4th section of the act of Congress of the 4th of July, 1832, authorizing "the survey of canal routes in the Territory of Florida."

ANDREW JACKSON.

ELECTION OF CHAPLAIN.

The hour of one having arrived, on motion of Mr. GRENNELL, the House proceeded to the election of Chaplain on the part of the House; which resulted in the choice of the Rev. THOMAS H. STOCKTON, on the second ballot. The votes stood as follows:

FIRST BALLOT.

Votes given, 210—necessary to a choice, 106—of which there were,

For Rev. Mr. Stockton, - -	104
Rev. Mr. Copp, - -	33
Rev. Mr. Hammett, - -	50
Scattering, - - - -	18

SECOND BALLOT.

Votes given, 194—necessary to a choice, 98—of which there were,

For Rev. Mr. Stockton, - -	143
Rev. Mr. Copp, - -	10
Rev. Mr. Hammett, - -	34
Scattering, - - - -	7

Whereupon the Rev. Mr. Stockton was declared duly elected.

The House then adjourned.

TUESDAY, DECEMBER 10.

Mr. CLAY moved that the House now go into Committee of the Whole on the state of the Union, with a view to taking up the President's message.

Mr. McDUFFIE, however, obtained the floor, to move that the report of the Secretary of the Treasury to Congress, on the subject of the removal of the deposites, which is now on the Clerk's table, be referred to a committee of the Whole House on the state of the Union.

Mr. POLK inquired of Mr. McDUFFIE with what view he wished that document referred as proposed? Whether it was that it should be considered at the same time when so much of the message as referred to the same subject should be taken up?

Mr. McDUFFIE made a reply, which did not distinctly reach the ear of the reporter, but which was understood to be affirmative.

DEATH OF Mr. SINGLETON.

Mr. PINCKNEY stated that he held in his hand certain resolutions, which he would respectfully ask leave to offer for adoption by the House. He believed that it had always been customary for the House to adopt suitable

tributes of respect to its deceased members. The South Carolina delegation had heard, with deep regret, of the death of their colleague, the honorable THOMAS D. SINGLETON, and it was his painful duty to communicate that mournful information to the House. He died at Raleigh, whilst on his journey to the Capitol, whither he was hastening to assume his seat, and to discharge his duties, as a member of this body. It was a source of grateful consolation to his colleagues to learn, as they had done, that he received every possible attention during his illness, from the kindness and humanity of the citizens of Raleigh, and that the Legislature of North Carolina, in a manner equally honorable to him and to themselves, had evinced their respect for his public character and private virtues, by attending his remains to the tomb.

It was true that the deceased had not had it in his power to appear and qualify as a member of the House. But as it was well known that he was a representative elect, and that he died whilst in the very act of endeavoring to reach this city, he certainly deserved every testimonial of respect to which he would have been entitled if he had actually qualified, and might justly be considered as having literally fallen in the discharge of his duties and in the service of his country. It was the fortune of Mr. P. to have had but a slight personal acquaintance with the deceased—but that acquaintance, slight as it was, was sufficient to impress him with a high respect for his intelligence and virtues as a man, and with a deep conviction of his exalted purity and devotion as a patriot. He would not detain the House, however, with any thing like a regular eulogy of his departed colleague. To those who knew him, it would be entirely unnecessary—to those who did not, it might prove uninteresting. It would be sufficient therefore, to say, that he was eminently honored and beloved by his constituents, amongst whom he possessed, as he deserved, almost unequalled popularity and influence; and that whilst his death inflicts a deep wound and an irreparable loss upon his immediate relations and friends, it may well be regarded also as a public calamity to his particular district, and will assuredly be a subject of regret to the people of his State in general. Under these circumstances, he proposed that the House should pay a becoming tribute to his memory—well knowing that it was not only in conformity with the usages of the House upon similar occasions, but that it could not be bestowed on a more worthy man, on a purer patriot; a man, of whom all who knew him concurred in saying that his private life was a beautiful exemplification of every Christian virtue, and that, as a politician and patriot, he uniformly exhibited an ardent attachment to the rights of the people, and to the great cause of constitutional liberty. With these few remarks, which he had felt it his duty to submit, in justice to the character of one whose memory deserved a far better tribute than any he could offer, he now proposed the following resolutions for the consideration of the House.

Resolved, That this House has received with deep regret the melancholy intelligence of the death of the honorable THOMAS D. SINGLETON, a representative elect from the State of South Carolina.

Resolved, That this House tender the expression of their sympathy to the relatives of the deceased, on this mournful event; and that, in testimony of their regret for his loss, and respect for his memory, the members will wear crape on the left arm for thirty days.

The resolutions were passed unanimously.

Mr. PINCKNEY then said that, as he understood it to be customary, in cases of this kind, to move an adjournment of the House, he would, as an additional token of respect to the memory of the deceased, move that the House do now adjourn.

The motion was agreed to;

And the House thereupon adjourned.

WEDNESDAY, DECEMBER 11.

After the presentation of sundry petitions,

The SPEAKER laid before the House the following message:

WASHINGTON, December 11, 1833.

To the House of Representatives:

I transmit herewith a report from the Secretary of the Treasury, exhibiting certain transfers of appropriations that have been made in that Department in pursuance of the power vested in the President by the first section of the act of Congress of the 3d of March, 1809, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments." ANDREW JACKSON.

The message was referred to the Committee of Ways and Means, and ordered to be printed.

TRANSYLVANIA UNIVERSITY.

Mr. ALLAN, of Kentucky, rose and said, that he had the honor, during the first session of the last Congress, to present a petition from the Trustees of Transylvania University, praying a grant of a township of land to that institution. It was referred to a select committee. A favorable report was made, and a bill introduced; but, owing to the great press of more important business, the House was not able to reach bills of that class. At the last session, it shared the same fate of remaining with the unfinished business. This being a new Congress, and the rules of proceeding requiring all unfinished business to originate again, as though it had never been presented, Mr. A. asked leave to have the petition, and the report and bill founded thereon, referred to a select committee. Agreed to.

PRESIDENT'S MESSAGE.

Mr. CLAY then moved that the rule requiring the House next to receive resolutions, be suspended, which being agreed to, the House, on his motion, went into Committee of the Whole on the state of the union, Mr. ADAMS, of Massachusetts, in the Chair.

Mr. CLAY then offered the following resolutions:

1. *Resolved*, That so much of the President's message as relates to political relations of the United States with foreign nations, and as recommends a revision of our consular system, be referred to the Committee on Foreign Affairs.

2. *Resolved*, That so much of said message as relates to the state of the finances, the public debt, revenue, and the Bank of the United States, be referred to the Committee of Ways and Means.

3. *Resolved*, That so much of said message as relates to the commerce of the United States with foreign nations, and their dependencies, be referred to the Committee on Commerce.

4. *Resolved*, That so much of said message as relates to the report of the Secretary of War, and the public interest intrusted to the War Department, be referred to the Committee on Military Affairs.

5. *Resolved*, That so much of said message as relates to the report of the Secretary of the Navy, and the naval service, be referred to the Committee on Naval Affairs.

6. *Resolved*, That so much of said message as relates to the Post Office Department, and the report of the Postmaster General, be referred to the Committee on Post Offices and Post Roads.

7. *Resolved*, That so much of said message as relates to the Indian tribes, and to their removal beyond the limits of the States, be referred to the Committee on Indian Affairs.

8. *Resolved*, That so much of said message as relates to amending the constitution in relation to the mode of electing the President and Vice President of the United States—the removal of every intermediate agen-

cy in the election of these officers—and to limiting their eligibility to one term, of either four or six years, be referred to a select committee.

9. *Resolved*, That so much of said message as relates to "accidents which have occurred in that portion of our navigation carried on by the use of steam power," and lessening or removing those evils, "by means of precautionary and penal legislation," be referred to a select committee.

10. *Resolved*, That so much of said message as relates to "the destruction of the public building occupied by the Treasury Department," and the erection of another building for that purpose, be referred to the Committee on the Public Accounts and Expenditures which relate to the Public Buildings.

Mr. WILDE requested Mr. CLAY to withdraw that resolution which relates to an amendment of the constitution of the United States; inasmuch as it was his intention, should he, after consultation with more experienced members, see the least prospect of success, to move, at a future day, for a committee, who should take up the general subject of amendments in the constitution; as he believed that, if there were any hope for the preservation and permanence of the Union, it must grow out of that subject.

Mr. CLAY replied that he was only pursuing the usual course, and that the adoption of the resolution would not interfere with the purposes or views expressed by the gentleman from Georgia.

Mr. ARCHER reminded Mr. WILDE of what had been the result of an experiment similar to that he wished to have adopted, which had been made at the last session, and which had utterly failed, from the discordant views of the members of the committee. He should regret the adoption of any course which might throw obstacles in the way of the proposition contained in the message in reference to the limitation of the Presidential term of service.

Mr. WILDE adhered to his request, and after stating some reasons, (which, being delivered with his back to the reporters, were wholly inaudible to them,) moved for a division of the question.

Mr. WAYNE, claiming to know something of the sentiments of the people of Georgia, thought that his colleague had not stated them with accuracy. Whatever might have been their discontent at certain parts of the legislation of Congress, that was so far allayed that they were contented to wait for a more favorable change, and even to consent to things as they stood, rather than hazard the interests of the Union to obtain the change they wished. They were favorable to such amendment of the constitution as was proposed in the message; but this would be hazarded, if not certainly defeated, by sending it to a committee, in company with a variety of others on different subjects. Such a course must effectually prevent any such action, in reference to the constitution, as would be in time to operate on the successor of the present Chief Magistrate.

Mr. WILDE replied at considerable length, and Mr. WAYNE replying, the discussion was continued to a late hour, by Messrs. WILDE, WAYNE, and GILMER. It turned chiefly on a question of fact, viz. What were the actual sentiments of the people of Georgia at this time in relation to the constitution? Messrs. WILDE and GILMER contending that they considered other amendments, in relation to the tariff, internal improvements, the bank, &c., as of much more vital importance than that in relation to the President's term of office; on which, indeed, they had expressed, by their Legislature, an adverse opinion: and Mr. WAYNE insisting that the amendment in relation to the latter was desired by a large portion of the State.

It was agreed that, in putting the question on the resolutions, the 8th should be excepted, and the question on it taken separately.

Mr. McDUFFIE requested that the resolution relating to the bank and the finances be also excepted.

On the request of Mr. JARVIS, the 10th resolution, in reference to the Treasury building, was also excepted.

The question being put on the remaining resolutions, they were agreed to.

The 2d resolution having been again read—

Mr. McDUFFIE suggested to Mr. CLAY the expediency of striking out of the resolution the words "Bank of the United States," as, if they were retained, the discussion on the subject of the deposites must unavoidably be drawn on.

Mr. CLAY declining,

Mr. McDUFFIE further explained. He wished to avoid, at this time, discussing the preliminary question—it was notorious that the President had nothing to do with the deposites; but he did not desire to touch that subject now; which he must do, should the gentleman adhere to his resolution; for it was only on the subject of the transfer of the deposites that the message brought the bank question before the House.

Mr. CLAY still refusing,

Mr. McDUFFIE said, it was obvious that the House must enter at once on the subject, and he therefore moved that the committee now rise.

The committee rose accordingly.

In the House, Mr. POLK made an effort to obtain the reconsideration of the vote of yesterday, referring the report of the Secretary of the Treasury on the deposites to the Committee of the Whole on the state of the Union; but before any question was taken,

On motion of Mr. CHILTON,

The House adjourned.

THURSDAY, DECEMBER 12.

REMOVAL OF THE DEPOSITES.

The motion made yesterday by Mr. POLK, for the reconsideration of a vote passed on Tuesday, by which the Secretary's report on the removal of the deposites was committed to a Committee of the Whole on the state of the Union, coming up in order,

Mr. CHILTON resisted the motion, and thought that Mr. POLK had misapprehended a pledge given by Mr. McDUFFIE, that so much of the President's message as related to the subject of the deposites should be taken up in Committee of the Whole, at the same time with the Secretary's report. He remarked with some severity on a remark made by Mr. POLK, when explaining and supporting his motion to reconsider, that the House was not prepared to go into the discussion of the subject until it should have been submitted to one of the standing committees, and their report had been received; which he seemed to consider as evincing no small measure of vanity in the gentleman who adventured such a remark, especially being himself at the head of the committee to which it would most probably be referred.

Mr. POLK went into a further explanation of his reasons in support of the reconsideration; dwelling on the inconvenience and injury which would result from discussing the subject in a Committee of the Whole House, where no additional testimony could be taken, but the discussion must be confined strictly to the face of the papers submitted. This would be a course entirely novel, and the committee would find themselves at sea without rudder, chart, or compass. He was surprised that the bank, or its friends, should resist further inquiry into its affairs; its true course ought certainly to be the reverse; nor ought its enemies to hinder the friends of the institution from bringing forward any new matter they might

have in its support. He adverted to the great probable length of a debate in Committee of the Whole, and insisted that the usual and parliamentary course ought to be pursued, by sending the paper to one of the committees of the House.

Mr. McKIM demanded that the question be taken by yeas and nays; which was ordered.

Mr. McDUFFIE said that he was not quite sure he had understood the gentleman from Tennessee; but, if he had, the gentleman's object was to bring the report of the Secretary of the Treasury respecting the deposites out of the Committee of the Whole on the state of the Union and into the House, that it might then be referred to some committee, probably the Committee of Ways and Means. Now, it appeared to him, that the gentleman could not in this way accomplish his object, which was to avoid the discussion of that subject at this time. The only practical effect of the reconsideration, should it prevail, would be to bring the discussion over and over, according to the shape of the particular question presented. Mr. McD.'s object was, that the report should remain where it was, in Committee of the Whole, and there be discussed. The question involved, rested on great and obvious principles; it did not depend at all on petty details. The gentleman had talked of a committee to investigate; but he had not understood what it was he wished to ascertain through such committee. What was the great ground stated by the Secretary, on which he had acted in the removal of the deposites? What was it which, according to that officer, constituted the emergency which justified such a step? It was the expiring of the bank charter in 1836. Was there any thing in this which called for the inquiry of a committee? All the matters of fact for a committee to inquire about, had respect to the matter of the public printers. Now, Mr. McD. was ready to admit all that the Secretary stated on this subject. He was prepared to admit it in the most unqualified manner. Large sums had doubtless been paid by the bank for printing: gentlemen might set it down at thirty, forty, fifty, or sixty thousand dollars, just as they liked. It was wholly immaterial to the question. But nothing could be more dangerous than that such facts as these should be considered as good reason for removing the deposites. They had nothing to do with it. Congress had placed the public money in a bank which they considered as a safe depository for it; and they had authorized the Secretary of the Treasury, as a matter of necessity, not of choice, to place it, during the recess of Congress, in other banks, should particular circumstances render it necessary or expedient; evidently referring to special cases where money was wanted for public purposes, where the bank had no branch, or the like. The power was obviously intended to provide for an unforeseen emergency.

Under these circumstances, the Secretary of the Treasury assumed the whole ground; had undertaken to look into the whole history and transactions of the bank for the last five years; and, in the face of an almost unanimous resolution of both Houses of Congress, had removed the deposites, for reasons, all which existed at the very time that resolution passed.

The Secretary had jeopardized the money of this nation, by placing it in banks, of the solvency of which Congress knew nothing, and had taken it out of a bank more perfectly and soundly solvent than any other bank on the face of the earth. There was no bank in the whole world which could meet any demands upon it more promptly, he had almost said more instantaneously. And while this was not pretended to be denied by the Executive, he had taken the nation's money out of such a bank, and put it into those of the solvency of which nobody knew any thing. It was due to themselves, and to the character of the country, that, in such a state of things, Congress should act promptly; that they should determine without delay whether the reasons given for such a procedure were or were not sufficient; and whether the public treasure should be suffered to remain where the Secretary had placed it.

Mr. McD. went on to say, he had been surprised to hear from the gentleman from Tennessee that the bank was afraid of scrutiny. This had always been the cry from the first moment of attack. Why, in such a question, he overlooked the bank entirely. The question was much greater. It was a question as to the safety of the public treasure; a question as to the right of Congress to fix upon the depository of that treasure. It was the interest of all that the question should be settled soon. If the public money was to remain in the State banks, it was right those banks should know it. If it was to be restored to the Bank of the United States, it was equally proper that that should be known. Nothing could be more injurious either to the banks themselves or the country at large, than such a state of uncertainty as now existed.

Congress had been told by the Secretary that the deposites had been removed at this time, because it would be productive of extreme embarrassment to wait till the time when the bank's charter should expire. But what was the fact? Suppose, in vindication of its own authority, and of the rights of its constituents, the House should order that the deposites should be taken from the places where they had been scattered, and replaced in a safe depository? What would be the effect? Why, the House had been told by the Secretary that the State banks had already extended their accommodations in proportion to so much of the public funds as they had respectively received. Ay, sir, cried Mr. McD., is it so? Have these banks dared to do this? Have they ventured, in the frail contingency of their retaining those deposites, to issue on those deposites of the nation's money? And will this Government give its sanction to such an act? Why, sir, children would not act on such a calculation. It is the very last thing those banks should have dared to do. What security have they that these deposites are to remain in their hands? Was not the Bank of the United States severely censured for acting on such a presumption, when four years of their charter yet remained! But now, it seems, we are to justify these State banks in extending their issues of paper, just as if they had the certainty that the deposites were to remain in their possession forever.

If the removal of the deposites had been deferred until the expiration of the bank's charter, all would have been plain sailing. Then the banks which received the money might reasonably have calculated on retaining it for a long time, probably during their good behaviour under the trust. But instead of this, the Secretary has selected the very time of all others the most calculated to cause the removal to produce embarrassments in all directions. It is for the House to consider whether they will receive his reasons, unless, indeed, gentlemen are prepared to acknowledge that Congress is bound hand and foot, because a Secretary of the Treasury has transferred the public money from the place where they declared it to be in safety.

Mr. McD. concluded by expressing his hope that the reconsideration would not prevail: but, if the House should determine otherwise, he still trusted the subject would be given to a select committee, and not to that committee which the gentleman seemed to have before his mind.

Mr. CAMBRELENG said he should be very sorry to deprive the gentleman from South Carolina of an opportunity of discussing this subject in the fullest manner. He could assure the gentleman that he should interpose no obstacle in his way. He fully agreed with that gentleman in the position, that the details of fact had nothing

to do with the great question to be settled: and he further agreed with him in the opinion that the Bank of the United States was a safe place for the public money. But he entirely disagreed with him when he said that the resolution adopted by Congress on that subject, either fairly indicated the disposition of the House or of the country towards the bank at the time, or that it was at all binding upon the House now. The removal of the deposites was an act which depended on great public considerations, connected with the dissolution of the charter of the bank. But there was one remark had fallen from the gentleman, which Mr. C. had heard with alarm; it was the suggestion that the House ought to order the deposites to be restored, a measure which must convulse the whole community.

If the gentleman wished the subject to be discussed promptly, let it be referred to a select committee, and let that committee bring forward at once a proposition that the deposites be restored. With regard to what had been said about the solvency of the State banks, he would observe, with great deference, that those banks, which were the depositories of all the active commerce of this great community, exceeding in value a hundred times the whole amount of the Government funds, were entitled to be viewed as a sufficiently safe depository for thirty millions of the Government taxes.

The gentleman from South Carolina had admitted that he would prefer a select committee to the Committee of Ways and Means. But Mr. C. remembered that when, three years ago, the opponents of the bank tried to get the subject of its charter referred to a select committee, they could not succeed, and, on the gentleman's own ground, it was then sent to the Committee of Ways and Means. If ever any question could present itself which appropriately pertained to that committee, this was such a question.

Mr. BINNEY said, that the question was upon referring the letter of the Secretary of the Treasury to the Committee of the Whole on the state of the Union, and the object of reconsideration was to bring it into the House, to subject it to the action of the House. But that he was entitled to presume what would be the proposed action, and if this should be open to objection, to discuss it upon the motion to reconsider. If the consequence should be to subject it to a standing or select committee for inquiry, the objections to that course were proper topics of discussion upon the present motion. He doubtless owed an apology to the House, for asking their attention so soon after his introduction into it. He was aware that the position which best became him at this time, was that of a listener for instruction; and he felt his want of it; but circumstances, which rule us all, had placed him in a position to the subject which forbade his silence. The deep interest of the community he represented, in every thing that belonged to the currency of the country, the maintenance of the public faith to the Bank of the United States, and the security of the public treasure, might induce them to regard his silence as an evidence of indifference to their wishes and interest, and therefore, in disregard of his private feelings, though with unfeigned diffidence, he would give his reasons to the House for opposing the motion to reconsider.

He agreed, that, if the Secretary of the Treasury should present for the original action of the House any subject within the range of his official duties, the regular course would be to submit it to a committee. The House being called upon to act upon original grounds, no course could be wiser, none more indispensable, to save it the labor, the impracticable labor, of investigating facts. But the present case was entirely different in its aspect and character. The House, in the disposition it should make of the letter, would not be acting in an original, but in an appellate character, and, in review of the course which the Secretary had pursued in relation to a subsisting contract between the United States and the Bank of the United States.

There was a larger view of the subject, presented by the honorable gentleman of South Carolina, [Mr. McDUFFIE,] one of infinite moment and concern in regard to the public Treasury, which could not too soon or too openly be met and considered; but he meant to present a narrower question for the consideration of the House, which to him appeared powerfully to bear upon the point of further inquiry, in regard to the letter of the Secretary. It was narrower, however, than the other, only as to the scope of inquiry it allowed, but sufficiently large, beyond doubt, as it involved the integrity of the public faith, and would be addressed to the House as the guardians of that faith, plighted to the Bank of the United States.

The letter of the Secretary, he said, concerned an act done by him in the alleged execution of a power given to him on a contract between the bank and the United States—a power given by both parties, or what is the same thing, given by one and agreed to by the other. It was a contract, in which one party gave a large bonus, a promise for the performance of large and expensive duties through the whole period of its charter, no portion of it excepted; and in which the other party gave the franchises of a corporation, and the promise of the profits to arise from the possession of the public treasure, for the same period, subject to the exercise of the power in question. It was in reference to such a contract, that the power in question was to be interpreted and exercised.

The clause which created the power might, for want of a better analogy, be considered as a great charter submitted to the decision of the Secretary upon the question of removing the deposites; his judgment upon that point as an award or order taking them from the possession of the bank, and his letter to Congress as a statement of his reasons, embracing all the testimony, facts, and inferences, both of law and fact, which existed in the case, and which bore, or ought to bear, upon his judgment. The communication of his reasons to Congress was part of the contract, as much as his authority to remove in the first instance, and the object of the communication was to give to the bank the benefit of a review of the Secretary's order by Congress itself, as the appellate tribunal interposed between the Secretary and the bank. The position assumed by some persons, that the power of the Secretary might be effectually exercised without or against reason, so far as the bank was concerned, was, in his judgment, Mr. B. said, entirely without support. Common sense revolted at it. The plain structure of the section in the bank charter connected the reasons with the act of the Secretary for the benefit of the bank, as much as for the instruction of Congress, and made Congress the judge of that act, by the light of the reasons and facts communicated. This was the present position of the matter before the House. Congress were sitting in review of the Secretary's act, and it was their duty to dispose of it, in the first instance at least, as a tribunal of review, upon the case the Secretary had made out. This must be deemed the contract with the bank, and the right of the bank, and it corresponded with the Secretary's own reasoning. The Secretary could alone remove in the first instance; his act removed the deposites; his reasons were the justifications, or there were none within the meaning of the charter; and the final judgment of Congress upon those reasons completed the course of the charter provisions for the security of the bank.

If, said Mr. B., gentlemen wish inquiry into the affairs or conduct of the bank upon other grounds, let it be proposed. I have never heard that the bank was less willing to submit to authorized inquiry, or to ex-

pend its money and time in aiding it, than it has been in correcting misinformation, or repelling calumny. Upon proper grounds I shall never be opposed to inquiry. But what has a proposition to inquire, to do with the decision of Congress upon the Secretary's letter? Is testimony to be obtained which was not submitted to him? Are facts to be alleged which he has not stated to be such? Are inferences from either law or fact to be drawn, which he has not drawn, and which, from his not communicating them, it must be understood that he has rejected? What is to be the consequence of such an inquiry, but to make this House act originally, and not derivatively, and possibly to deprive the bank of the deposites, not by the act of the Secretary for the reasons of the Secretary, but by the act of the Secretary for the reasons of the House? This is not the mode of disposing of this question to which the charter refers. The bank has a right to appeal to the House in its derivative and appellate character, and this proposition to inquire further, is to bring the House into original action against the bank, without regard to the charter. The bank must stand or fall by the Secretary's reasons. If they are good, there is an end to the question; if they are bad, there is an end to it in another direction. His act is the topic of inquiry; his reasons for it are the test, and if a new inquiry is to be made, upon what principle can it be prosecuted, but that, by virtue of other facts and reasons, after virtually annulling the Secretary's award, and agreeing that it was wrong, this House may do the act themselves, by confirming an act that is invalid.

Who asks for further inquiry, said Mr. B.? Does the Secretary himself? Not at all. Such a request would have been suicidal. To say that he acted definitively, and yet wanted further light, would have been to say, that he acted in the dark. Who, then, can, who does ask it? The inquiry is an offence to that officer. It implies that he has not made it adequately, and that his allegations and reasonings are not good without further proof. Such a course this House ought not to sanction. The paper is there—it is the record that presents the case for consideration—the Committee of the Whole will be as competent to judge of it and to dispose of it, as well before as after inquiry, by a standing or select committee—and such a disposition of it will be in harmony with the charter. New facts would come in as irregularly upon this record, as new evidence to sustain the judgment of an arbitrator.

This narrow view, Mr. B. said, it was his duty to submit to the House. If the letter should remain before the Committee of the Whole, as he trusted it would, there would be opportunity for discussion, and ultimately the House might give it the direction it should deem best. There were cogent reasons why that discussion should be immediate and large. There never was an occasion in which there was a louder call for instant action by this House; and the necessity for this was an independent reason for his desiring it to remain in Committee of the Whole. The whole treasure of the nation was in a position altogether new, both as to control and security. The protection of the appropriation clause in the constitution, has turned out to be altogether illusory, under a Treasury practice, which claims to take money from a place of safety, and to pass it into any hand, and through as many hands, corporate or personal, as the Treasury Department may see fit. Such a condition of the Treasury, it is believed, will not be assented to by this people, when they shall be adequately informed of it. The practical security of the State banks in which the public money is now placed--what is it?

The transfer is made to various banks, and that is all that this House knows through the Secretary's letter--their charters—their capitals—their condition, are all alike unknown. Hence arise the agitation and alarm of the whole commercial community. In the midst of a crop, said to be uncommonly good, with all the evidences of general wealth about us, this country is struck with affright and dismay, and in the midst of most abundant resources, there is apprehension and foreboding of the darkest kind for the future. What is the cause of all this? What is the reason that, in so short a time from a day of ease and abundance, the best paper in our cities suffers a loss of from 12 to 18 per cent. per annum discount? Is it the curtailment by the Bank of the United States? Not at all. It is the uncertainty of the future. It is that state of uncertainty in which every man desires to do what he cannot do—make provision for the month that is to come, as well as for the present day: and out of this effort comes the alarm and the agitation. No man lends. No man can borrow. Every one hoards, as in case of an invasion. Credit and security are shaken in all parts of the country.

Mr. B. said, in conclusion, that an immediate discussion of the topics connected with the subject, and action upon them, could not do otherwise than produce good. If the deposites are not to be restored to the Bank of the United States, so be it. The bank, he said, was no more his concern, than that of any other man in the country. It was not for the bank he felt, but for himself, and those whose interests were in greater jeopardy than those of the bank. To that institution the worst has been done that power can effect. She is now invulnerable, and her safety, and the safety of her stockholders, are beyond doubt. But there are other interests in the country, and it is the duty of Congress to look to these. If any thing is to be done, it must be done without delay. If the remnant of the national deposite is to be arrested in the bank, a few days more may put it beyond the power of Congress. If the moneys intrusted to the State banks are to be reclaimed, a few short weeks may put them beyond the reach of the public and of the banks themselves. A day of embarrassment and alarm, is not the day in which the borrowers of a bank can restore the public moneys that have been loaned to them. It is to the Committee of the Whole, then, and the discussion and decision to be there had, that the public now turn with interest, as much as any member of this House; and if nothing shall come from it but evil, the present fear is worse than the worst certainty that can happen.

Mr. McKINLEY said, that he had supposed, after the explanation of the gentleman from Tennessee, there would not have been so much resistance to the motion for reconsideration. Was there any thing so very extraordinary in such a motion? Gentlemen were very desirous to know what could be the object of his friend in wishing to reconsider. Surely the object had been distinctly avowed: it was, that this paper should be referred to some competent committee. It was contended that the whole subject might as well be discussed in Committee of the Whole: but were gentlemen prepared to say that they would take every statement the Secretary had made in his letter without investigation? His reasons were based upon statements of fact: were not these to be examined into? If such was the proper course, where ought it to commence? in a Committee of the Whole House? Surely not. He understood the gentleman from South Carolina to express himself as ready to file a demurrer as to a part of the statements of the Secretary, but not to the whole. Mr. McK. felt no apprehension that the state of the funds was such as to impose the necessity of any hurry upon the House. If the real question was as to the sufficiency of the Secretary's reasons, he asked whether the gentlemen were willing to send those reasons to one of the committees after the discussion had first taken place in Committee of the Whole? The facts stated by the Secretary might be contradicted: would gentlemen begin the investigation by exciting a prejudice in the public mind? The proper course would be to let the subject go at once to a committee; and then, when that committee had reported,

to discuss it in Committee of the Whole. But there had been something said about the House ordering the deposites restored to the Bank of the United States: he wished to know where the House, or a Committee of the Whole on the state of the Union, got the power to issue such an order? He knew of no such power. If the gentleman wished an inquiry with a view to the restoration of the deposites, his course would be to begin in a standing committee, where the investigation could best be made into the safety of the present places of deposite. Even should the House, on examination, finally disapprove of the removal, there must be some foundation laid for its action; and it was the work of a committee to report a bill for that purpose. He hoped the House would not, on this or any other question, depart from its ordinary and established course of proceeding. He would not insist on having a standing committee: the subject might go to a select committee, if the House preferred: but it ought certainly to go to one or the other before being discussed in Committee of the Whole.

Mr. CLAYTON said, as it was his intention to vote against the motion of the gentleman from Tennessee, it was due to his own peculiar situation, in respect to the bank, to state his reasons for doing so. He was aware that he should by some be held obnoxious to the charge of inconsistency in the course he should now pursue, because he had last year voted that he did not consider the deposites of the public money as safe in the Bank of the United States. He was still of the same opinion: but it did not follow that because he thought the public money was unsafe in the vaults of the bank, that he should not think it more unsafe at the bottom of the Potomac. Such was his opinion then, and now. He gave up none of his opposition to the bank, because it was based on principle; but it never should be used for mere party and political purposes. He had ever been opposed to the bank, because he believed it an unconstitutional incorporation, and because he held it inexpedient to connect the Government with any private corporation whatever. But if that were true, was it not equally true in reference to the hundred or the hundred and fifty corporations, to which, by the voice of a single individual, the public funds had been distributed? Such a measure made the State banks, *pro tanto*, United States banks, to all intents and purposes. If the deposites were unsafe in the one, why were they more safe in the other?

The CHAIR here reminded the gentleman from Georgia that it was not in order to go into the merits of the general subject; the question was on reconsideration.

Mr. CLAYTON said, he should always be willing to submit to the correction of the Chair; but, if he had heard aright what had been said by the gentleman from South Carolina, and the gentleman from Pennsylvania, they had both gone as much into the merits as he.

The CHAIR replied, that the remarks of those gentlemen had been in order.

Mr. CLAYTON said he should submit. By taking the direction which the Chair seemed to wish, he should, occasionally, get in what he wanted to say. It was important that this question should be settled at once. Let gentlemen think on which side they might, all ought to be desirous of putting the question at rest as speedily as possible. He laid this down as a general position, that all great revolutions in money concerns must produce great injury, alarm, distress, and even bankruptcy, to thousands, while they made princes of a few.

The arrangement with the bank was a contract between the United States and that institution, and though he never could sanction the formation of the contract, yet, as it was made, the Government was bound by every principle of honor and honesty to abide by and support it. At present all was doubt and uncertainty. All the branches of the mother bank were seriously affected, and all the public deposites were lodged in banks of which the House knew nothing. Supposing any gentleman should now introduce a resolution, empowering the Secretary of the Treasury to establish banks, as many as he pleased, and wherever he might think proper, and then to remove the Government deposites, and place them in these new banks, was any body to be found who would vote for such a resolution? Yet precisely that state of things existed at this moment. The one Government bank had been multiplied into he did not know how many, and might be into three or four hundred. He should vote in favor of as early a settlement of the question as possible: the materials to go upon were all collected by the investigating committee, and were as ready for the action of the House now as ever they would be. The House, by the action of one of its own committees, had been put in possession of all the facts of the case. The Secretary had stated nothing which the committee had not long since stated before him, and reported to the House. Had not the committee adverted to the expenditures by the bank on the public printing?--and had they not said that this patronage went to affect the elections? What more was stated now? All that the Secretary had stated only went to prove that the bank should never have been chartered in the first instance, but it did not show that the House ought not to act at once upon the subject of the deposites. However, as instructed by the Chair, Mr. C. was not, he said, at liberty to give the reasons for the vote he should give on this occasion: but when the main question should come up, he should be found in opposition, as he had ever been, to the bank. In the mean while, on the question, whether a single man could multiply banks at his own pleasure, and to any extent, he was ready at once to vote: and on the question of restoring the deposites, he was also prepared to vote; for it was better they should be in one place, where they were somewhat unsafe, than in a hundred places, where they were far more unsafe.

Mr. POLK should not fatigue the House by long speaking. He wished to notice one remark of the gentleman from Pennsylvania. Neither that gentleman, nor the gentleman from South Carolina, had gone so far as to admit the truth of every thing stated in the Secretary's letter. They were willing to admit certain parts of those statements. But what were these parts? And in a Committee of the Whole, where would be the means of verifying or disproving such as they did not admit? The Secretary had been governed in his course by a variety of facts: some of them involved a violation of the charter of the bank. It would not be admitted by the gentleman that his account of these was correct; and how were they to get at the truth. The gentleman from Pennsylvania had said that the action of the House in this matter was not original action, but action in review. Be it so; still action, of some kind, was required; no matter whether original or not. The two gentlemen did not seem quite agreed in their ground. The gentleman from Pennsylvania, [Mr. BINNEY,] had admitted that the deposites were safe where they were; the other, [Mr. MCDUFFIE,] considered them as in imminent peril. Was it not a great object of inquiry to ascertain what was the actual State of the banks in which they were placed? Would it not be desirable to have a list of their directors? a statement of their capital? Surely this was one main object of inquiry: but was this to be done in a Committee of the Whole? It was said by one of the gentlemen to be a question of public faith, and of the violation of a contract. Very well: could not a committee of the House inquire by which of the parties the contract was first violated? If it should turn out that it had been on the part of the bank, would there be any breach of public faith in withdrawing the public moneys? But the gentleman had added, that the public treasure was going out of the Treasury every day. From this Mr. P. was to infer that the bank was considered

as the Treasury. Now, for his own part, he had always considered the public funds themselves as the substance of the Treasury; and they might be transferred from one place to another, and yet no money go out of the Treasury. Did money go out of the Treasury whenever it was removed from one room to another?

This was surely a subject which most intimately concerned the revenue, and the public finances; and it had been concluded by gentlemen of very long experience in public affairs, that what concerned the bank and what related to the Treasury, were as closely connected together as body and soul. He remembered the strong expression used by a gentleman on this subject on a former occasion. But should no other ill consequence follow from going with such a subject into a Committee of the Whole, the protracted debate which must ensue, was of itself a sufficient objection. They would find themselves completely at sea. Besides, the Secretary's facts would be impugned, and both the bank and the Treasury were entitled to an opportunity of having the truth looked into. He had no wish to prevent the fullest discussion of the whole subject; but the Committee of the Whole was not the place to begin.

Mr. WAYNE next took the floor. Mr. W. said he should avoid entering into the merits of the main question, and should confine himself strictly to the point immediately before the House, viz. whether this paper should go to one of the committees of the House, or be discussed in Committee of the Whole. But in the few remarks he should submit, it would be necessary for him to offer an observation or two on the remarks of the gentlemen who had addressed the House. The gentleman from South Carolina [Mr. McDuffie] had said that, in consequence of their removal from the Bank of the United States, the public deposites were now in a state of insecurity which did not attend them before. Now, what was this but assuming the whole question? Suppose a comparison should be made of the amount of capital in the State banks collectively, and in the Bank of the United States, what did gentlemen think would be the result? He would state to the House that there now existed an amount of capital, in such of the State banks as were in good credit, of one hundred and twenty millions. Yes: one hundred and twenty millions of capital, as good as that of the Bank of the United States. The only reason why their paper had not as extensive a circulation as that of the Bank of the United States was, that they had not enjoyed, like it, the exclusive confidence of the Government. Now, suppose the public deposites to be divided among those banks, was it therefore of necessity insecure? or less secure than if it had remained in the Bank of the United States? The business of these banks was done fully as well as that of the Government bank: and he asked gentlemen to put their finger on one of them which did not stand as high in the confidence of the public: and when they said that the deposites there were insecure, they assumed the whole question in debate. He would put it to gentlemen whether, if they doubted in respect to the standing of any of these banks, an inquiry into their solvency was not much fitter for a standing or select committee than for a Committee of the Whole House.

Mr. W. said he was gratified that, in the struggle for the floor, the gentleman from Pennsylvania [Mr. Bixney] had succeeded in obtaining it. The gentleman had fully redeemed the very high reputation he had brought with him to this place. Both his matter and manner had greatly gratified Mr. W. But, in the gentleman's extraordinary anxiety to keep the discussion in Committee of the Whole, he had inadvertently disclosed the true reason of his solicitude: it was, that the removal of the remaining deposites might be stopped. Another observation of the gentleman was at least wanting in concordance with the sentiments of the gentleman from South Carolina, [Mr. McDuffie.] He has said that the reasons stated by the Secretary were the sole subject of debate here, and that it was competent for the House to order the deposites to be restored: while the gentleman from South Carolina had said that the deposites had been removed in the very face of an order of the House declaring that the Bank of the United States was a safe depository for them.

Mr. W. would now say, (what he was at the close of the last session prevented from saying by the gentleman from South Carolina's calling on him the previous question, a question Mr. W. intended to call before he resumed his seat,) that he had voted against the resolution declaring the bank a safe place of deposite, not because he deemed it unsafe, but because he had been opposed to any action on the subject by this House until the Secretary to whom alone it pertained, had first moved in the matter. Congress had no right to originate action on the subject at all. The bank had a right to retain the deposites until the Secretary should think fit to remove them. The power had been given to that officer, no doubt, with a view to protect the bank from hasty legislation. Thus it appeared, that while one of the gentlemen thought this House might legitimately declare the Bank of the United States a safe place of deposite, and thereon restore the public money to its vaults, the other held that the House must confine itself to passing on the reasons given by the Secretary for removing it. Why should the House depart from its own established rules in the course of this proceeding? What did the rule say?

"57. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon; to examine into the state of the several public Departments, and particularly into the laws making appropriations of moneys; and to report whether the moneys have been disbursed conformably with such laws; and, also, to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the Departments, and the accountability of their officers.

"In preparing bills of appropriations for other objects, the Committee of Ways and Means shall not include appropriations for carrying into effect treaties made by the United States; and, where an appropriation bill shall be referred to them, for their consideration, which contains appropriations for carrying a treaty into effect, and for other objects, they shall propose such amendments as shall prevent appropriations for carrying a treaty into effect being included in the same bill with appropriations for other objects."

Was not this subject "intimately connected with the revenue?" And supposing the revenue to be insecure, who ought to be the first to investigate it? If the subject remained in Committee of the Whole, he might be permitted to suppose a case, that the bank should put forth a paper by which it should take the attitude of acting offensively; would such a paper come before a Committee of the Whole? That paper had been seen and read by every gentleman. Did it not contain the assertion of facts which were the proper subjects for the action of the Committee of Ways and Means? He put it to the gentleman from Pennsylvania, if such were not the case. The Secretary was not acquainted with some of these facts when he wrote his letter. Mr. W. concluded by calling for the previous question.

The CHAIR inquired whether the call was seconded by the House; and on counting the votes, the ayes were found to be 104, the noes 107.

So the House refused to second the call for the previous question.

When, on motion of Mr. WATMOUGH,
The House adjourned.

FRIDAY, DECEMBER 13.

BANK OF THE UNITED STATES.

The SPEAKER presented a memorial from Messrs. Gilpin, Sullivan, Wager, and McElderry, Government directors of the Bank of the United States, stating (as the Speaker announced) certain matters in relation to the conduct of that institution.

Mr. POLK moved that it be referred to the Committee of Ways and Means.

Mr. WATMOUGH moved that it be referred to the Committee of the Whole House on the state of the Union.

The latter motion having precedence by rule, was stated from the Chair.

Mr. POLK demanded the yeas and nays upon agreeing to it; which were ordered by the House.

Mr. ARCHER suggested that it would be better to let the paper lie for the present upon the table, until the question pending before the House, as to the reference of the report from the Secretary of the Treasury, on the same subject, should first have been settled; and he moved accordingly.

Mr. POLK said, that, unless the gentleman from Virginia would consent to withdraw that motion, he should ask for the yeas and nays upon that also.

Mr. ARCHER said, that, if the gentleman from Tennessee wished to address the House, he would, at his request, withdraw the motion, to afford him that opportunity; but should immediately after renew it. The motion was accordingly withdrawn.

Mr. POLK then advocated the reference of the paper to the Committee of Ways and Means, as being the regular and invariable practice of the House in relation to all papers of the kind. The connexion between the Treasury and the bank was close and intimate. The Government had an interest in the bank, and that institution had heretofore been the keeper of its funds; and the Government had therefore reserved to itself the right of having the appointment of a certain proportion of its directors, in order that, if they should come to the knowledge of any malpractices in the bank, they might apprize the Government thereof, which it was their duty to do. There was no reason why this memorial, coming from such a source, should receive a different direction from what was usual; and he hoped the House, by its vote, would now indicate what course of proceeding was to prevail in reference to this subject.

Mr. FOSTER reminded the House that the President's message had not yet been disposed of. He thought it manifestly proper to let this paper lie on the table for the present, until the House should have completed the reference of the various portions of the Executive message. The memorial could, in the mean while, be printed, and the House would be better able to determine what course to give it.

Mr. ARCHER had not the slightest wish to give this paper any final disposition which should take it out of the hands of the gentleman from Tennessee. But suppose the House should determine that the Secretary's letter on the deposites should go to the Committee of the Whole, would the gentleman desire this paper to take a different course? As to calling for the yeas and nays, Mr. A. said the gentleman ought to know him too well to suppose that the yeas and nays had any terror for him. He moved to lay the memorial on the table, and print it.

Mr. POLK demanded the yeas and nays on the motion; which were ordered.

Mr. SPEIGHT wished the question divided. It was divided accordingly, so as to take it separately on laying on the table and printing.

The yeas and nays being taken, on laying the memorial for the present on the table, stood as follows:

YEAS.—Messrs. J. Q. Adams, C. Allan, Archer, Ashley, Banks, Barber, Barnitz, Bates, Beale, Beaty, James M. Bell, Binney, Bouldin, Briggs, Bullard, Bull, Burd, Burges, Cage, Carmichael, Chambers, Chilton, Choate, Claiborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, John Davis, Warren R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, Fowler, P. C. Fuller, Fulton, Gamble, Gholson, Gilmer, Gordon, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Hiester, J. W. Huntington, W. C. Johnson, Seaborn Jones, Lay, Thomas Lee, Lewis, Love, Martindale, Marshall, Mason, McKennan, Mercer, Milligan, Patton, Pinckney, Potts, Reed, Selden, William B. Shepard, Aug. H. Shepperd, William Slade, Sloane, Spangler, Stewart, Wm. P. Taylor, Philemon Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young.—107.

NAYS.—Messrs. John Adams, Heman Allen, John J. Allen, William Allen, Anthony, Baylies, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Bynum, Cambreleng, Carr, Casey, Samuel Clark, Clay, Connor, Cramer, Day, Philemon Dickerson, D. W. Dickinson, Dunlap, Forester, W. K. Fuller, Galbraith, Gillet, Joseph Hall, T. H. Hall, Halsey, Hamer, Hannegan, J. M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Noadiah Johnson, Cave Johnson, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Leavitt, Loyall, Lucas, Lyon, Lytle, J. K. Mann, Mardis, McComas, McIntire, McKay, McKim, McKinley, McLene, McVean, Miller, Robert Mitchell, Moore, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Polk, Pope, Ramsay, Rencher, Schenck, Schley, Shinn, Charles Slade, Smith, Speight, Standefer, Stoddert, Sutherland, William Taylor, Francis Thomas, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, Whallon, C. P. White, Wise.—119.

So the House refused to lay it on the table.

On the question on printing, the yeas were 140, and the nays 4. So it was ordered that the memorial be printed.

The question being then put on referring the memorial to the Committee of the Whole on the state of the Union, the yeas were 96, and the nays 133. So the House refused the motion: and the memorial was then referred to the Committee of Ways and Means.

MONDAY, DECEMBER 16.

RULES OF THE HOUSE.

The amendment proposed by Mr. PATTON to the 9th rule of the House, requiring the Speaker to vote in all cases, and declaring when, including his vote, the House was equally divided, the decision should be taken as in the negative, coming up as the unfinished business—

Mr. WAYNE went, at considerable length, into an argument, in opposition to the amendment, in which he repeated and further supported the objections he had urged when this subject was last up; insisting that the proposed alteration of the rule would go far to impair the judicial independence of the presiding officer of the House, by mingling him in all the partisan contests of the body. It would produce great embarrassment, by requiring him to decide, in case of appeals, in questions in

which he had a personal concern—such as his own decisions of points of order, &c.; and it would also render indispensable a number of other changes in the rules, the discussion of which would consume much time. Mr. W. drew a picture of the arts and influence which would be brought to bear on a Speaker so situated, and concluded that the inevitable result would be to render him the victim and the instrument of a powerful administration. He went into an examination of the powers of the Speaker of the British House of Commons, and argued to show, that in taking the English rule as our model, we had not been governed by a slavish subserviency to precedent, but by a consideration of reason and expediency. He adverted to cases in which the casting vote of the Speaker had been of very important and beneficial effect, and concluded with a complimentary tribute to Mr. Patton's feelings, principles, and independence of mind.

Mr. PATTON replied, and insisted that the gentleman had not redeemed his pledge to point out the many rules that must be altered should the amendment prevail. He denied totally that the change would render the Speaker any more a partisan than he would be under the rules as they stood, and observed, that to expect an individual ever to reach that Chair who did not take a lively interest on one side or the other, in all the action of the House, was futile. The Speaker would then be no more a judge than now, of his own previous decisions, for he had now to vote in case of a tie. And as to party influence, the only direct form in which it would corruptly influence a Speaker, was by leading him to miscount the votes of the House, a supposition which was offensive, and not to be urged. As to his becoming the victim and tool of an administration, he was by his station exposed to all influences of that sort, and changing the rule would neither impair nor increase them. Nay, by obliging him to record his vote, he would be left less at liberty to shuffle and trim his course to please those in power. After some further remarks—

The question was put on the proposed amendment, and decided as follows:

YEAS.—Messrs. Heman Allen, John J. Allen, William Allen, Anthony, Archer, Banks, Barber, Barringer, Bates, Beale, Beaty, Beaumont, Bouldin, Burd, Burges, Carmichael, Carr, Chaney, Chilton, Chinn, Claiborne, Clayton, Clowney, Corwin, Coulter, Crockett, Darlington, Warren R. Davis, Amos Davis, Davenport, Deming, Denny, Dunlap, Evans, Horace Everett, Foster, Fowler, Fulton, Galbraith, Gamble, Gholson, Gordon, Grayson, Grennell, Griffin, Joseph Hall, Hannegan, Hard n, James Harper, Harrison, Hazeltine, Heath, Henderson, Hiester, Howell, Jabez Huntington, W. C. Johnson, Kinnard, Laporte, Lay, Lee, Lewis, Loyall, Lucas, Lyon, Marshall, Mardis, Mason, McCarty, McKennan, Miller, Moore, Patton, Pinckney, Pope, Potts, Ramsay, Reed, Rencher, W. B. Shepard, Shinn, Standefer, Stewart, Stoddert, Sutherland, William P. Taylor, Philemon Thomas, Tompkins, Vance, Vinton, Wagener, Webster, Frederick Whittlesey, Wilde, Williams, Wilson.—96.

NAYS.—Messrs. John Quincy Adams, John Adams, Chilton Allan, Ashley, Barnitz, Baylies, Bean, Beardsley, John Bell, James M. Bell, Binney, James Blair, Bockee, Bodle, Boon, Briggs, Bull, Bunch, Burns, Bynum, Cambreleng, Casey, Chambers, Choate, Samuel Clark, William Clark, Clay, Connor, Cramer, Crane, John Davis, Day, Deberry, Dennis, Dickson, Philemon Dickerson, David W. Dickinson, Duncan, Ellsworth, Edward Everett, Fillmore, Foot, Forester, Philo C. Fuller, William K. Fuller, Gillet, Gilmer, Gorham, Hiland Hall, Thomas H. Hall, Halsey, Hamer, Joseph M. Harper, Hathaway, Hawkins, Hawes, Hubbard, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, King, Lane, Lansing, Lawrence, L. Lea, Leavitt, Joel K. Mann, Martindale, McComas, McIntire, McKay, McKim, McKinley, McLene, McVean, Mercer, Milligan, Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Polk, Schenck, Schley, A. H. Shepperd, William Slade, Charles Slade, Sloane, Spangler, Speight, William Taylor, John Thomson, Turner, Turrill, Tweedy, Vanderpoel, Van Houten, Ward, Wardwell, Watmough, Wayne, Whallon, C. P. White, E. D. White, Elisha Whittlesey, Wise, Young.—121.

So the rule was not amended.

REMOVAL OF THE DEPOSITES.

The unfinished business of yesterday next coming up, viz. the question of reconsidering a vote of the House, by which the report of the Secretary of the Treasury, in relation to the removal of the deposites, had been referred to a Committee of the Whole on the state of the Union—

Mr. ALLAN, of Kentucky, said he would follow the example of the learned gentleman from Pennsylvania, [Mr. Binney,] and plead the deep interest which his immediate constituents felt in this investigation, as an apology for a short trespass on the time of the House. This apology, he was sure, could come from none with more propriety than from himself, because the evils and calamities destined to flow from this unfortunate movement of the Secretary of the Treasury, will fall upon the Western country with their heaviest pressure. No doubt that the great emporium of commerce, (Philadelphia,) so ably represented by that gentleman, and the other cities of the East, will suffer much derangement in their commercial operations; but they will still have the public deposites; they will still have the public money as a banking capital; they will still have a circulating medium founded thereon. But all those facilities will be swept from the Western country; and it is in that devoted region that the blighting influences of that measure will be mainly felt.

The report of the Secretary of the Treasury, communicating to this House his reasons for withdrawing the puplic deposites from the Bank of the United States, was, as I think, very properly referred to the Committee of the Whole House on the state of the Union. The chairman of the Committee of Ways and Means [Mr. Polk] moved to have the vote of reference reconsidered, with a view that the subject may be sent to the committee over which he presides. Mr. A. said that he was opposed to the reconsideration, because, if regard be had either to the nature of the subject, or the time when it ought to be discussed, he was satisfied that the reference of it ought not to be changed. If the report of the Secretary be sent to the Committee of Ways and Means, it will be buried for weeks, and perhaps for months; if it remained before the Committee of the Whole House, its discussion will be public and immediate. Mr. A. said it was due to the country, it was due to public expectation, that every step the House takes, in this business, should be in the face of the country.

From the nature of the question involved in this inquiry, there is no necessity for the preliminary action of a private committee. It is the province of a committee in ordinary business to attend to its details, to collect facts, and to accumulate evidence. But the questions involved in this inquiry, are of a fundamental character, relating to the extent of the powers of the different departments of the Government, to the care and custody of the public treasure, to the securities of commerce and labor.

Sir, is it necessary to have the intervention of a committee to enlighten this House on such questions as these? From the magnitude of these questions, the most important that will engage the attention of the present

Congress, the Committee of the Whole House on the state of the Union is the proper place for their discussion.

We have heard it urged by all the gentlemen who have spoken for a re consideration, that they have custom in their favor. Sir, with due deference I contend, that it has ever been customary to discuss such questions in the Committee of the Whole House.

Mr. A. said, the Secretary had placed the withdrawal of the deposites mainly upon the assumption that neither the present bank would be re-chartered, nor any other in its stead. Sir, is it necessary to have the report of a committee to inform this House whether a national bank will now or hereafter be established? It would take a very wise committee to make a satisfactory report on this point. Even the committee over which the gentleman from Tennessee [Mr. POLK] presides with so much industry, would have its ingenuity very much taxed by such a requirement.

But Mr. A. said he was opposed to sending this report to the Committee of Ways and Means, where the people would not again hear of it for months. The gentleman from Tennessee [Mr. POLK] has told the House the principal matter to be inquired into is the condition of the State banks into which the public money has been scattered. Now, sir, this investigation will in all probability last until next spring. Does the gentleman mean to make post-riders of this committee, and send them on a tour of the United States, to make an actual inspection of the numerous banks in which the public treasure is placed? Mr. A. said, from what had occurred, he presumed the gentleman did not intend to rely upon the reports of the banks themselves. He surely will not be satisfied until he knows the political character of the banks: whether they pay for printing documents: whether they will altogether constitute a political safety-fund for the control of the elections in this country. It is evident that much time will be consumed, if the vote be reconsidered, and this report sent to the Committee of Ways and Means.

Sir, the shock which has been given to the securities of commerce and labor, by the movement of the Secretary, requires prompt action on the part of this House. It would be cruel, even for another week, to keep the Western people ignorant of the measures which, if carried into effect, will sap the foundations of their prosperity. Heretofore, sir, the public money, paid by the whole people of the United States, was used as a banking capital, and by means of the United States Bank and branches was diffused throughout the whole Union, for the common benefit of all.

Now, sir, when it is proposed to take the common treasure, paid in by all for the common use, and devote it to the exclusive benefit of the cities in which it is collected; on behalf of our constituents, who are to be thus deprived of all participation in the use of their own money as a banking capital, have we not a right to ask that the subject should not be devoted to the secret scrutiny of any private committee, but that the same should be investigated at once in the open face of day?

A great part of the revenue of the country is collected in the single port of New York. But of this revenue the Western people pay their full proportion. Now, if this revenue, so far as it can be made to operate as banking capital, is to be taken from my constituents and given to the people of New York, I should like them to know it.

Mr. A. said he wished no delay, he desired they should know the worst at once, that they be prepared for it as well as they could.

If our constituents, sir, are to be made tributary to the Eastern cities, the sooner they know it the better. If the present currency, which is of the same permanent value in all America, is to be broken down, and the notes of a hundred local banks are to be substituted in its place, Mr. A. said that he desired that his constituents might know it speedily, that they might begin to learn the names of the banks to which the Secretary had sent the public money; for there was not one man in five hundred, beyond the mountains, that knew there were such banks in existence.

But, sir, there are other reasons why the discussion of this subject should not be delayed. A portion of the public treasure is yet safe; it has not yet been partitioned out; speedy action is not only necessary to secure what is yet safe, but to recover that which is in jeopardy. To show the probable fate of the public money which the Secretary had distributed among so many banks, Mr. A. said he would ask leave to have read a report of the Secretary of the Treasury, showing the condition of what is called the unavailable funds in the Treasury. This experiment of depositing the public money in the State banks was tried once before, and here is the result, a clear loss to the people of this country of $1,423,546 20.

From what has taken place, you may see what is likely to happen again. This jeopardy of the public funds in so many obscure banks, which are wholly unknown and unheard of by the great body of the people of the United States, calls upon this House for speedy measures for their recovery.

There are other reasons, said Mr. A., why no delay should take place. Every mail that comes from beyond the mountains brings intelligence that the action of the Secretary on the public deposites is urged and pressed on the people and the Legislatures as a reason for creating State banks, and local independent banks. Sir, it is due from this House promptly to dispel this fatal delusion; a delusion hurrying the people on to plunge themselves into scenes of distress similar to those through which they passed from 1815 to 1820. Without a permanent uniform currency, of equal value throughout the Union, labor, the foundation of all our resources, is not secure, the right of property is not safe. The whole loss of a depreciated currency ultimately falls upon the laborers. The benefits of a depreciated currency are reaped by shavers and brokers.

It is stated, sir, that the local banks are about to flood the country with their trash, upon the credit of the deposites. This House owes it to this country, to stop at once the mischief of such a proceeding.

The gentleman from Georgia [Mr. WAYNE] has demanded of any one here to put his finger upon any one of the State banks selected by the Secretary, that did not stand as high in the public confidence as the United States Bank. Mr. A. said he would not put his finger upon any one of them; that would look invidious; but he denied that, collectively or individually, they possessed the general confidence. The notes of the very best of them had but a partial credit and circulation.

In conclusion, Mr. A. said he felt himself fettered by the restricted character of the debate. He regretted that he was not now at liberty to point out fully the effects of this measure of the Secretary upon the Western people; a measure that will concentrate the capital of this country in the Eastern cities, and make the West tributary to brokers.

Mr. SELDEN remarked that he was unacquainted with the mode of transacting business in the House, and consequently, with the effect which a reference to a Committee of the Whole, or a select, or standing committee, may have upon the subject-matter under discussion; that it was perhaps unnecessary that he should know, as his remarks would be directed simply to the question of time. He said that he would observe, preliminarily, that those who had taken part in the discussion had each occupied the position which ought to have been occupied by the antagonist. Those who desired a reference to a Committee of the Whole, were compelled to consider the report of the Secretary of the Treasury as containing a

true statement of facts, and that the conclusions drawn by him were correctly drawn, unless the facts themselves contradicted the conclusions: that in the Committee of the Whole, the report must be considered a record not liable to be impeached, except so far as error appeared upon its face. Those who asked a reference to a select committee, or the Committee of Ways and Means, (inasmuch as those committees were resorted to for the purpose of obtaining further evidence,) admitted that the report itself was defective—that it did not contain enough to justify the action of the Secretary. He (Mr. S.) asked these honorable gentlemen whether they wished to have it understood—to have it go forth to the people of this country—that they were not satisfied with the report; that evidence had not been developed sufficient to authorize what had been done by the Executive department of the Government? If so, then perhaps they were right in pressing a special reference.

Upon this part of the discussion he did not wish to detain the House. He considered the question of time a matter of vast importance. He had seen enough to know that the effect of referring the subject to the Committee of Ways and Means, was to postpone a final action upon it from at least sixty to ninety days. The ordinary length of commercial paper was less than the longest of these periods, and the consequence of a postponement was to compel the merchants through the country to meet their outstanding engagements, while the currency continued in the utmost uncertainty. Only two reasons had been assigned for this course. One, that the reference to the Committee of Ways and Means was the ordinary mode of disposing of questions of this character: the other, that an immediate discussion in the Committee of the Whole would delay other business presented for the consideration of the House. As to the first, no question similar to that now presented had ever arisen since the formation of the Government. It related to the entire disposition of the public treasure, by the single act of an Executive officer. There could, therefore, be no practice or usage to control. To the other objection, it was a sufficient answer to say, that no subject would arise, in the course of legislation, so important to the citizens of this country, as the present. This should take precedence of every other, and he hoped the gentleman from Tennessee who raised these objections, would unite with him in devoting whatever time might be required for its settlement, however much it may interfere with personal convenience.

The information received from every quarter of the country, especially the commercial towns along the Atlantic, furnishes convincing proof of the extreme pressure upon the money market; to relieve which, so far as the power existed in this House, demanded our immediate and unremitting attention. It was perhaps a matter of no great moment, so far as related to this pressure, whether the funds of the Government should remain in the local banks, or be restored to the Bank of the United States; but it is a matter of serious importance that the question should be speedily and definitely settled. Doubt and uncertainty every where prevail. Information by letters, and the daily state of the stock market, afford convincing evidence that the present state of things was pressing most severely upon the commercial interests of the country. When it is considered that our currency consisted entirely of bank notes, which have been issued to an unexampled amount, supposed to be founded upon a specie capital, applicable to their redemption, when the large proportion which the one bears to the other is considered, the danger which threatens us may in some degree be foreseen.

Mr. S. remarked, that he was unable to speak with any accuracy as to the situation of the banks in other sections of the country, but relative to those in the interior of the State of New York, it appeared, from what might be considered official statements, that there were only five hundred thousand dollars in specie to redeem eight millions of bank bills; and in the city of New York less than fifteen hundred thousand dollars in specie, to redeem bills to the extent of four millions. This last amount of specie was also liable to be drawn upon by banks in the interior, and individual depositors; so that, on the whole, it might fairly be concluded that there was not one dollar in specie for every fifteen dollars of bank notes in the State. He further stated, that it appeared, from the return of the banks in the State of Massachusetts, that with a nominal capital of twenty-four millions of dollars, and a corresponding amount of bank issues, there was less than one million of specie to meet the bills. Other sections of the United States, especially Pennsylvania, Maryland, and Virginia, in which the circulation of small notes was prohibited, might not present an equally unfavorable view. With facts such as are here presented, what would be the result of a panic among the holders of bank notes? It would not be difficult to predict that a run upon the banks of a single day might produce the stoppage of specie payments. Such a result might arise, although the assets of the different banks, no doubt, were sufficient, in time, to meet their outstanding engagements. It is not easy to foresee the course of events in a feverish, agitated state of the public mind; and, although a sum equal to the whole amount of the public deposites might be lost by commercial disaster, by shipwreck or otherwise, yet the enterprise and ability of our merchants would be equal to the occasion, the effect would scarcely be visible in the general operations of the country; but where apprehension and alarm are excited, either with or without sufficient cause, the consequences can scarcely be measured. Those who have outstanding engagements to meet, without waiting the ordinary period for payment, withdraw their means from circulation; the banks reduce their issues; the usurer advances upon his prices, and complains of hard times; until the suffering merchant, who, under ordinary circumstances, would be able to pay his debts as they become due, is reduced to bankruptcy, and the holders of bank notes seek security by demanding their redemption.

In order to illustrate this subject, it is only necessary to allude to the period when the banks formerly suspended specie payment. On the 25th of September, 1814, committees from the several banks in the city of New York met, and unanimously resolved, that there was no necessity of suspending specie payment; notwithstanding which, on the 1st day of October, only five days thereafter, these same banks were compelled to refuse the redemption of their bills, and nearly three years elapsed before the currency of the country was restored.

If a run should take place upon the banks, Mr. S. could not see from what quarter relief was to be obtained, within the period when we may expect the report of the Committee of Ways and Means; and were it permitted, in this stage of the discussion, to show the state of the silver market abroad, he thought it would appear manifest that no relief could be expected from other countries at this time.

There is one other point to which, for a moment, Mr. S. wished to call the attention of the House. He alluded to the mischief which might arise from carrying on a secret investigation before a select or standing committee, whereby that knowledge would be withheld, which, in case of a discussion in Committeee of the Whole, would be communicated from day to day to the public—speculations would be founded upon secret information, and stockjobbers would reap their profits, at the expense of the community at large. Let me not, said Mr. S., be misunderstood: it cannot be supposed that a committee of this House would intentionally communicate intelligence; but I know the diligence and enterprise of dealers in

money, and the subject now under consideration could not remain before a sub-committee, however cautious their course might be, without being rendered available in the way of speculation. In conclusion, Mr. Speaker, as one of the representatives of the largest commercial city in the country, Mr. S. said, he asked for an open discussion, and a speedy decision.

Mr. FOOT concurred in the views taken by the honorable member from New York who had preceded him, and observed, that although, from the novelty of the present case, no precedent had been adduced by those who maintained that the proper course to be taken, in acting upon this question, was to retain it in the Committee of the Whole, yet, in an authority always looked up to, Jefferson's Manual, the principle was fully laid down, that it was usual for all questions of great concern to be referred to that committee, that they might be there digested, and put into a shape to meet the views of the majority, and which being afterwards reported upon, and confirmed by the House, could then be referred to one or other of their standing committees, to report upon by a bill or bills. He concluded by observing, that, as the act of removal of the Secretary of the Treasury was consummated, that as he had given his reason for that removal, the question was now before the House in a form for them to act upon; and that as they did not want the intervention of any committee to direct them how they should act upon it, he hoped further time would not be spent in discussing what was only a preliminary question.

Mr. BEARDSLEY asked the indulgence of the House, while he should submit to them a few brief remarks, and in which he would not touch upon the merits, but would confine himself to such points as were at issue in the discussion. The act incorporating the Bank of the United States had declared that the moneys of the United States should be deposited in that bank and its branches, unless directed by the Secretary of the Treasury to be otherwise placed, in which event he is required to report his reasons to Congress for such discretion. That officer had, in the performance of the duty thus assigned him, removed these deposites, and placed them in certain State banks, and he presents to that House his reasons for so doing. This report, however, without any apparent consideration given, and most certainly without discussion upon it, was referred to the Committee of the Whole on the state of the Union, and under these circumstances a motion was made to reconsider that vote, in order, by referring it to a standing or select committee, to bring the subject under the control of the House, when the House will be enabled to dispose of it after due and deliberate discussion shall be had by them upon such matters in it, as, in their judgment, shall be deemed fit and proper. An honorable member, when the subject was brought up, said that the vote upon which the reference of the question to the Committee of the Whole was obtained, was assented to under a misapprehension of what had been said by the honorable mover of that reference [Mr. McDUFFIE] as to his objects. Under such circumstances, he would have thought that, as a matter of course, and by common consent, there would be no hesitation to reconsider a vote so obtained; and thus the subject would be brought forward for their deliberate consideration. But this, it seemed, was not to be the course taken with this question; but rather, if there was any advantage gained by the reference, that that advantage ought not to be given up, or parted with, without a struggle, and the House must therefore pass upon it.

In reviewing the report of the Secretary, it appeared to have been given upon two essential and distinct subjects; one was, the propriety of the removal of the public funds from the bank; the other was, the propriety of placing those funds in the particular State banks which had been selected by the Secretary for that purpose; and there was presented in the report, in support of these different subjects, a mass of facts and reasons. It was therefore manifest, that the reasons given for the removal might be abundant and satisfactory, yet those for the selection of the banks, be altogether insufficient. These banks might be badly located, as to the convenience, or not stand high in public estimation as to credit or capital; for either of which reasons would render the report of the Secretary objectionable. But that report covered the whole ground, and insisted upon not only the propriety of the removal, but the perfect convenience of the institutions selected. The fulness of the reasoning, and the facts set forth, were, however, both equally objected to. It is argued that the public treasure is in danger; that these State banks are unsound; "that their charters, their capitals, their condition, are alike unknown;" and, in fact, according to the statement of an honorable member from Georgia, "that the money might as well be at the bottom of the Potomac," as where it has been placed.

[Mr. CLAYTON here rose and said, that he had been misapprehended—he did not insinuate any thing to the prejudice of the State banks.]

Mr. BEARDSLEY said, that he possibly might have mistaken the honorable member, but the same opinion had been on that day assigned as a reason why the House was bound to proceed to immediate action on the subject; that we should not want the slow movement of a committee, but at once decide for ourselves. But the very reasons so urged for immediate action, were, to him, the strongest possible for adopting an opposite course; that the subject should go from the Committee of the Whole to a standing committee; that all the reasons and facts should be fully investigated where they alone could be—where they could be inquired into—and where a report could be made as to their truth. It was admitted in the previous debate, by the honorable member from Pennsylvania, [Mr. BINNEY,] that documents from the Secretary of the Treasury were usually referred to the standing or select committees, and not to the Committee of the Whole. What reason was there given that this usual course should be departed from? He would maintain there was none whatever. Why was immediate discussion necessary? It was said by one honorable member, that there should be an immediate discussion and decision to vindicate the authority of this House, and that the restoration of the deposites ought to be at once ordered by the House. This, to him, was extraordinary language, and a most extraordinary proposition. He would ask, what authority of that House had been violated? The House had, singly, no power to act upon this subject. How could they interfere, except as a component part of the Legislature, however it may act? Certainly only by the passage of a law, could it contribute towards the restoration of the deposites: in this way only vindicate its authority. He also understood the honorable member from Pennsylvania to maintain, that Congress had only to exercise an appellate power from the decision of the Secretary of the Treasury; that Congress cannot look to other reasons than those assigned, to influence its course on this occasion: but this view seemed to him to be rather technical, and could not be sustained upon any adequate ground.

It was further said, that the bank, by the charter, had assented that the Secretary might decide upon the subject, and that Congress might renew that decision, upon those grounds alone, which had been advanced by the Secretary. But he could not find such limitation given to the power of Congress in any part of the charter. The charter gave the unqualified power of removal, and it required him to report his reasons. But could Congress be confined to those reasons? Admitting their insufficiency, yet if other good reasons existed for the removal,

would Congress restore the deposites? It would, if the argument was correct, not otherwise. It had been also argued by one of his colleagues, [Mr. SELDEN,] that it was important to decide this question as others were, and if not, that even within the short space of ninety days, much ruin would ensue. However important it was, and he admitted it was important to have a final decision, yet it could not be expected that any law could be passed to authorize the removal within that space of time, and he rather thought such immediate action unnecessary and uncalled for, inasmuch, as far as public opinion went, the deposites were gone from the bank—the die was cast—they would never be restored to that institution. And the great agitation said now to prevail, if existing in the large cities, did not extend to the country at large. For these reasons, he (Mr. B.) was induced to vote for the motion to reconsider, and could not, with the member from Georgia—with whom, upon most questions relating to the bank, he had so often heretofore acted—now say that, although he held the bank to be unconstitutional; although he believed the public deposites to be unsafe; and although he knew nothing about the State banks which had been selected, yet, that he believed the public moneys to be as unsafe as they would be at the bottom of the Potomac, and therefore would vote to restore them to the United States Bank.

Mr. GORHAM rose to address the House, and, in reply to the suggestion of friends around him that he had better move an adjournment, said that he had but few remarks to make, and he might as well make them now. It seemed, he said, to be a general admission on all sides of the House, that the question of sending this paper to a select committee or to one of the standing committees of the House, rather than to a Committee of the Whole, was a question of delay. It amounted in fact to the question whether the House should or should not come to a prompt decision on the subject of the report of the Secretary of the Treasury. On one hand, it seemed to be desired that the discussion should be delayed; on the other, that it should be entered upon immediately. Mr. G. said he did not know how others felt, but for himself, he was satisfied that, if not the whole, at least the far greater part of the Secretary's letter could be discussed at this time as well as any other, and ought to be. The Secretary of the Treasury had assumed the power of removing the deposites under a clause of the bank charter; a law which had been on the statute-book for sixteen or seventeen years past, and which every gentleman had had an ample opportunity to know and understand. A great financial officer of the Government, placed by the constitution at the head of its fiscal affairs, had undertaken, in virtue of his official authority, to remove the public moneys from the Bank of the United States, not on the ground that they were unsafe there, nor that any difficulty existed in transmitting them from one part of the country to the other, whenever and wherever the exigencies of the Government required, but on principles of a political kind altogether.

Now, Mr. G. asked every man to put it to his conscience, and say whether he believed it had ever been intended to clothe that officer with any such power? He had been appointed as a financial officer of Government, and in that capacity only; and when such an officer undertook to act in his official duty on political grounds, it was a question that never should leave that House till the House had given its solemn decision on such a course. A select committee was the very last to which Mr. G. would submit a question of this kind. There were other matters in the Secretary's report; such, for instance, as related to the three per cent. stock, on which it must be admitted by every one, that the House was as capable of judging now as at any future time. There were, no doubt, some questions which could better be examined by an out-door committee than in the House; such, for example, as the solvency of the banks which the Secretary had selected as places of public deposite. For himself, however, he desired no such inquiry, as he believed that those banks were perfectly solvent. But there were other matters in the report which involved great and important principles, in relation to which there was no want of the action of any private committee whatever. For instance, there was the question of the currency. Where or when could a question of that kind be more properly discussed, than on this floor, at this time? We need no committee, said Mr. G., to report to us on that subject. It was one with which we are all acquainted; or, if we are not, we ought not to be in this Hall. The Secretary had informed the House that he should be able to supply to the country a circulation of nineteen millions of dollars, while at the same time he removed the deposites, and thereby compelled the Bank of the United States to withdraw its paper.

It was for the House to inquire, Mr. G. said, whether the Secretary was able to do all this? A great deal had been said against the Bank of the United States for withdrawing its accommodations, and thereby occasioning commercial embarrassment. There was one great reason why the discussion should be entered upon at once. Every body knew that it was in the power of the Bank of the United States, in the course of ninety days, to cause very great distress, if not general bankruptcy, in the trading community. Now, it was no more than fair, and it was good policy, to let the banks know on what they had to calculate. If the place of deposite was to be permanently changed, and the transfer of the public funds was to proceed and be completed, let it be done in good humor; and, above all, let the question be settled. Mr. G. did not reflect upon the Executive department. He meant no hostility to the President: he had no sort of doubt that that officer sincerely believed the new plan would be most conducive to the public good. But, if the temper in which the bank had been assailed, he did not say by the President, but by others, was to continue—so long as that course of things existed—the effects could not but be felt by every man whom he addressed, and by every man in the country. The great question, the practical question, was, What is the effect of such a state of things on the community? Gentlemen ought to look at facts before them. If, said Mr. G., we should send this report into a committee, where it would remain for ninety or a hundred days to come, and the country should be left in the excited and irritated state in which it is at present, who on this floor is prepared to answer for the blow that would be struck on the prosperity and safety of the country?

Gentlemen, he said, had witnessed the assault which had been made on a distant Southern branch of the United States Bank which had been supposed to be feeble. Three hundred thousand dollars of bills of the Savannah branch had been sent on from New York, and presented in one day. Happily, the bank had been in a condition to meet the demand, (and, in passing, he might ask, which of the State banks would have been able to meet a similar demand?) But, if such a course of proceeding was to be persevered in, and similar attempts were to be made on other branches, as, for instance, the branches at Pittsburg, Cincinnati, and Louisville, while the whole subject was sent out of the House into a committee, who could answer for the effects? Who could describe the general panic that would pervade the commercial community? Those distant branches were not usually furnished with large amounts of specie, because it was not there that specie was required, and it would be easy for one of the favorite banks to strike a blow which must be felt on the credit of the whole country. For every one acquainted with the nature of public credit must be aware that a blow

on any one bank was a blow upon the whole. They formed an electric chain: the least spark was transmitted throughout the whole. Who could describe, or even conceive, what would have been the state of alarm, of universal panic and dismay, had the branch bank of Savannah been unable to meet the demand upon it? There would at once have been a rush upon every bank in the country. Not a State bank but would have been called upon by every farmer and every mechanic who held its paper. It would have gone through the land like wild-fire—and what must have followed? There are not less than two or three hundred millions of paper now afloat in this community, while there is in specie but a comparatively small amount to redeem it. Do gentlemen say, Then you are bankrupt? Mr. G. said he should answer, No. The foundation on which the value of all this paper rested, was the public confidence. As long as that confidence remained, the value of the currency was unimpaired. But the confidence must be universal. It must extend from the mechanic and day laborer, up to the man of highest financial attainments. The moment it was touched, no human power could prevent the consequences which must follow.

But upon what was this confidence in the banks founded? Was it on the belief that they could pay specie at once for all their notes? No: but that they had not issued their paper without possessing good and sufficient security, in specie, and in the business notes of men in good credit, for the whole amount. Whilst this confidence lasted there was no need of specie, and, in fact, specie was never employed, except to pay balances of paper. It was with no view of embarrassing the administration—none at all, that he opposed the reconsideration. It was because this subject must be discussed; delay was ruinous. Let Congress act one way or the other. If it was their pleasure to sanction the act of the Secretary of the Treasury, let the bank understand this, and deliberately make its arrangements with the least difficulty possible. If the House judged otherwise, and it intended to censure the Secretary for removing the deposites, the sooner it acted, the better for all parties.

He heard a gentleman ask, what authority the House possessed over the Secretary, in the matter? He replied, that the authority of that House lay in its power to express the public opinion. If the House, by its vote, gave an expression of the public will, and the Secretary adhered to his private opinion, in opposition to it, then he supposed it would be necessary to pass a law; and, if the Secretary still refused compliance, it would remain for the House to take such measures as the constitution should warrant and require. If the House decide against the Secretary, it had better be done now than four months hence, when he had gone on to complete the arrangements with all the various banks through the country to receive the deposites.

Mr. G. concluded by observing, that he cared comparatively little which way the House should decide this question, but that the public safety, and the well-being of the country, required that what they did they should do at once.

Mr. POLK replied briefly to the arguments adduced against his motion, and maintained that the principles now claimed by the present Secretary of the Treasury were the same upon which Mr. Secretary Crawford had acted, and justified his former removal of the public moneys from the bank; that so far from the State institutions being insolvent, or weak in public estimation, that he found their respective stock bore, at market, higher prices than the stock of the United States Bank did in all the Eastern cities, which he would take as the best possible thermometer of the public confidence in those institutions. He desired to bring this preliminary debate to a close, feeling perfectly satisfied, that an earlier decision would be had by referring it to a standing committee, than even if it was to remain in Committee of the Whole—the effect of which would be, by the flood of speeches that would be there made upon one side and upon the other, rather to darken than enlighten the public mind on the merits of the great question itself.

Mr. BURGES and Mr. CLAYTON rose together, but Mr. B. objected to Mr. C.'s addressing the House, from his having spoken on the question before.

The SPEAKER decided in favor of the former gentleman, and Mr. BURGES then moved an adjournment, which was carried.

TUESDAY, DECEMBER 17.

A question was raised, on the reading of the Journal this morning, by Mr. PATTON, as to the accuracy of the Journal statement of the vote of yesterday upon a motion of his; which gave rise to some conversation between him and the CHAIR. After which,

Mr. POLK, from the Committee of Ways and Means, reported a bill making partial appropriations for the support of Government; which was twice read and committed.

The SPEAKER laid before the House the Secretary of the Treasury's annual report upon the finances; which was referred to the Committee of Ways and Means, and ten thousand copies thereof ordered to be printed.

REMOVAL OF THE DEPOSITES.

The motion of Mr. POLK, to reconsider the vote by which the report of the Secretary of the Treasury upon the removal of the deposites was referred to the Committee of the Whole, coming up—

Mr. BURGES, who was in possession of the floor from the previous day, after apologizing to the honorable member from Georgia, [Mr. CLAYTON,] for having interrupted him, said that, from various reasons, he was induced to decline addressing the House, and would now yield the floor to him.

Mr. CLAYTON then rose for the purpose of vindicating himself from what he conceived a misrepresentation on the part of Mr. BEARDSLEY. That gentleman had charged him, he said, with inconsistency, in consequence of his taking this position; that, although he was opposed to the Bank of the United States, and did not view the public moneys as safe in that institution, he disapproved of their removal to State banks, of which he knew nothing, but which he held to be still more unsafe than the bank from which the deposites had been taken. Mr. C. denied that there was the least inconsistency in holding and avowing such an opinion. He did not believe the public money perfectly safe while in the keeping of any corporation, whether for banking, for roads, canals, or any other purpose; yet, he might very consistently believe it more unsafe in the hands of some of these corporations than of others. As to the State banks, they might read their fate in the treatment which the Bank of the United States had received.

The moment their directors should conclude it due to the interests of their stockholders to make any publications illustrative of the condition of their affairs, especially if the tendency of such publications should be suspected of having the remotest bearing on any pending election, they might calculate on having the public money immediately taken from them, and every attempt made to ruin them; and, as their capitals were smaller, they could not stand the same pressure. Besides, the Government had a partial control over the Bank of the United States, having given it its charter, and retained a share in its direction; but over the State banks it had no such control. They were, therefore, obviously a less safe place of deposite for the public funds.

Mr. C. insisted that a Committee of the Whole was the

place where this question would receive the speediest decision, and, therefore, he should be in favor of giving the Secretary's report that direction. He need not advert to the effect of documents thrown into this House in relation to the subject of the bank and the deposites, or the speculations which were constantly going on in United States Bank stock; and would not the same thing happen, and to a still greater extent, in relation to the stock of State or local banks, where the public funds might be deposited? Was it not plain that a wider door to fraudulent speculation could not by possibility have been devised? All that was necessary was for the Secretary to communicate to a few favored individuals, that he was about to remove the public money from one of these banks into another, and immediately an opportunity would be given to speculate in the stock of both.

The Secretary had professed to give, in his report, all the reasons on which his removal of the deposites was founded. Now, he had either removed them on these reasons or not. If he had, then, from the nature of these reasons, the Committee of the Whole on the state of the Union was the appropriate place to consider and discuss them; but, if other reasons were to be fished up for the act, from facts to be brought before a private committee, then, the reasons he had officially given to that House, were not the true reasons on which the deposites had been removed. Mr. C. said, he maintained now, as he ever had, that the United States Bank was not a safe or proper place in which to keep the public funds; but he held them equally unsafe in the hands of corporate bodies of any description. He had never been actuated by any feelings of personal hostility against the bank, or against any of its directors or stockholders; and he had too great a regard to what must be the consequences of its sudden prostration, to desire any such thing. He too well knew what great suffering such a course must inevitably inflict on the whole community. The Government had, besides the seven millions of stock in this institution, more than twelve millions in deposites. Could he join in any purpose of prostrating, at a blow, such an institution? Far be it from his mind. No; he wished to see the bank eased down by a safe, and gradual, and timely process, and not to see it broken up and destroyed.

He asked gentlemen whether it could possibly be the intention of Government to destroy the bank? Could they be actuated by a design whose success must spread ruin throughout this wide community? He had no hesitation in saying, that, should this be done, a greater evil could not be inflicted on the country.

Mr. SPEIGHT being anxious, he said, to bring this preliminary question to a close, demanded the previous question.

But the House refused to second his call—yeas 102, nays 113.

Mr. DENNY then rose and said, he would detain the House but a few minutes with the remarks he wished to make in reply to observations made by some of the gentlemen who had preceded him. He would, however, in the first place, thank the House for the opportunity which had thus been afforded, by the rejection, for the second time, of the call for the previous question—a call made to check discussion. This proceeding will appear well and satisfactory to the people; it proves that there is an independent majority in this hall, who are friendly to a free and full discussion, who will not sustain the attempts made to enforce what is commonly called the gag-law, made with a view to prevent an expression of sentiments upon a question connected with subjects deeply interesting to the whole community. I do not envy gentlemen the attitude in which they present themselves before the people, in thus resisting discussion in the present instance, and resorting to every measure in their power to prevent or embarrass it; a discussion, too, which is expected by the people. It is true, those gentlemen have merely availed themselves of their rights and privileges under the rules of this House; but, sir, the right of free discussion ought to be paramount; it is a right dear to the American people, and I trust ever will so remain, and will always find a majority on this floor willing to maintain it.

We are told that this communication from the Secretary of the Treasury ought to be sent to the Committee of Ways and Means for investigation. I am not willing that the discussion of the great and important questions involved in that communication should now be taken from before this House as a Committee of the Whole on the state of the Union, which may be considered as the great public committee of the nation, and the document be consigned to the private chamber of the Committee of Ways and Means, or any other committee. Do we not know, sir, that subjects of importance are often smothered in these committee-rooms, are not permitted to see the light, and the truth is kept from the people? The people are, in fact, sometimes cheated out of what is their right, and desire a full, fair, and free discussion, by a reference to what may be looked upon as a private committee of the House. I do not say, sir, that the Committee of Ways and Means would act in this manner; but why do they wish to prevent discussion now? Is it to be supposed that more light can be thrown upon the subject by an investigation before a committee of nine, in the private recesses of this building, than before this whole House, composed of the collected wisdom of the nation? 'Tis to this House the people look, 'tis here light is to be elicited in discussion, which shall be diffused throughout the country. Why, then, do gentlemen "retreat" (and I use the language of the gentleman from Tennessee [Mr. Polk]) from this discussion? We are told that discussion is "premature" at this time, and we are asked, Why act with precipitancy? If, sir, it be premature for the great council of the nation now to discuss the subjects referred to in the Secretary's communication, and to judge of his conduct, then, we must believe that he himself acted prematurely, and with great precipitancy. If it were not so, why "retreat from the discussion?"

The gentlemen ought to have been prepared for it. "*Semper paratus*" ought to have been the motto of each. It was well known that this subject would be up for debate here; the papers from every part of the Union were announcing it. Every man believed that the removal of the public money from the place of deposite assigned for it by the act of Congress, would receive the earliest attention of Congress. This appears to have been intended by the Congress which passed the law chartering the Bank of the United States. That clause which gives to the Secretary the power which he has exercised, has been often cited in this debate; but the gentlemen seem not to have regarded the language, or they would not now advocate a proposition productive of delay.

The sixteenth section requires the Secretary of the Treasury, in case he should direct a removal of the public deposites, immediately to lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reasons of such order or direction. The act allows no delay; but the subject shall be laid before Congress immediately, that it may receive an early and prompt discussion. Congress evinced some foresight in this provision; it would seem as if they had been fully aware that public credit and confidence in the money and commercial transactions of the country would be materially affected by the exercise of this power by the Secretary of the Treasury. Therefore, it was deemed necessary that Congress should have the earliest opportunity of acting promptly and efficiently upon the subject, so as to correct any inconvenience, and remedy any evil which might have arisen from the measure adopted by the

Secretary. The subject is of too much importance to admit of delay. If it shall be sent to the Committee of Ways and Means, a two-fold delay will result; it may lie dormant in that committee for ninety days, as was said by the gentleman from New York, [Mr. SELDEN,] and then brought into this House to be discussed, after this delay, in a Committee of the Whole House on the state of the Union; and here the debate may be necessarily prolonged. The Committee of Ways and Means may bring other matter into view in their report, requiring to be noticed. In this manner months may elapse, and the session draw to a close before the storm which is threatening the country shall be allayed; before public confidence, which has been materially shaken, shall be again restored, and all apprehensions arising in the public mind from the conduct of the Treasury be removed. The gentleman from New York [Mr. BEARDSLEY] has declared that public opinion is immoveably fixed relating to a restoration of the deposites; that they will not be placed again in the Bank of the United States. With due deference to the discernment of that gentleman, and willing to allow that his opportunities of acquiring a knowledge of public opinion are greater than my own, still, I must differ from him. I do not pretend to manufacture public opinion, but will take it as it comes to us in the papers of the day, which are the vehicles of public opinion. From these, sir, there is abundant proof that public opinion is not conclusively settled upon this subject. But admit, for the sake of argument, that public opinion is as the gentleman has stated, why shun a free and open discussion at once before the nation? Does not the unwillingness of the gentleman to agree to this course, furnish grounds justly to infer that he has not confidence in his own position, or in the stability of public opinion. If it be unalterably settled, he has nothing to fear from a discussion. Why, then, postpone it?

It is said that it is not the province of the Committee of the Whole House to investigate facts, but belongs to the private or standing committees of the House. The standing committees have no other powers than those which they derive from this House; they are the creatures of the House; if they possess power to investigate facts, the House has it in a greater degree. In this country, public men who are willing to stand by their public acts, ought never to dread even the closest scrutiny. They must expect to meet it, and cannot avoid it. The Secretary of the Treasury has submitted to Congress, in pursuance of the law, the reasons for directing a removal of the public deposites. By his own reasons he must stand. The law does not require, nor does he ask, these reasons to be sent to a committee for examination, and that they may add new reasons, and find out new pretexts, *ex post facto*, for the conduct of the Secretary. The law requires him to submit his own reasons, and not those of his friends. He has done so. We are to judge of the sufficiency of those reasons, and not the Committee of Ways and Means. On this subject I am not disposed to pin my faith to the sleeve of the Committee of Ways and Means. The report of the Secretary is not made in order to guide the Committee of Ways and Means in any investigation which they may undertake to make, but to inform Congress why and wherefore he has removed the public deposites.

If these reasons be satisfactory to the House, if, in its estimation, they be sufficient to sustain and justify the course pursued by the Secretary, we owe it to him, we owe it to the country, promptly to say so. If the House, after an examination, should be of a different opinion, and think the reasons insufficient, it is equally our duty to declare it speedily. By this course, public credit, public confidence, will be the sooner restored to a wholesome condition, and the country the sooner relieved from embarrassment and pecuniary distress.

Some gentlemen are doubtful on the subject of alleged embarrassment and distress. The gentleman from New York [Mr. BEARDSLEY] thinks it is confined to the commercial cities, and has not reached the country. For this very reason we ought to come to an early decision, and act without delay. Let us not defer the consideration of this subject until the distress with which New York, Philadelphia, and other cities, is visited, shall have extended throughout the whole nation. Let us now apply the remedy, while the evil is within our reach. It will be too late if we shall wait until the panic shall have reached the extremities of the land, and every breeze from the interior and the great West shall waft to our ears intelligence of ruin and disaster; it will be too late for thousands who may be ruined or embarrassed in consequence of the disturbed state of credit and public confidence, as connected with the moneyed institutions of the country.

I wish a prompt settlement of this question. This is the wish of the people, I firmly believe, as far as I can collect the public opinion. It should not be left long in uncertainty. In my opinion this is the only course. The interests of the merchants, of those engaged in purchasing and transporting the produce of the country, of all engaged in commercial transactions, and of those in any manner connected with a sound currency; and public credit and confidence demand a speedy and prompt adjustment of this great and important subject.

Mr. VANDERPOEL said, that he could not boast the honor claimed by one of his colleagues, [Mr. SELDEN,] of representing the largest commercial city in the Union, but he might claim the honor of representing a people as deeply interested in the action of this Government, as are the worthy constituents of the gentleman from New York; a district agricultural, commercial, and deeply interested in manufactures; and (said Mr. V.) I only echo the sentiments of my constituents in the avowal, that the removal of the public deposites from the Bank of the United States was loudly called for by the best interests of the country.

It must (said Mr. V.) be conceded, that the disposition which the adversaries of the motion to reconsider propose to make of the document in question, would be a departure from the ordinary usage of the House; that it ever has been customary, and must, from the nature and fitness of things, be customary, to refer papers of this description to the Committee of Ways and Means.

And on what ground is this departure from precedent and principle attempted to be justified? Oh, say gentlemen, expedition, immediate action, is every thing in this matter. They tell us that the subjection of this report to the ordinary routine of legislation, would scatter bankruptcy and distress, if not desolation, through your commercial cities. Indeed! Whence do gentlemen derive this argument? Is it from the report of the Secretary, which is said to be so all-sufficient for immediate action, and beyond which they object to go? No, sir, I have not read it there, and the enemies to a reconsideration feel themselves, therefore, compelled to go beyond the report, in quest of an apology for the unprecedented course for which they are contending.

But (said Mr. V.) is it indeed true that the commercial distress resulting from the removal of the deposites, is so great as to justify the precipitancy in proceeding which is now asked for? Is it true that Pandora's box was opened upon this devoted country, when the fiat of the Secretary of the Treasury to remove the public deposites went forth? Not so, sir—according to the statements of a document, the truth of which gentlemen propose to admit, by going immediately into Committee of the Whole—I mean the report of the Secretary of the Treasury.

This very able and triumphant document assigns other reasons for the commercial distress which has been de-

picted to us in such frightful colors. It tells us that, in two short months immediately before the removal of the deposites, the Bank of the United States reduced its loans upwards of six millions of dollars; that this enormous amount was, in so short a time, withdrawn from the business of the country; that it had, shortly before the Presidential election, increased its loans to an unprecedented amount, for purposes which none can misunderstand; that the Government deposites were accumulating in the bank, and instead of loaning them, or discounting on the strength of them, as it had been accustomed to do, it was, after having thus stretched itself to its utmost tension, withholding its usual accommodations from the public, and thus producing great embarrassment and distress in your commercial cities; and the Secretary of the Treasury, in this same document, tells us, that the alleviation of this distress, thus occasioned by the sudden contraction of the bank, was one great object in ordering a removal of the deposites.

Sir, (said Mr. V.) I may be permitted to go a step further on this point. I have the same right that other gentlemen exercise, to speculate and conjecture as to the causes which have produced the great dearth of money which has here been so much deplored. I might suppose that the demand for money was much increased, by reason of the new adjustment of your tariff; that all your woollens now pay cash duties; that the old bonds to Government are now falling due; and that nearly two years of imposts are now paid in one! This, no doubt, has contributed much to the scarcity in the money market which is now said to prevail.

Whence, sir, comes this astounding cry about the public distress? Does it not proceed from the friends of the bank, and do they not sound the tocsin of alarm louder than the actual state of things warrants? The great mass of the people, sir, are prosperous and happy beyond all example; the fruit of the husbandman is abundant, and commands most liberal prices; lands are rapidly appreciating, and your people are every where making the most rapid strides in enterprise and prosperity. There may, indeed, be a pressure in the money market in your cities; but, sir, have there not always been fluctuations there? Yes, sir, they are the inevitable results of improvident over-trading and mad speculation—the tide of the ocean ebbs and flows not more certainly, than does the active capital of your commercial cities. An unprecedented inundation has lately taken place, as the Secretary of the Treasury tells you, and if a little sickness and distress are occasioned by the too sudden evaporation of the unnatural waters, we should take consolation from the prospect, that the deleterious fountain from which they flowed, is soon to be dried up, rather than dole out our lamentations about a little partial and temporary distress.

But, it is said that the suspense which now occupies the public mind, contributes largely to that distress; that the depository banks dare not discount upon the Government deposites, because they are fearful that the deposites will again be taken from them.

Of the actual existence of such suspense (said Mr. V.) I know nothing; but what has transpired to justify it? What has occurred to induce the belief that the public deposites will be removed by this Congress? What cause is there to alarm the depository banks? Is it to be found in the vote of last Thursday, in relation to the memorial of the Government directors? Is it to be found in the inconstancy and irresolution of the Secretary of the Treasury, or of that distinguished patriot who presides over the Executive department of this Government? No, no, sir. The history of the past is enough to admonish the world not to found any hopes upon the fickleness or instability of those public functionaries who have ordered the removal of the deposites. With the sagacity to see plainly the path of duty, they unite the energy to follow it.

The necessity of committing the report in question to the Committee of Ways and Means, is demonstrated by the strange incongruities in which gentlemen who oppose the motion to reconsider, involve themselves. We were told by an eminent gentleman from Pennsylvania, a few days ago, [Mr. Binney,] whose very ingenious remarks I listened to with great interest, that a reference of this report to a Committee of the Whole on the state of the Union, would, in effect, and for the purpose of discussion in Committee of the Whole, be an admission of the truth of the facts set forth in the report, and the gentleman resorted to certain legal analogies to illustrate the view he took of the question. He told us that we were a court of review, called upon to revise the act of the Secretary of the Treasury; that his report was his award, and that, as an appellate tribunal, we could not look beyond the report; that it imbodied all the facts and reasons of the Secretary, and that the report must stand or fall by itself, and that nothing extrinsic could be received; and yet, strange as it may seem, he tells us almost in the same breath, that the public deposites are unsafe in the State banks! Whence does he derive this fact? From the report of the Secretary? No, sir. He travels out of the record to support his case. This proves the necessity of referring the subject to the Committee of Ways and Means, who have power to inquire into this all-important question, whether the public deposites are safe. The Committee of the Whole on the state of the Union have no means of shedding new light upon this all-important point. The question of the security or insecurity of your public treasure, is one of vital interest to this nation, and should be referred to a committee that can make the necessary inquiry.

Gentlemen tell us that they are willing, for the purpose of bringing the matter immediately before the Committee of the Whole on the state of the Union, to admit the facts set forth in the report, or, in other words, they seem to demur to the report of the Secretary. I deny, sir, that any gentleman has a right to put in a demurrer that shall conclude the House. We may not be disposed to be very sceptical in relation to the facts and deductions of the Secretary of the Treasury, and yet we may and should be disposed, from a spirit of justice to the bank, to refer this matter to a committee to examine and report whether the Secretary has not misconceived or given undue weight to facts; and I deny that gentlemen have a right to make any admission that shall supersede this further satisfaction. While on the one hand, I would not sanction the relaxation of those over-indulgent prosecutors who have heretofore filed their bills of indictment against the bank, so, on the other, I would not be too ready to try and condemn it upon the admissions of those who have undertaken its defence. I shall vote for a reconsideration, to the end that the subject may be referred to the appropriate committee.

Mr. McDUFFIE said, that he wished to offer a word or two as to the usual mode of proceeding in cases of this kind, and also to satisfy the House what would be the consequence of leaving the question where it had been placed by a vote of the House, viz. before a committee of the Whole on the state of the Union. Gentlemen seemed to have entirely misapprehended the usual course of parliamentary proceeding. The invariable rule pursued in the British House of Commons, and in all deliberative bodies, so far as he knew, in this country, was to settle the great and important principles in any public measure, in committee of the whole body; and when these were definitely settled, by an expression of the mind of the House, if any details required arrangement, or any bill was to be prepared, to intrust this to a select or standing committee. What would be done if this document should be left in custody of the Committee of the Whole on the state of the Union? The great and leading principles involved in the subject would be discussed and

determined; and the sooner this could be done, the better. As to the details, they were, in comparison, wholly unimportant to the community. If it were true that Congress has the right to take away the deposites from the Bank of the United States on the ground stated by the Secretary, viz. the expiration of the charter of the bank in 1836; if it had the right of violating the stipulations of the charter on the mere ground of public convenience; and the House should so declare, the community would be put at rest; they would then know on what to calculate. If the Secretary had the right to take the deposites, or rather, if the President had the right to order the Secretary to take them away from the bank on mere vague conjectures that the bank interfered in the public elections, and the House was ready so to declare, all they had to do was then to order the Committee of Ways and Means to report a bill. These were the great principles Congress had to settle; all the rest was comparatively unimportant to the country. When once the point was definitely settled, that the deposites were to be finally removed and not to be again placed in the Bank of the United States, the subsequent arrangements might all be gone into with the utmost deliberation. The distribution which the Secretary had seen fit, or might hereafter think proper, to make of the public moneys, was a question which Mr. McD. would not disturb, without the strongest reasons shown. It was the great question of principle that required to be speedily determined. He repeated, that the usual parliamentary course was to discuss this in Committee of the Whole. When it should there be proposed, it was his intention, if no other member should do it, to offer some resolutions in relation to it, on which it would be for the committee to act. When they had acted, and the House had finally declared its will, the public mind would be set at rest. He could with perfect sincerity say that he was much more anxious that the community should be relieved from its present state of suspense than in any thing else connected with the matter.

He earnestly besought the House not to let the interests of the country be sacrificed while gentlemen were playing a political game in that hall. If there was a man to be found who, for the sake of mere personal or political objects, could think of thus injuring his country, (he knew there could be no such man on that floor,) he would deserve and receive the execration of the community. A game like this might to some gentlemen be sport, but it was death to the country. For what, he asked, was this paper of the Secretary to be sent to a committee? There was nothing for the action of a committee in the case. Every fact that could be needed was found, either in the report itself, or in the weekly statements of the bank. It was true that the report of the bank directors did deny many of the allegations of the Secretary, yet the House could judge of the correctness of his statements. How? By comparing them with the weekly statements of the bank. The committee would have all the facts on record before it. What was there for a standing or a select committee to do? He could imagine nothing, unless, indeed, gentlemen wished for a long report in vindication of the Executive. Now, one would suppose that the President had given his reasons at quite sufficient length in a certain paper, (to which it was in order to refer, since the President had declared it to be a public document.) He had ordered the deposites removed, although he knew that Congress would meet within sixty days; and he had set forth his reasons. Were gentlemen not satisfied with the President's account, and the account of his Secretary? Did they think they did not still stand strongly enough? Not a word had been heard as yet by the House from the bank. In the name of heaven, let them consent to go into committee with these. Surely, if the friends of the bank were satisfied, the friends of the President need not to complain. He wished, however, to be clearly understood: he did not mean to take as authentic all the garbled statements which had been made up from the weekly statements of the bank. He was prepared to show that the Secretary had made mistakes in some instances, amounting to two, three, and four millions, on very important questions. He concluded by expressing his hope that gentlemen on all sides of the House would be satisfied to go into the discussion, in some form, this day; and if they were to have a long report from the Committee of Ways and Means, in defence of the President, the sooner they got it the better.

Mr. SUTHERLAND said that he had twice voted in favor of the previous question; for he belonged to a class of members in that House who were sincerely anxious to have this question settled. He was a representative from one of those great cities (Philadelphia) which had been said to be so strongly agitated by the present state of things: and he was sorry that any prolongation of the present debate should longer prevent the final settlement of the question. But for this debate, the House might, by this time, have received a report, and had a resolution reported for its action. And how was the question to be settled? The gentleman from South Carolina had said that it was parliamentary to settle it in Committee of the Whole. But if this should get into Committee of the Whole, without having any proposition in a definite shape to deliberate upon, they would be pursuing shadows, while the people would be the sufferers. Mr. S. was for referring the paper to the Committee of Ways and Means: and as to the danger of delay on the part of that committee, if they should prove dilatory in rendering their report, he would be one of the first to compel them to action. He was for meeting the question. The nation required it. The State banks required it. The United States Bank required it. He should be sorry could he believe with a gentleman from New York, [Mr. SELDEN,] that the House would get no report for 90 days to come. He believed that committee would act with promptitude. But if they should go into Committee of the Whole, what would be the course of things? The gentleman from South Carolina [Mr. McDUFFIE] had indicated to the House that he should offer there a series of resolutions: another gentleman would be ready with a different series; and a third gentleman with yet another; and there would be no end to the debate. He did not wish to add one feather to the argument of the Secretary. All he wanted was that the subject should go to the appropriate committee. If the House should not be satisfied with the resolution that committee should propose, why, they could vote it down. There must be an issue made up somewhere: was it not more likely to be done speedily in a small committee than in a large one? Let things take their usual course. He concurred with the gentleman from South Carolina, [Mr. McDUFFIE,] that which way soever the question went, a decision ought to be made of it this day. He said action! action! action! action was better than debate.

Mr. FOOT said, the gentleman from Pennsylvania had avowed himself as belonging to one side of this House. Sir, said Mr. F., I do not know to what side, or party, in this House, I belong, or whether to any one; and if I did, surely I would not avow it on a question of such deep interest as that now under consideration. The gentleman is in favor of a speedy and prompt decision; he would refer it to the Committee of Ways and Means, and, if they would not act speedily, he would demand a decision. But, sir, the gentleman from South Carolina has pledged himself immediately to offer a resolution for consideration in Committee of the Whole; and if prompt action of the House be the gentleman's object, surely it will be obtained by going into Committee of the Whole on the state of the Union. But I will not continue the discussion. My principal object in rising was to reply to the

gentleman from Tennessee, who declared that I was mistaken in my statement that no such paper was ever communicated to Congress, and referred me to a letter of Mr. Crawford. This letter I have examined, and can find no more analogy than between a declaration and a bill of exceptions, alike neither in substance nor in design. Mr. C. gave the reasons why the deposites were not immediately made in the United States Bank—which were, to prevent a shock in the commercial community, and to prevent pressure on the banks. This paper has a different object; and its consequences no man can foresee. The gentleman from Pennsylvania still claims precedent for this course of proceeding. There is no precedent which warrants it. The letter of Mr. Crawford was not referred to any committee, but was laid on the table, as not of sufficient interest to require any action of Congress. We are all liable to mistake; but, sir, I still repeat, there is no precedent for this course. The parliamentary rule quoted by me yesterday settles the point. The Committee of the Whole settle principles, and their resolutions are then referred to other committees, to prepare bills, if necessary. It is in vain to attempt to stifle discussion—this subject must and will be discussed. Debate cannot be prevented by previous question, but by force; and, let me say, if liberty ever dies in this country, its expiring agonies will be witnessed in this hall.

Mr. JONES, of Georgia, said he agreed with the gentleman from South Carolina [Mr. McDuffie] that it was important there should be some decision without delay: and further, that the most speedy course to obtain it would be to send the subject to the Committee of the Whole on the state of the Union. Thus far he was prepared to go with him: but he must be excused if he could not agree as to what decision such a committee was likely to come to. He could not believe, with that gentleman, that the Secretary's reasons would be found insufficient; nor could he agree in the position that the House was the proper organ to act in relation to the removal. That belonged solely to the Secretary of the Treasury—who was to report his reasons to the House, and the House was to judge of them. He had voted once, and voted twice, against the previous question, and always should vote against it whenever it was attempted to be used for the purpose of precluding discussion on subjects of national importance. It was due to the Government, to the bank, and to the country, that the representatives of the people should act with promptitude. If the views of the Government were right, let it be said so: if they were wrong, let it be said, and let the people know speedily whether the deposites were, or were not, to be restored. It appeared to him gentlemen were wrong in supposing that the House needed any thing beyond the reasons stated by the Secretary himself. That officer had power to remove the deposites, and he was then required to report his reasons to Congress. This he had done: and into what more could the House inquire? He had given his facts, and his deductions from them: the House was to judge from these, as stated, whether he was justified in what he had done. He could not agree that it would be competent for the Committee of the Whole to contradict the facts stated by the Secretary. The only question for them to settle would be whether, admitting the facts to be as stated, the Secretary's deductions had been well founded. He agr ed with the gentleman from New York [Mr. Selden] that a demurrer had been filed, and that all dispute on the facts was precluded.

But, for what was the report to be sent to the Committee of Ways and Means? That they might report to the House the facts which the Secretary had reported? That was unnecessary. To echo his deductions from those facts? That was as unnecessary. And as to having a resolution reported for the action of the House, would not a resolution be offered in Committee of the Whole? Why then send the paper to a committee? They wanted neither facts, nor opinions, nor resolutions: they had all before them which was necessary. He believed the reasons of the Secretary were amply sufficient; and he could not agree that any thing more was needed for the action of the House.

Mr. PEYTON said, the people had pronounced a judgment on this subject, which we were now called upon hastily to reverse. The American people dread no power—that of a corporation, or of any other power. The alarm attempted to be excited was without foundation. His own opinion was, that the subject ought to be referred first to a committee, and, upon the report of that committee, the House should act. The movement of the Secretary of the Treasury, two months in advance of the meeting of Congress, was necessary, he contended, in order to prevent the bank from withdrawing from the general circulation of the country nine millions of dollars more. He referred to many charges against the bank, which, unless gentlemen on the other side admitted them, ought to be subjects of investigation in a standing committee. Facts, as to which any dispute should arise, could not be settled in the Committee of the Whole.

Mr. DAVIS, of Massachusetts, observed that he had but a word to say; for he should not attempt to debate the main question, fettered as it was by the rules as explained from the Chair. He would call the attention of the House to the attitude in which it stood, and without making any pretension to understand the rules of order, he would submit to its good sense, whether a right exposition of the matter in hand had been given. The question pending was raised by a motion to reconsider a vote referring the report of the Secretary of the Treasury, in which he assigns his reasons for removing the public deposites from the Bank of the United States to certain private banks, to a Committee of the Whole on the state of the Union.

This document was referred to this committee, because a kindred document upon the same subject, the President's message, had been referred to it, and it was thought correct that the whole matter should be together, in the possession of one committee. This first thought was right; for no disposition of it could be more appropriate. The proposition now is to rescind this vote, and send the Secretary's report to the Committee of Ways and Means—and why send it there? What purpose is to be subserved by separating it from the message. Does the mover [Mr. Polk] wish to suppress debate on this topic which is agitating the country? Suppose he succeeds; he wrests from the committee this document, and gets possession of it; but the message is left with the Committee of the Whole on the state of the Union, and consequently the subject will remain there, open for discussion, until that is also disposed of.

It has, however, been urged with much zeal, upon the House, that this paper should be sent to the Committee of Ways and Means, and a leading argument in support of the proposition has been, that it is in accordance with usage, with the practice and rules of the House. Mr. D. said, if he had a right understanding of this matter, the argument was without foundation, though nearly every gentleman had assumed it who had spoken in favor of the motion. He called on the House to look at the sense and meaning of the parliamentary rule. All ordinary matters occurring from day to day, when presented to the House, are referred by the House to a standing or select committee. This, however, was not the case with the annual message of the President and the matters connected with it. That paper, with the accompanying documents, was always referred to the Committee of the Whole on the state of the Union. This disposition of it formed an exception to the ordinary course of business—and why? Because it was supposed to contain matters touching this

great Union, affecting its interests—matters of great public moment, which every gentleman on this floor ought to have an opportunity to consider and debate, if he thought fit. This was the sense and meaning of the rule. If it was not, he asked gentlemen to expound to the House the reason of committing it to the Committee of the Whole on the state of the Union? It would be absurd to commit to one committee, merely to obtain a report from it to commit to another committee; for that could be just as well done in the House. He knew that it was usual to dissect the message, as it was styled, in this committee—and it often happened that little debate arose, but still the design was to open a free, untrammelled opportunity for it. The argument of usage, therefore, falls to the ground; the authority is exactly the opposite of what has been represented, and those who urge it propose to violate the rule instead of supporting it, and to do it without any advantage, for the subject would still be left with the Committee of the Whole on the state of the Union, and there can be no propriety in separating the documents.

Notwithstanding this obvious state of things, there was a manifest purpose to send this document to the Committee of Ways and Means--and why? To ascertain and settle the facts, it had been said. And what authority has this committee to settle facts? What right have they to find a verdict and present it here as obligatory upon us? None whatever. We are not yet deprived of the right to think for ourselves or to judge of such evidence as is laid before us, independent of the views of any committee—but the Secretary has rendered all his reasons for his conduct with great deliberation, and if we wish for the evidence upon which his reasoning is founded, we can demand it of him and it will be furnished. So far as respects this document, we are called on to consider his reasons, and nothing else, and what occasion have we for the aid of the Committee of Ways and Means? None whatever--and I can conceive no possible motive for sending this paper to them, unless it is to obtain a report, an echo of certain opinions already before the public, under the authority of the committee, for political effect. If this be the object, let it be manfully avowed, that the people may understand the object. It had been said that justice to the bank demanded this, but he said he had heard of no such request from the bank. The Secretary had made his own case out leisurely—the country and the bank demanded speedy action upon it, that the excited state of public feeling may subside—and he hoped, as no possible object can be accomplished by this motion, unless a report is produced for political purposes, that the mover would withdraw it, and the document and the message be left together, as they should be.

Mr. LANE said, that so far as he had been able to gather the intentions of gentlemen, all were agreed in desiring as speedy a conclusion as could be arrived at; and so far as his own vote was concerned, it should be on that side which he considered best calculated to reach that end. He was willing to put the question as to the proper disposition of this report of the Secretary on a single proposition, advanced by the gentleman from South Carolina, [Mr. MCDUFFIE.] That gentleman said the paper must go to the Committee of the Whole, in order that the great and obvious principles involved might there be settled. Now, he had supposed that the great and obvious principles of truth were always known, and always settled; that they were as firm and settled as the course of time; and that great principles were only useful in their practical application to things. He had now for the first time learned what was the real object of that gentleman—it was to discuss the report of the Secretary of the Treasury, together with the weekly reports of the bank; and the gentleman had had the candor to tell the House that those weekly reports do contradict the averments of the Secretary. So that it appeared an issue was to be made up between the statements of the Secretary and the statements of the bank reports. Now, how was this issue to be settled? By first discussing great and obvious principles in Committee of the Whole? No. By sending both, together with the reports of the directors of the bank, to the Committee of Ways and Means. Let the committee settle the issue; and let them bring back, as speedily as possible, their report into the House. When once the facts were settled, what was the object of discussion? To ascertain the truth. Was the Secretary right, or were the directors right? When this was the question brought before the Committee of the Whole on the state of the Union, how simple and how obvious would be the inquiry which would occupy its attention! It was easy to apply great principles—they were as simple as light. Inasmuch as the saving of time was the great object on all hands, let the paper go to the Committee of Ways and Means; let it be accompanied, if gentlemen pleased, with instructions; and let the investigation, the decision, and the report, follow each other in quick succession.

The House had been told that a great state of alarm existed in the country, and that a further continuance of the present state of uncertainty was much more to be apprehended than any result of the question. Since this had been stated, and facts had been referred to in support of it, he would inquire of gentlemen, (he did it with great reluctance—and should not, had not the statements made compelled him to such a course,) who had spread this alarm? who had proclaimed it abroad? The Secretary had declared in his report that all was well—here was the voice of peace. Did the gentleman learn it from the venerable man who filled our chief Executive station? No. Did he hear it from gentlemen on that floor who were the avowed friends of the administration? No. The alarm came from a different quarter entirely. The cry of "fire" came from the opposite side of the House. No doubt the cry was raised in all sincerity, but it came not from those who acted with him. Mr. L. concluded by expressing his hope that the paper would go to the Committee of Ways and Means—that they would report without delay, and that all would act upon the subject without reference to local or to party feelings, and, like members of one common family, would all conspire to allay the alarm which was said to prevail.

The question was now loudly demanded from all quarters, and, at about half past 3, it was propounded by the SPEAKER, on reconsidering the vote by which the report of the Secretary of the Treasury, in relation to the removal of the public deposites from the Bank of the United States, had been referred to a Committee of the Whole on the state of the Union; and decided by yeas and nays, as follows:

YEAS.—Messrs. John Adams, John J. Allen, William Allen, Anthony, Baylies, Beale, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Claiborne, Samuel Clark, Clay, Coffee, Connor, Cramer, Day, Philemon Dickerson, D. W. Dickinson, Dunlap, Forester, Fowler, W. K. Fuller, Fulton, Galbraith, Gholson, Gillet, Joseph Hall, T. H. Hall, Halsey, Hamer, Hannegan, J. M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, R. M. Johnson, Noadiah Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Leavitt, Thomas Lee, Loyall, Lucas, Lyon, A. Mann, J. K. Mann, Mardis, Mason, McCarty, McComas, McKay, McKim, McKinley, McLene, McVean, Miller, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patton, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Polk, Pope, Ramsay, Schenck, Schley, A. H. Shepperd, Shinn, Charles Slade, Smith, Speight, Standefer, Stoddert, Sutherland, William

Taylor, J. Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, C. P. White, Wise.—124.

NAYS.—Messrs. J. Q. Adams, Heman Allen, C. Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Beaty, James M. Bell, Binney, Bouldin, Briggs, Bullard, Bull, Burd, Burges, Cage, Chambers, Chilton, Choate, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, John Davis, Warren R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Ellsworth, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, P. C. Fuller, Gamble, Gilmer, Gordon, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Hiester, J. W. Huntington, W. C. Johnson, Seaborn Jones, King, Lewis, Love, Martindale, Marshall, McDuffie, McKennan, Mercer, Milligan, Moore, Pinckney, Potts, Reed, Reneher, Selden, W. B. Shepard, William Slade, Sloane, Spangler, Stewart, W. P. Taylor, Philemon Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, E. D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young.—102.

So the House determined to reconsider.

Mr. POLK then moved that the report be referred to the Committee of Ways and Means.

To which motion Mr. McDUFFIE moved an amendment, proposing to instruct the committee to report a resolution directing that the residue of the deposites should not be removed from the Bank of the United States.

He thereupon moved an adjournment; on which motion the House divided, and passing between tellers to be counted, it appeared that the yeas were 111, nays 101.

So the House adjourned.

WEDNESDAY, DECEMBER 18.

BANK OF THE UNITED STATES.

Mr. BINNEY presented the following memorial from the Bank of the United States:

To the Senate and House of Representatives of the United States:

The Board of Directors of the Bank of the United States respectfully represent—

That, by the charter of the bank, it was stipulated between the Congress of the United States and the stockholders of the Bank of the United States, that in consideration of a full equivalent rendered by them, in money and services, they were entitled to the custody of the public moneys, which were not to be withdrawn from it, unless for reasons, of the sufficiency of which, Congress, and Congress alone, was the final judge.

That the bank has in all things faithfully performed the stipulations of the charter.

Nevertheless, since the adjournment of Congress, the Secretary of the Treasury has issued an order, on the 26th of September last, withdrawing from the possession of the bank, the custom-house bonds deposited therein, and has subsequently transferred into certain State banks a large portion of the public moneys, then in the safe-keeping of the bank, with the purpose of making them hereafter the permanent depositories of the public revenue.

The Board of Directors therefore deem it their duty forthwith to apprize your honorable bodies of this violation of the chartered rights of the stockholders, and to ask such redress therefor, as to your sense of justice may seem proper.

By order of the board:

N. BIDDLE,
President Bank U. S.

PHILADELPHIA, Dec. 9, 1833.

Mr. BINNEY moved that the memorial be laid on the table, and printed.

Mr. POLK moved its reference to the Committee of Ways and Means, and demanded the yeas and nays on the motion for laying it upon the table.

Mr. BINNEY called for the reading of the memorial—and it was read accordingly.

The question then recurring upon laying it upon the table, the yeas and nays were taken, and resulted as follows: Yeas 80, nays 126.

So the House refused to lay the memorial on the table.

Mr. POLK's motion for its reference to the Committee of Ways and Means being about to be put—

Mr. CHILTON moved to amend it by adding instructions to the committee to bring in a joint resolution ordering the Secretary to re-deposite in the Bank of the United States the public moneys which, by his order, have been removed from that institution.

In support of his motion—

Mr. CHILTON addressed the House as follows: Mr. Speaker: Candor demands I should say, on rising to join in the discussion of this subject, that I entertain but little hope of being able to say any thing which may change what, if I were not restrained by the rules of order, I would call the predetermination of this House. I am perfectly aware of the power of opinion, when once formed, and particularly if expressed. I am not a stranger to the irresistible influence of prejudices, when once imbibed, and therefore it is, that I enter on the discussion of this subject, more with a view to discharge my public duty, and to afford the freemen who have sent me here an evidence that I have done so, than with any calculation that I shall be able in the slighest degree to affect the decision of this House.

I have, sir, another view. This attempt to derange the currency of the country, by destroying the best and most judiciously managed institution that this or any other nation has ever had, is not of recent origin; it was long since conceived, and this entire continent—yes, sir—the whole extent of country, from Maine to Georgia, and thence to the Mississippi, has been overrun with misrepresentations and calumnies on the character of the institution—some official, some otherwise; but all so specious and imposing, that a people who are even disposed to judge dispassionately, and to decide correctly, are bewildered; they know not what to believe, or how to dispose of this interesting and yet exciting question.

Let no man say, that I undervalue or insult the intelligence of the country when I thus speak; for I know that I speak the truth. The scattered condition of our population renders it impossible that the great body of the people should command such a stock of political information as to guide them in safety on all subjects, and on all occasions; they are hence compelled to rely more or less on others, in whom they have reposed their confidence. The people are aware that their opportunities are limited; that their avocations deny them the leisure which would be necessary to the successful prosecution of political studies—and thus it is, that the confiding farmer follows his plough—the cheerful mechanic pushes his plane—the persevering manufacturer weaves his web, and in fine, the great army of laborers in the diversified operations of that industry and enterprise for which our people are becoming alike elevated and proverbial, move on, trusting the management of their political concerns to men selected for some qualifications, either real or imaginary—and some virtues, either possessed or imputed. Situated thus, we may all be said to represent a people who confide much—yes, very much—to our intelligence and integrity. The political destiny of the country may truly be said to be in our hands, nor can I be mistaken when I assert that our obligations rise in the exact pro-

portion, that public confidence is reposed in us, and that the public happiness is dependent on the manner in which our duties are discharged.

But, sir, I have already troubled the House with as many preliminary remarks as are either necessary or expedient on the present occasion. I feel that it is due from me, to my country generally, and to my immediate constituents especially, that I should go into a consideration of the subject proposed, endeavoring, in a spirit of perfect candor, and as great moderation as I can command, to imbody the substantial facts on which our decision of this question should turn, and a few plain and unsophisticated arguments, illustrative of what should be the practical effect of those facts upon our deliberations here. And should I fail of any—even the least effect here—a circumstance which I have already anticipated—yet, to the pleasing consciousness which it will afford me, of having faithfully endeavored to discharge my public duty, will be superadded the animating hope, that the view of the subject which I shall perhaps be able to present, may meet the eyes of other bodies of men—larger, if not more august, than this, who will have no interest in being deceived, much less in becoming the miserable victims of voluntary deception.

I will not say, sir, as it was once said, and I believe on this floor, that "I speak for posterity;" for the tide which bears down to them a history of the checkered events of the present age, may in all likelihood sweep my humble name from the catalogue of those who have figured, or even attempted to figure, on the theatre of this day. I have greater ambition to be considered good, than to be called great; and a deeper and more abiding anxiety to deserve, than to obtain, the applause of my countrymen. Then, sir, I speak for the present generation. I speak for what I esteem the cause of truth—I advocate what I believe to be the cause of my country; and, acting under these convictions, I shall march boldly forward. Acknowledging no master, my responsibility will be due alone to those whose representative I have the pleasure to be. And unambitious as I am, and hope ever to be, of outliving the honor, the peace, the happiness, the independence, the liberty of my country, no "tyrant's frown" can swerve me from the pathway to which independence as a citizen, and duty as a representative, plainly point me. No, sir. But in the respectful exercise of my privileges as a member on this floor, I am determined to spread this subject before the American people; not by discoloring its facts, or calling to their aid irrelevant and offensive arguments, but by endeavoring to disencumber it of the misrepresentations which have so often and so long obscured its proper features from the view of a community, whose best interests are deeply involved in the decision which we are to make.

On a recent occasion, sir, and pending a motion made by the gentleman from Tennessee, [Mr. POLK,] to reconsider the vote of this House, by which the report of the Secretary of the Treasury, relative to the removal of the public deposites, was referred to the Committee of the Whole on the state of the Union, I took occasion to trouble the House with a few remarks. I regretted extremely, as I then said, that it was not in order to discuss the merits of the question, and to analyze the reasons offered by the Secretary in justification of the extraordinary course he had adopted. But I regretted, more, if possible, that I could scarcely allude to the peculiar modesty with which the honorable gentleman had invited this subject into his own embraces, without conflicting with some view which the Chair entertained of the order of this House. It would be out of order, I know, if I were even to intimate that the administration of the rule to me, was rigid, and without mercy; or, that, as the same discussion progressed, the rigor of the Speaker was relaxed. This I will not say. But, I may venture to express the hope, that open as the subject now is, to a discussion of its merits, I may be more fortunate than on the occasion alluded to, and the honorable Speaker may not have imposed on him the painful necessity of interrupting the order of a gentleman's argument, by interposing in behalf of either "retiring modesty," or the rules of the House.

But let us enter on the subject at once; as even a brief discussion of the various matters involved in it, will consume as much time as I can, with any assurance, ask at the hands of this House. I am compelled, Mr. Speaker, in order to present this subject fairly before the House, and an inquiring community, to submit a few remarks on the origin and probable cause of the reckless hatred, and uncompromising hostility, which is entertained by some individuals high in authority, and many others whose business it is alone to follow, against the Bank of the United States. In doing this, I hope my motives may not be misconceived. However little others may know of the fact, yet I know, and I feel, that I entertain no such disposition toward any member on this floor, as could be gratified by inflicting on his feelings the slighest wound: such is not my intention: and should I be so unfortunate as to use any expression, in the course of this debate, which may be calculated to produce such an effect, I shall not only regret it, but tender in advance the declaration that it is not desired--not intended. Yet, sir—and while I make this declaration, it is not to be expected, not to be supposed, that I shall be content with less than a discussion as broad as the charges which have been made against the bank, and as bold and uncalculating as have been the assaults upon it. In tracing this hostility to its origin—and in pursuing its serpentine meandering, in endeavoring to compass the destruction of this institution, I cannot, though I would gladly do so, avoid at least a respectful commentary on the part which the distinguished gentleman who fills the Executive chair of this nation has acted in the grand farce which has been played off on the people.

Mr. Speaker: In relation to that distinguished individual, I have no personal feelings to gratify; and sure I am that, when the attitude in which I stand towards him is duly and dispassionately considered, no man will feel disposed to dispute the sincerity of what I say. For him, and to elevate him to the chair which he now occupies—I say it not boastingly—no man has waded through deeper conflicts than myself. At the peril of health and life, and every other worldly comfort, I became his unyielding advocate: his cause I considered my cause—for then, sir, I believed his to be the cause of the country. But, sir, after the conflict had passed, and the giddy shout of triumph had gone up—at the very moment when I fondly hoped that the victorous declarations which his friends in the West had made in his name, were to be amply and strictly verified, I saw, or believed I saw, that every hope which my native State, Kentucky, had anchored on him, was withered, blasted, and dead. I paused for a moment to contemplate him; I wondered at the sight I beheld, and refusing to follow him, I turned from him--for, from my country and my principles I could not turn. Yes, sir, and while I might have floated on the full tide of a popularity which I had drawn around me, I chose rather to sink for principle's sake, than to glide deceitfully on a current. When I took this step, I anticipated all, and even more than has befallen me. I said then that I should be politically buried, and so said my enemies—but I differed from them in this: they were, so far as I was concerned, political Sadducees--they believed that for me there was no resurrection. In this they were reluctantly disappointed. But I confess I have waded through some severe conflicts, in endeavoring to atone for the public mischief I had done. Yet all the while I believed that the time would come, when public justice would be awarded me,

and when my motives would stand proudly vindicated, and redeemed from the calumnies which had been heaped on them.

But it is not my purpose to enumerate the services which I have rendered the Executive, nor to dwell on the difficulties in which my hasty confidence in him as a politician has involved me. Suffice it to say, I have sustained my opposition to that part of his course which originally separated us--and that I have also sustained among my constituents, a most unqualified opposition to the course he has taken against the United States Bank. Therefore it is, that, in maintaining that opposition on this floor, I not only meet the just expectations of the district whose representative I now am, but those also of the State at large, one of whose representatives I had the honor to be when Kentucky last spoke the emphatic words that "Andrew Jackson was no longer the ruler of her choice."

I have already said, sir, that the general subject of the United States Bank, was one, on which I have differed from the Executive. We also differ on the subject of the removal of the public deposites. Will I be told, that the President is not answerable for that measure?—that it was accomplished alone by the Secretary of the Treasury--and therefore that he alone should be considered answerable to this House, and to the nation, for their removal? If this be said, there is only one reply to it. That the Secretary did order their removal, no one will question: and that he was compelled so to do, is equally certain. For, sir, a refusal to remove them, when it was required by the Executive, was the great sin which his predecessor had committed—he had stood firm against an Executive mandate—preferring to lose his station rather than sacrifice his honesty; which he must have done, had he ordered their removal under the convictions which he avowed. He had fallen a victim to what was considered his contumacy; and was punished as "a refractory subordinate." These things "had not been done in a corner"—they were seen by the present Secretary, and consequently known to him—he, therefore, entered on the station with a full knowledge of what was expected of him; and, indeed, no one can doubt, that a pledge expressed, or well understood, to do this thing, constituted the "*sine qua non*" of his appointment to office. That this determination, therefore, to remove the public money from the vaults of that bank in which it had been and was to be deposited by virtue of a sacred charter stipulation, did not originate with the Secretary of the Treasury, is satisfactorily established. Nor indeed am I prepared to say with absolute certainty that it originated with the President himself, notwithstanding he has proudly said, "I take the responsibility." That he has considered himself best able of all concerned to bear that frightful responsibility, which is incurred by trampling unceremoniously on national faith, is altogether probable. Nay, it is certain. But that, in this matter, as in many others, there might have been "a power behind the throne, which was even greater the throne itself," is, to my mind, by no means improbable; and, if a very celebrated modern writer is to be credited on this subject, we have the time, place, manner, and purpose, at which, in which, and for which, this scheme was gotten up.

But, sir, all levity aside, the peculiar circumstances under which this act was done, demand of this House a cool and patient investigation, not alone of the act itself, and its ruinous effects on the great and leading interests of this nation; but also, of the causes and considerations which induced it. Not that, if the act in itself was proper and right, it should nevertheless be condemned for the insufficiency of the reasons assigned for it, or the impropriety of the motive which produced it—but that, if both the act and the motive are wrong, it may be made the subject of tenfold condemnation, before that tribunal to which the appeal is made, and which must ultimately decide it.

First, then, of the motives, which have produced this extraordinary measure, and the cause of the hostility in which even those motives were conceived. Sir, in speaking of motives, it should always be done charitably. They lie deep within the bosoms of individuals, and the reason why they are so frequently misunderstood, is the fact that they can seldom be viewed through any other channel or agency than that of the actions which they produce. Such, it must be admitted, is the best general standard by which we can measure them, though even this is sometimes erring and deceptive. Sometimes a good act, is done from improper motives; at others, perhaps a bad act from correct motives—but in almost every instance, some aggravating or palliating circumstance is to be found in either the thing done, or the manner of doing it, reflecting light on the true character of the motive concealed in it.

But when, sir, do we hear of the first open and organized opposition to the bank? Secret feelings of bitterness against it may have been cherished before: but if I am not greatly deceived, the present formidable and systematic plan of uncompromising opposition, may be said to have originated subsequently to a well-remembered correspondence which, at a particular time, was carried on between certain individuals, touching the management of one of the branches of the United States Bank—I mean that at Portsmouth. Was any thing to be found in this correspondence, which indicated a settled and unconquerable hatred to the bank? Was it then thought, or asserted, as it now is, that this institution was sweeping over our land and country like a blasting wind, desolating our brightest prospects, and seeking to overturn our republican institutions? Was it then urged that it was endeavoring to exert a dangerous and destructive influence in our elections, by rendering its funds subservient to the elevation of one set of men, or the depression of another? Was it then concluded, that it was wholly sordid and selfish, an enemy to our national prosperity, and seeking only the aggrandizment of its stockholders at the sacrifice of the public good? No, sir, no whisper of all this is heard—but the very character of that correspondence implies that, on one hand at least, it was hoped that it might be rendered subservient, and hence the application to remove the president of that branch, with the avowed purpose to fill his place with some other who would favor, to a great extent, the friends of the present Executive.

This application was promptly responded to; and, after an examination which resulted in the conviction that the administration of that branch was sound, it was equally promptly rejected. What, Mr. Speaker, might, and what in all human probability would have been the course pursued towards this institution, had a sense of justice and propriety yielded to avaricious fears, in those concerned, when this application was made—and when it was clearly seen that a refusal was to be followed by a deadly and fearful hostility, and an unequal conflict with power? Sir, might it not have been the case, that many, very many, of those who have entered the lists of opposition, and are crying "Down with the bank—down with the bank," would, in that event, have been at this very moment heard chanting "hosannas" to this same bank? This question must be answered by others; as it would perhaps be out of order, if I were to attempt its answer. But now all these charges, and a thousand more, are made against it. Are they true, sir? And are they supported by such testimony as may be relied on? If so—yes, sir—If I could be satisfied, and I will require nothing but respectable legal testimony to do it, that these charges are true, I, for one, would take my stand, in a moment, against the whole concern. I love my country, Mr. Speaker, more than all banks—and whenever it shall be

established, that this or any other institution, is endeavoring to subvert the Government, I will join any man, or any set of men, in a holy struggle to overturn and demolish it. But a charge is one thing—proof is another; and even of witnesses, some are competent, and not credible; others are credible, and not competent—others still, are neither competent nor credible: but produce me the testimony combining both competency and credibility, to sustain these charges, and no man shall again hear me, either in or out of this House, raise my voice as an advocate of the bank. But who are the witnesses against it; and what testimony do they bear? I call for it. Let the witnesses appear—and who are they? Sir, I cast no indiscriminate reflection on the enemies of the bank. Many of them—yes, very many—are high-minded, honorable men. But, if its most mischievous and untiring enemies are set to the bar, I venture the prediction, that among them will be found some, high in authority, whose confidence has been abused, and whose prejudices have been excited against the institution. While you will find others, and perhaps not a few, who have exhausted their credit in this institution, and therefore seek, with undying malice, its overthrow, and the erection of some other, in which either hopeless insolvency, or perhaps pampered bankruptcy, may find a congenial shelter. Such testimony I beg leave to discard. On it I should be unwilling to found my decision as a judge—or my verdict as a juror. And now, sir, I conceive that we are all placed in this situation: We are called on to sanction a measure for the gratification of private malice, which has already confused and disordered our currency. It is demanded of us, that, in our official characters, we should pull down an institution closely connected with the successful operations of the laborious industry of our citizens, whether they be engaged in commerce, agriculture, or mechanics—an institution under which all these great interests have flourished—and under which, patient and persevering industry has ever received its reward. These are my views of the subject; and if I am right in the premises, I cannot be wrong in the conclusion to which my mind is led. It is, that we should all, with one accord, choose rather to sustain the country, than to obey the President, rather to incur his displeasure, however fierce, than offend against our deliberate judgments, our obligations, our constituents, and our country. An ancient Roman said, "I loved Cæsar much, but I loved Rome more;" and should American citizens say less of their Cæsars, and of their country? The same spirit, I hope, Mr. Speaker, is still alive. I hope it may still be suffered to operate; and, if it were not hoping too much, I would indulge the pleasing hope that it might influence and direct the decision of this question.

I have now attempted briefly to allude to the probable cause of that hostility to the bank, which has vented itself in Presidential messages—cabinet articles—reports of Government directors—formal denunciations from the Secretary of the Treasury—the reiterated curses of penniless hirelings—and the ten thousand ill-natured and fulsome assaults of petty newspaper scribblers. It now remains that I should notice some of the objections which are urged against it, and attempt to show that they are alike futile and deceptive.

The first to which I shall invite the attention of the House, relates to the constitutionality of the charter of the bank. On this subject I have read all that has been sanctioned by the signature of the President; and while his constitutional objections have had many admirers, in almost every section of the country, I have ever thought that they were even an imperfect veil, and barely sufficient to cover a deeper hostility, originating, perhaps, in other and entirely different causes. The principal clause, however, in the constitution, which is relied on to sustain this objection, is that in which the sacred and just principle is established, that no "exclusive privileges" shall be granted. Is it not amusing, sir, to witness the agonies of intellect which are produced by the struggle to wrest this remark in the constitution from its original meaning? What is an exclusive privilege, and in reference to what class of privileges was it used? To establish an hereditary nobility—or favored and privileged orders—whether of the Star and Garter, or of any other stripe, would violate this equal provision of the great charter of our national rights. It would be, to make factitious great men—it would be to draw lines of distinction between citizens of the same Government, whose rights are in all respects equal, without regard to merit, public services, or private virtue. But can it be understood as referable to matters of contract between the Government and its citizens—or can it, by any principle of fair and logical argument or construction, be applied to such cases? I think not.

It is insisted that exclusive privileges are granted to the Bank of the United States by the charter; and if so, I beg to be informed in what they consist. Will it be answered that they are found in the fact, that no other fiscal agent of the Government is to be employed and commissioned during the existence of the bank, to perform the same services? Suppose this to be the reply; and then suppose the fact to be admitted, I ask, are not the privileges of the army contractor, the contractor for the navy, nay, even, sir, the contractor to turnpike your road, or to build your bridge, equally "exclusive" as those of the bank? Most assuredly they are. The Government makes its contract with one individual to perform certain labor and services; every other individual in the nation, on this new theory, may turn about and denounce the contract a s unconstitutional, because it confers exclusive "privileges!" because it has entered into stipulations with one man, or set of men, from which all other men are excluded. This objection would strike at the foundation of every public contract, nor could any public work, however important to the welfare or security of the nation, be ever accomplished. Is this designed, sir? Is this the doctrine of the Executive? and is a position so preposterous to be sustained and sanctioned by this House? I humbly trust not. But I have not time to dwell on these constitutional objections, further than to inquire, how, and in what manner, and by whom are they to be settled? and in reference to the bank, how far have they been settled?

I am not, Mr. Speaker, one of those who deny to the President the right, on all proper subjects and proper occasions, to indulge his constitutional scruples, or to interpose his constitutional objections. I should, however, dissemble greatly, were I to deny that I dread the consequences of so unceremonious, and, as I believe, ruinous and unwarrantable an exercise of the vetoing power, as that which has marked the eventful career of the present Chief Magistrate. All the kings and despots of Europe and the world have not so frequently resorted to it within the same period, and it is well for them that they have not; for it might not have cost them their crowns alone, but even that which their crowns cover. I will proceed to examine the authority which the friends of the United States Bank have in favor of the constitutionality of the institution. We will then weigh the authority of the President for the time being, against that authority; and I shall claim a judgment in favor of the scale which shall preponderate.

It was, if I mistake not, in the year 1791, that the charter of the first "Bank of the United States" received the approving signature of General George Washington, a man who was not only cotemporary with the constitution itself, but, as I may presume, (I say it, sir, with profound deference for the superior sagacity of the present Executive,) well acquainted with its principles and its sacred prohibitions. And is it now to be said, in the face

of the American people, that George Washington approved a measure openly violating the constitution of the country, and evidently calculated to overturn those institutions and that country which he and his compatriots in arms had waded through seas of blood to build up and establish? Is this the language, or this the import of the language of the present day? And is this the return which is due from us to that patriot who is emphatically styled in every land, in every nation, and by every party, the great Father of American liberty? Sir, the name—the memory of that distinguished patriot, whether for deeds of war or of civil rule, will not only be remembered when the ephemeral blaze of the popularity of a Jackson shall be extinguished, but they will be embalmed in the tears of a nation's gratitude, when others shall be forgotten, or, if remembered at all, remembered only for the public disorders they have caused, the public mischiefs they have done. But, sir, in addition to this, in the year 1806, I believe, we find Mr. Jefferson approving a bill which established a branch of the mother bank at New Orleans; which, according to my judgment, amounted to a recognition express, of the constitutionality of the original charter. For, if that were forbidden by the constitution, the branches were all liable to the same exceptions. In the year 1811, this first charter expired; and such was even then the rage for experiment, that many of our wisest, best, and ablest statesmen were borne along by the popular current. A refusal, or at least a failure to re-charter the bank, was the consequence; and from that period, 1811, to the year 1816, when the present bank was chartered, and when to the weight of testimony in favor of its constitutionality was added the respectable name of James Madison, the Government moved on, experimenting in various ways; but in one to which it is my peculiar duty to invite the attention of the House: I allude, Mr. Speaker, to the disposition which was made of the public money when the country had no "Bank of the United States" to deposite it in.

I need not, I will not now stop, to present the list of local banks which were selected at that time, and in which it was deposited. My object will be attained by presenting the result of the experiment; a result from which it did seem to me, the Executive, the nation, and the representatives of the nation, might have deduced profitable lessons of instruction. My worthy colleague [Mr. Allan] alluded to this subject a few days ago; but he was attended by a misfortune which was common to us both—[the Speaker interposed, and he was prevented from going into the subject.] But, I peculiarly thank that Providence which has at last placed it "in order" to spread this fearful subject before the people. I say fearful, not with a view to the petty loss sustained by the Government, for I agree with the worthy gentleman from New York, [Mr. Selden,] in the opinion, that a loss of a million and a half, if it were even consumed in the flames, or buried in the deep, could not materially affect this great nation—but, sir, I say fearful, on account of the precedent, the principle involved in that proceeding, and the fact that, ruinous as it then proved to be, it is now again resorted to by a usurpation of power, and in contempt of public faith. You have seen, Mr. Speaker, in the annual report of the Secretary of the Treasury, a small item of about one and a half millions of dollars, called unavailable funds. You understand the character of this item, and from year to year it occupies about the same place in the report. But, sir, do the great body of the unsuspecting people of this country understand it? No, sir—I hazard but little in the supposition that it is not understood by perhaps one of every hundred of our citizens. And must they not be astonished to learn, after what has so lately been done by him who has been called the "greatest and best," that this one million and five hundred thousand dollars is an amount out of which they, the people, have been swindled, by the first and only attempt that has ever been made to use the local banks as depositories of the public money! The list is before you, sir, and you can inspect it at your leisure. Confronted with this scene of swindling upon the first experiment, what security have we for the second? Though the past is not always evidence of what the future must be, yet, it is always conclusive of what the future may be. Thus, reasoning from the past to the future, what is to be expected? What is to become of the revenue which, by the duties and restraints that you impose on the pleasures and pursuits of your citizens, is drawn from their pockets, and transferred to the Treasury? Let the experience of the memorable five years of which I am speaking, answer the question.

If the people can only be brought to understand this matter, the delusion vanishes in a moment. Give them light and they will act. Let them once see that this removal is only a sort of trick on them, which is to end in a miserable waste of the public money, as in the instance alluded to, and, my word for it, neither a tyrant's chains nor a magician's wand, can restrain them from action. But, sir, I must return to the constitutional question involved in this inquiry; and, in doing this, I present, as the next link in the chain of testimony, the decision of that tribunal which the constitution itself has erected for the settlement of just such questions as this. Need I say to this House, that the Supreme Court of the nation has adjudicated on this subject? Are they, for the first time, to be informed that that enlightened body of men, who are not surpassed, as jurists, by any body of men on the globe, have passed on this subject, and decided it favorably to the bank? This is the fact, sir; and yet how little regard is paid to this decision by the Executive. The Judiciary department of the Government, in better days of this republic, and by wiser men than the present Executive, was hailed as the proud, the glorious bulwark thrown around the liberties of the people, but now, sir, its authority, as well as our own, is usurped, and its decisions, like ours, are unceremoniously vetoed and trampled on. But, to this testimony in support of the constitutionality of the bank, suffer me, sir, to add the names of all the other Presidents who have, from first to last, presided over the destinies of this country; they have all concurred on this subject: nor should it be forgotten that the people of this once tranquil and happy nation have sustained the same view, by a general acquiescence in it, for about forty-two years. Yet, with the testimony which is borne by the signatures of a Washington, a Jefferson, a Madison, a Monroe, and the elder and younger Adams; with an adjudication of the Supreme Court, an acquiescence of forty-two years on the part of an enlightened community, it is left for Andrew Jackson to discover that the charter of the bank is unconstitutional! And when the very act itself is calculated to cast the deepest reproach on the intelligence and integrity of even a Washington—a nation's boast—a world's admiration, one man is found to step forward in the deep, the desperate adventure, and exclaim, "I take the responsibility!"

I have no idea that this word "responsibility" has any terror for that man, whether it be used in reference either to the rashness and impropriety of his acts, or the manner of executing them. But, sir, little as he and his friends may suppose it; little as they may fear it, the oppression which they are bringing on the country, will soon speak a language which the people must understand. And then, if there remain even a germ of virtue unextinguished in the bosoms of our countrymen, the proud despot must be made to feel.

But, sir, to pass from this constitutional objection to the bank, on which the President and his friends have so confidently relied, I come now to remark briefly on the evils

of a disordered state of the currency, and on that languishing state of commerce which must follow the destruction of the United States Bank. True it is that a withdrawal of the public deposites cannot have the tendency to destroy, or even materially to affect the bank. The President, or rather those who use him, have intended it as a punishment on the bank; and I am astonished that they have been so blind as not to perceive that, instead of punishing the bank, they are punishing the unoffending people. The withdrawal has already induced the bank to curtail its accommodations, and to commence the operation of calling in its loans; and this process may be hastened by a perseverance in the mad course of those in power. But who is to suffer by all this? When, of a sudden, the millions which are due to that institution are to be called in and withdrawn from circulation, how is its place to be supplied? And how is the shock to be sustained? Commerce, I insist, sir, must languish; and, when this is the case, agriculture languishes also. It never has been, it never can be, otherwise. There exists so close, so inseparable a connexion between the two, indeed, between all the diversified operations of our national industry, that each may be considered an important artery in the great system; and when either is oppressed, the whole must suffer. But, sir, I should insult the good sense and common experience of this body, were I to labor to enforce so plain a proposition, as that the prosperity of the country must suffer deeply by a withdrawal of the advantages hitherto afforded by the United States Bank, unless those advantages can be supplied from some other quarter. And this, I know, is promised; but how is it to be accomplished? We are told that it is to be done by raising up, and liberally endowing, the local institutions, whose notes are to take the place of those of the United States Bank. How superlatively ridiculous is such a calculation; and how shameful the deception which is thus to be played off on the people. Sir, is it seriously believed that the notes of these floating institutions can ever rise to that character and credit which have been attained by those of the Bank of the United States? That their credit can ever extend beyond their immediate vicinity—the narrow circle within which their operations are confined? If so, who is it that so believes? Can he be pointed out here? For the honor, the credit of this House, Mr. Speaker, I hope not. The constituents of other gentlemen may have faith in this system of petty banking; but, sir, if they had been drilled in so severe a school of adversity on that subject, as have the people of Kentucky, sure I am they would turn from such a proposition with horror and disgust. I speak of this matter, not from history, but from a personal knowledge of what I say. The same causes will produce the same, or at least similar effects, whether in the State of New York or the State of Kentucky. And if, from the history of Kentucky, her past experience and difficulties, the members from New York and the residue of the States, can be shown that the effect of the present measure, I mean the adoption of an extensive system of local banking, must, of necessity, prove not alone injurious, but ruinous; why, then, sir, they should also turn from it with horror and disgust, and join us in the attempt to avert its evils. But to proceed to the view which I intend to present on this subject. We have already seen that, from 1811 to 1816, there was no Bank of the United States; money was at best but scarce—and even that scarcity was greatly increased, particularly westward, by the operations of the war. While this struggle, however, was going on, every other consideration was absorbed in the deep interest which it excited; and it was not until its close that ways and means, or rather mean ways, were devised to deluge the country with a spurious currency. A great scarcity of money every where engenders a bank fever. So it was then, and so malignant a form did it assume in Ohio and other States around Kentucky, that, either from its contagious effects, or from sympathy, she contracted it also, and, about the year 1817, as a mere matter, sir, of self-defence, she established within her borders forty-two independent banks, by legislative authority, to which was superadded, still, a smaller fry of banks, one of which was to be found at almost every retail store, tavern, and grog-shop throughout the country. Soon, Mr. Speaker, we were presented with an abundant supply of money, such as it was. Our State was literally flooded with bank notes; the effect of which was, the banishment of the precious metals from circulation. They seemed to disdain a competition with such a currency, and unwilling to be represented by it. Those banks, I have said, were called "independent banks." This name originated, not in the mere fact that they had their birth in a land peculiarly devoted to that sacred word, but somewhat, perhaps, in the fact, that they were as strictly, literally, and purely independent in a memorable sense, and humorous application of the term, as any institutions ever were, or ever will be. Yes, sir, they, with a very few honorable exceptions, among which was found that located in the town in which I reside, were "independent" even in this—that they had nothing to depend on. The natural, the inevitable consequence was, that, after having diffused their poison through all the veins and arteries of our trade and State commerce; after having entered into all our transactions, and unsettled, not alone every recollection of a sound currency, but also every just conception of the fair value of property, both real and personal, by a movement almost simultaneous, there was one general explosion of those ephemerals, and thousands after thousands of our citizens were involved in ruin. The honest farmer, or tradesman, who had exchanged the fruits of his industry, or even his land, his home, for this paper, was left to suffer, unregarded, if not unpitied. The present Bank of the United States was yet in its infancy, and its benefits had scarcely then been felt in the fertile valley of the West. But such, Mr. Speaker, was the general pressure, such the general embarrassment in that patriotic State, that, in the fruitfulness of her invention, and to obtain a temporary relief from her burdens—for it was truly nothing more—a resort was had to a "relief system," which was followed by internal commotion, and a distracting "old and new court" question, which proved peculiarly destructive of good feeling there, and of good faith in the solvency of that State abroad. Sir, I even now address gentlemen belonging to the great commercial cities of the country, whose experience on this subject will bear me out in the declaration, that, by this state of things in the West, in Kentucky particularly, the credit of that State, bold and patriotic as she was known to be, and freely as she had bled aroung the flag and standard of independence and liberty, suffered beyond calculation; yes, sir, to an extent which it is painful for me even yet to reflect on, much more so to be compelled to describe. But all this came of a disordered state of the currency, and a rage for local banking. I am persuaded, Mr. Speaker, that, in this history of what has happened to other States, gentlemen may read and see what may happen to their own, similarly situated; and do they, can they desire thus to afflict their peaceful, their unoffending constituents, and their country? I trust not. I, at least, for one, cannot join. That State, which is endeared to me as the land of my birth, and which is now sound in purse and principles, has emerged from this gloomy condition, and never, no, never, sir, shall she again, by any vote or act of mine, be cursed with a recurrence of scenes so afflicting.

With the notes or bills of the United States, we may journey Eastward, Westward, to the North or the South; they are every where in demand, every where equal and uniform in their value. And this is not all. They are

every where equal to the amount of gold and silver which is represented on their face. Can this, I ask again, be expected of any of these miserable local banks, constructed as they are on small capitals, and for local purposes? No, sir, it cannot. And a reckless and misguided President, a pliant Secretary of the Treasury, and the whole host of hireling editors, may combine their efforts to puff them into importance; they may whitewash them with resolutions, reports, manifestoes, and every thing else, yet will the country detect the imposition, and, sooner or later, frown the combination into contempt.

But, sir, another objection to the United States Bank, and one which demands my notice, is, that it wields a dangerous political power, and should, therefore, be destroyed. This objection is urged and relied on as one of the cardinal justifications for the removal of the public deposites. It is called a wicked "mammoth," a great political machine, manufacturing small men into great ones, and great men into very small ones. It is no part of my character, Mr. Speaker, to disguise my feelings or opinions on subjects, when I venture to discuss them, nor shall I do so on this. I believe, and I know I believe it honestly, that the real objection to the bank consists, not in the fact of its greatness and its power as a machine, but in the simple fact that "the powers that be," and especially "the powers that would be," have been unable, either by threats or promises, to subject this great mammoth to their own purposes, or to render it subservient to their selfish views. Yes, sir, here lies the great secret at last; and over all denials, formal and official, I shall still entertain my own opinions of the fact. It has refused to lend its aid, or employ its machinery, in the business of manufacturing great men out of exceedingly small ones, and herein consists its great sin at last. A sore evil this doubtless is in the eyes of some men; but, in mine, this stern honesty of the bank constitutes its best, its brightest, its strongest recommendation. It is, however, proposed to destroy this fearful influence, as it is called; and let us now, for a moment, inquire how it is intended to be done.

Sir, I answer, by increasing it, at the least calculation, one hundred fold. We have now one bank, and it is intended to destroy that, by raising on its ruins perhaps one hundred—perhaps five hundred more. If bank power and bank influence be a curse, as is contended, destroy them all together. Put them all down, and let us return again to the good old state of things, when we had nothing but a metallic currency—no swindling shops—no rag money. But, if we are to continue banking, as the commercial world seems to have determined we must, let us then have the best bank, the best currency, the most uniform system that can be devised. And that system is the present bank. But, sir, it is vain—it is preposterous for gentlemen to tell me that either the throne, or the power behind the throne, is at all concerned for the existence of bank influence; they are concerned for the direction which is to be given to that influence. They had sooner see the country beset by five hundred pet banks, and have them continually worshipping before the throne, shouting "hosannas" to him that sits thereon, and to the "heir apparent," than to tolerate the existence of one bank, with an influence (which, like a cabinet, may be called merely "a unit") perfectly concentrated and not dispersed. Say, sir, that the Bank of the United States is a dangerous institution at the centre. These mad folks propose to cure the evil by placing a worse, yes, an infinitely worse institution, not only at the centre, but all around the circumference. If a man's domicil were on fire in the centre, would he attempt to extinguish the flames by firing it in a hundred other places? Will this reasoning do? It may do here, sir, but it will not satisfy the country. They will perceive the true secret in this case to be, that a single bank, which has blessed the country, is to be pulled down and destroyed, because it has refused to kneel before the shrine of power, and one hundred, perhaps five hundred others to be raised up, merely to subserve the purposes of ambition. And more than this, a sacred charter is to be disregarded—the Secretary is to seize on the deposites—nay, sir, to purchase up all the State banks, if he could act so corruptly—and then the President is to seize them—the sword of the nation in one hand, its purse in the other. Oh liberty! oh my country! May that God who commanded that the tide of victory should roll on the side of thy patriots, avert the evils which threaten thee!

Mr. Speaker, many considerations might be urged in favor of restoring the deposites. They were placed in the United States Bank by virtue of a solemn engagement with Congress—they have been lawlessly deforced—and it is to be hoped this House will not justify so despotic a proceeding. But, sir, I have done. I am sure that I have been honored by this House beyond any interest which my desultory remarks could have excited, and it would therefore be criminal in me to trespass longer on a patience and politeness to which I feel so deeply indebted. I leave other branches to be discussed, and other and more interesting considerations to be presented, by those who will follow me. So far as I am concerned, sir, the subject is submitted to the House.

Mr. McDUFFIE, at the close of Mr. CHILTON's speech, requested him to withdraw his motion, as a decision upon it would, in some measure, forestall the consideration of another motion now before the House.

Mr. CHILTON, with some complimentary remarks, consented, and his motion was withdrawn accordingly.

The memorial was then referred to the Committee of Ways and Means, and ordered to be printed.

NATIONAL CURRENCY.

Mr. EWING offered the following:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of authorizing a national currency of thirty-five millions of dollars, to be founded upon the faith of the United States, and to be unconnected with, and independent of, all direct Executive control, except as may be required for the nomination of directors; said currency to be struck, perfected, and issued, in a department of the Mint of the United States, under regulations to secure an impartial distribution thereof among the several States respectively, according to representative population, if the same be required, in virtue of the plighted faith and resources of each State, so requiring, to the United States, for its redemption, according to the legal stipulation on its face, and the payment of such bonus to the Treasury of the United States, to defray expenses and to guaranty ulterior responsibility, as may be prescribed. And said currency, so authorized and loaned, according to the prescribed ratio, to States requiring its use, when loaned to the people through State instrumentality, shall be received in payment of public lands, and in payment of all other revenue accruing to the General Government, and shall be obligatory upon the State issuing the same, to redeem, on demand, at her office of discount and deposite; which said State office, when established, under State guarantee to loan and to redeem said currency, shall be the place of deposite of all public money collected or belonging to the General Government, within the limits of the State where it exists. Also, to inquire into the comparative expediency of establishing a national bank based upon a specie capital, to be furnished by the several States, as sole stockholders thereof, on a scale proportionate to the representative population of each, with a branch in each State; the institution to be regulated in strict accordance with uniform general rules adopted by Congress, under a directory of State appoint-

ment, and each State to enjoy the benefit of a capital, and exercise a power in accordance with her vested interest therein. Said committee to report by bill or otherwise.

Mr. McKIM moved to lay the resolution on the table—but withdrew it at the request of the mover, who then, in a short speech, (which we regret was delivered in so low a tone of voice as to be but partially heard at the distance of the reporter's desk,) explained and supported the resolution.

The resolution was agreed to.

The House then, on motion of Mr. STEWART, adjourned.

THURSDAY, DECEMBER 19.

RULES OF THE HOUSE.

Mr. WHITTLESEY called up the consideration of a resolution laid by him on the table yesterday, going to rescind so much of the rules of the House as permits the admission of every person to the floor of the House, who shall be introduced by the Speaker or by a member. The resolution was accordingly taken up for consideration, and a somewhat lively debate occurred.

Mr. ADAMS was opposed to the amendment, chiefly on the ground that, as similar facilities were granted by European governments to our citizens when abroad, it would be gratifying that we should be able to reciprocate such attentions to strangers of respectability when visiting our seat of Government.

Mr. HARDIN was constrained to advocate the amendment in self-defence. He had scarcely heard one word of what fell from the gentleman from Massachusetts, and was actually obliged to consult the papers next morning to discover what had been done in the House.

Mr. WHITTLESEY explained his motives in offering the amendment, which had respect solely to the greater facility of doing the public business, which was now much interrupted by the crowd of strangers admitted into the lobbies of this House.

Mr. THOMAS, of Louisiana, said that he was at the bottom of the whole affair; having, from his great fondness for the ladies, moved the clause in the rule which was now proposed to be stricken out. The ladies were now perfectly well accommodated in a new gallery prepared expressly for their use, and for gentlemen accompanying them; and he therefore hoped the amendment would prevail.

Mr. ADAMS, after some further remarks in support of his view, moved to amend the amendment, so as to retain the power in the Speaker to admit strangers at discretion.

This, however, was negatived; and Mr. WHITTLESEY's amendment was adopted.

Mr. WILDE then moved further to amend the rule respecting admission, so as to strike out the words "treasurer, comptroller, register, auditor."

Mr. WARD called on him for a reason why these officers should be taken out of the rule.

Mr. WILDE said he should go into no discussion, on the old maxim, "*de minimis non curat lex;*" and as to a reason why they should be taken out of the rule, it was sufficient to say, that he never had been able to discover why they were ever put in.

Mr. WARD demanded that the question on Mr. WILDE's motion be taken by yeas and nays; but the House refused to order them.

The question was then put; when Mr. SPEIGHT again moved for the yeas and nays.

The SPEAKER said the House had just refused to order them.

Tellers were then demanded and ordered, and the vote, thus taken, stood, yeas 92, nays 107.

So the motion was lost.

REMOVAL OF PUBLIC DEPOSITES.

The House resumed the consideration of the motion to refer the Secretary of the Treasury's report on the deposites to the Committee of Ways and Means; and the question being upon the motion of Mr. McDUFFIE to add to the motion for reference the following instruction to the committee:

"With instructions to report a joint resolution, providing that the public revenue hereafter collected shall be deposited in the Bank of the United States, in compliance with the public faith, pledged by the charter of the said bank."

Mr. McDUFFIE rose, and addressed the Chair as follows:

Mr. Speaker: I shall now proceed, sir, to state the reasons which have induced me to submit the resolution just read. In strict justice, I believe that it is due to the Bank of the United States, that the public money taken from its vaults should be restored; but as this would now add greatly to the embarrassment and distress of the community, I have confined my resolution to the revenue hereafter to be collected, leaving it to the justice of Congress to indemnify the bank for any loss it may sustain by the violation of its chartered rights. I believe that we are under the most solemn obligations to adopt this measure—obligations founded in the highest considerations of public justice, plighted faith, and political expediency.

The whole public treasure of the United States has been removed from the depository established by law, by an arbitrary and lawless exercise of Executive power. I affirm that the act has been done by the President of the United States, not only without legal authority, but I might almost say, in contempt of the authority of Congress.

We were told by the President, in his annual message—and told with great gravity—that the Secretary of the Treasury had deemed it expedient to remove the deposites from the Bank of the United States, and that he, (the President,) approving of the reasons of the Secretary, acquiesced in the measure. Now, sir, I do not mean to charge the President of the United States with stating to Congress what is not the fact according to his view of the subject—but I undertake to assert broadly, that the Secretary of the Treasury did not remove the deposites, but that, to all legal and rational intents and purposes, the removal was made by the President of the United States, against the opinion and will of the officer to whom the power of removal was intrusted by law. This, then, is the great legal and constitutional question which we are now to determine. Who is it that has removed the public treasure from the depository established by law, and by what authority has the act been done?

I maintain that the President of the United States is the author of this whole proceeding, and shall proceed to show that, notwithstanding the devices by which this assumption of power is covered over and disguised, he has "assumed the responsibility," or more properly speaking, usurped the power, of removing the deposites. I presume that, on this point at least, the word of the President will be regarded by all parties as conclusive evidence of his agency in the business. Fortunately the author and the reasons of this measure are not left to conjecture, but are openly disclosed to the world in a printed manifesto; and from what has occurred in the other branch of the Legislature, we are now authorized to consider that manifesto as an official document, containing the reasons on which the President of the United States—not the Secretary of the Treasury—ordered the removal of the public deposites. From that document I propose to read a few sentences, which are perfectly conclusive of the agency of the President in this measure. After stating the various reasons which rendered it, in his opinion, expedient to remove the deposites, the President proceeds

to add, "From all these considerations, the President thinks that the State banks ought to be immediately employed in the collection and disbursement of the public revenue, and the funds now in the Bank of the United States drawn out with all convenient despatch." Then, towards the conclusion of the document, he says, "The President again repeats, that he begs his cabinet to consider the proposed measure as his own, in support of which he shall require no one of them to make a sacrifice of opinion or principle. Its responsibility has been assumed, after the most mature deliberation and reflection." And, finally, we have his decree formally announced in these imperative words: "Under these considerations, he feels that a measure so important to the American people cannot be commenced too soon; and he therefore names the first day of October next, as a period proper for the change of the deposites, or sooner, provided the necessary arrangements with the State banks can be made."

Such, sir, is the authoritative language of the President of the United States, and I submit to any man capable of understanding the obvious import of plain words, to say whether the Chief Magistrate does not openly avow—while recognising the exclusive right of the Secretary of the Treasury—that he assumes the responsibility and usurps the power of removing the public deposites.

While the President begs his cabinet to consider the measure as his own, assumes the responsibility exclusively to himself, and actually pronounces the Executive order, it will be curious, if not instructive, to notice the extraordinary declarations and admissions by which this dangerous assumption of power is accompanied. From the parts of the manifesto to which I will now ask the attention of the House, you will suppose that he would as soon submit to have his right arm struck off as to interfere with the free exercise of judgment by the Secretary of the Treasury, in discharging a duty assigned to him by the law. He says: "Far be it from him to expect or require that any member of the cabinet should, at his request, order, or dictation, do any act which he believes unlawful, or in his conscience condemns." * * * * "In the remarks he has made on this all-important question, he trusts the Secretary of the Treasury will see only the frank and respectful declarations of the opinions which the President has formed on a measure of great national interest, deeply affecting the character and usefulness of his administration; and not a spirit of dictation, which the President would be as careful to avoid as ready to resist." In a preceding part of the document he had said: "The existing laws declare that the deposites of the money of the United States, in places in which the bank and branches thereof may be established, shall be made in the said bank or the branches thereof, unless the Secretary of the Treasury shall otherwise order and direct, in which case the Secretary of the Treasury shall immediately lay before Congress, if in session, and if not, immediately after the commencement of the next session, the reason of such order and direction. The power of the Secretary over the deposites is unqualified. The provision that he shall report his reasons to Congress is no limitation. Had it not been inserted, he would have been responsible to Congress, had he made a removal for any other than good reasons." Here, then, the President distinctly admits this power to be committed by the law to the Secretary of the Treasury, and that, too, under a direct responsibility to Congress, the constitutional guardian of the public treasury. Yet, sir, in the very moment of making this admission, and of disclaiming all intention to exercise the least control over the right of the Secretary of the Treasury to form an independent judgment on a subject committed to him by the law, what does the President do? He names the first day of October as the day on which the deposites are to be removed. And, as if to remove all doubt as to the author and true character of the proceeding, he begs "his cabinet to consider the measure as his own." Not only so, sir, but the determination to remove the deposites was officially announced in the Government paper, three days before the late Secretary of the Treasury was removed from office, showing conclusively that the act was done not only without the concurrence, but against the opinion of the only person then in existence who had a legal right to do it? I am aware that it is argued, that although the Secretary of the Treasury is the officer selected by the law to exercise this high and important power, under an express and direct responsibility to Congress; although the Treasury Department was created as a distinct and independent department, and not, like the other departments, responsible to the President; and although this very power of transferring the deposites is given in the bank charter to the Secretary of the Treasury, while another power is given to the President; yet, because the Secretary of the Treasury is a branch of the Executive department, it is contended that the President has a right to make that officer the mere ministerial agent of his will; to degrade him, in fact, from the dignity of a free and responsible agent, into a mere Executive instrument. Congress must surely have had some purpose in conferring this power of changing the place of deposite upon the Secretary of the Treasury, while a distinct power was conferred upon the President. Why was not the power given at once to the President, if it was designed that he should exercise it? It was denied upon the obvious principle, sir, that nothing can be more dangerous to public liberty, than to intrust the sword and the purse to the same hands. Under what Government, having any just pretensions to freedom, have these two powers ever been united? In what case has the King of England dared to venture upon such an assumption of prerogative? I very much question whether either the King of France, or the King of England, could at this day seize upon the public treasure under similar circumstances, without being subject to a peril, which no President can encounter here—that of losing his head. It has not been long since a King of France lost his crown, and narrowly escaped the loss of his life, for a violation of charter not more flagrant than this we are considering.

And what, pray, was the emergency that constrained the President, only sixty days before the meeting of Congress, to interfere with the duties of another officer, and assume a responsibility that did not belong to him? It would seem from the document to which I have already referred, that nothing could be more painful to the President than the necessity of exercising this power. We have here a striking exemplification of the extraordinary degree in which public men deceive themselves, as well as others, as to the motives by which they are actuated in assuming power, particularly the highest acts of executive power. Instances of the same reluctant assumption of power are not rare in history. It is curious to read, as a commentary on his proceedings, the strong terms in which the President regrets the necessity of doing what he could have so easily avoided. "The President would have felt himself relieved from a heavy and painful responsibility, if in the charter of the bank, Congress had reserved to itself the power of directing, at its pleasure, the public money to be elsewhere deposited, and had not devolved that power exclusively"—not on the President--no, sir, but "on one of the Executive departments!" And again: "Although, according to the frame and principle of our Government, the decision would seem more properly to belong to the Legislative power," very sound republican doctrine this—"yet, as the law has imposed it"--not upon the President, but "upon the Executive department, the duty ought to be faithfully and firmly met." "It would ill become the Executive branch of the Government to shrink from any duty which the law imposes upon it, and fix upon others the responsibility which be-

longs to itself." Now, at length, the idea is presented to us in a new aspect, emerging from the studied ambiguity of "executive departments and executive branches," and we have it: "While the President anxiously wishes to abstain from the exercise of doubtful powers, and to avoid all interference with the rights and duties of others, he must yet, with unshaken constancy, discharge his own obligations." So it would seem that the President has exercised this power from the sheer necessity of the case --a case of great public emergency, that admitted of no delay—and that he has assumed this high responsibility with the utmost pain and reluctance! To be sure, sir, every body knows that executive power, especially that high order of executive power which rises above the law, is always assumed with great and unfeigned reluctance. It would have been exceedingly painful to Cæsar to be constrained to assume the kingly office; but Cæsar put by the crown. It was no less painful, as it would seem, to Richard the Third to accept the bloody crown of his murdered relatives, when urged upon him by the clamor of his own partisans, and by his own procurement; but, like the President, he could not resist the call of his countrymen, saying, as Shakspeare has it:

"I am not made of stone,
But penetrable to your kind entreaties,
Albeit against my conscience and my soul."

Of all the difficulties I have ever encountered in deciphering any document, the greatest is that of ascertaining the ground upon which the power of removing the deposites has been assumed by the President. What does that document import? Does it claim the power of removing the deposites as belonging to the President? Does it admit the power to exist in the Secretary of the Treasury? Does it imply that the removal is the act of the President or of the Secretary? With the utmost exertion of my humble powers of interpretation, I have been unable to decide. I have been so much struck with the resemblance between the ambiguous title to the crown set forth by Henry the Fourth of England, and that set up by the President to remove the public deposites, that I could not resist the temptation of looking into Hume for the record of the former document, preserved by the historian as a rare specimen of the perspicuity with which men speak when they attempt to justify the usurpation of power. It is in these words:

"In the name of Father, Son, and Holy Ghost. I, Henry of Lancaster, challenge this rewme of Ynglande, and the crown, with all the membres, and the appurtenances; also I that am descendit by right line of the blode, coming from the Gude King Henry therde, and throge that right that God of his grace hath sent me, with helpe of Kyn and of my friendes to recover it; the which rewme was in poynt to be ondone by defaut of governance, and ondoying of the Gude laws."

Here, sir, is the title of Henry IV. to the crown of England, and there is the title of the President to the power of removing the deposites. I will not undertake to decide which is the more perspicuous document, but will leave it to be decided by those who have more skill in such comparisons than I have.

Nor is this a mere matter of criticism. I am always disposed to look with respect even upon unfounded pretensions to power, which are clearly and distinctly set forth. But I confess that my alarm is greatly increased when power is usurped under such glosses and disguises as we find in the manifesto of the President. On reading some parts of this document, one would suppose that no man in the world could have more deference for the opinion of the Secretary of the Treasury, or would be more unwilling to interfere in the slightest degree with the discharge of his official duties, than the President himself. He says to the Secretary, in substance: This, sir, is a duty which the law has assigned to you; it is your business, and not mine; I have a great repugnance to the exercise of doubtful powers, and still greater to interfering with you in the exercise of a power expressly conferred upon you by the law. Yet, in the very moment of making these self-denying declarations, and acknowledging the right of the Secretary to decide for himself, without the least constraint, he unceremoniously dismisses the Secretary from office, because he will not sign the order for removing the deposites, and puts into his place a man who will. Here, sir, is a practical interpretation of the President's understanding of the right of a high officer to the free exercise of his judgment, in the performance of the duties specifically assigned to him by law. I never have read or heard of any thing that bore any resemblance to the tissue of incoherent and contradictory declarations contained in this executive manifesto, except in the instance of a judicial decision made by a Dutch judge in some of the interior towns of New York—Kinderhook, perhaps—of which I was informed by a traveller. It was a case involving the right of the free expression of opinion on political subjects, and it was strongly urged at the bar that this right was secured by the constitution, and entitled the defendant to a verdict. The judge, who had determined to decide against the defendant, replied to this argument with a most gracious and complacent air: "O yaw! every man has a right, by de law, to dink for himself in dis rebublican country, profided he dinks mid de cort." And in like manner, the Secretary of the Treasury had a clear right, by the law, to think and decide for himself, provided he would only be so pliable as to think with the President. But not being possessed of that convenient pliability, he was dismissed from office, for not violating his conscience and betraying his trust.

Sir, it is too apparent to be disguised by these bungling devices that the President of the United States is the officer by whose sole and despotic will the deposites have been removed from the Bank of the United States. He alone is the responsible agent in this transaction. It is an utter perversion of language to say that the Secretary of the Treasury has removed the deposites. It is absolutely false; (I speak in a legal sense;) he had no more agency, moral or legal, than the iron pen by which the order of removal was written. The Secretary of the Treasury remove the deposites! He refused to remove them! and has paid the penalty of his honest independence, by being discarded from office.

Is this to be gotten over and evaded by producing an order signed by the present Secretary of the Treasury, and saying "Here is proof conclusive that the removal of the deposites is not the act of the President?" Shall we close our eyes to the true origin and character of this order? Shall we not look back beyond it to the circumstances under which it was given, and the real agency by which it was produced?

In what manner, and for what purpose, was the present Secretary of the Treasury brought into office? Sir, he came into office through a breach in the constitution; and his very appointment was the means of violating the law and the public faith. He was brought into his present station to be the instrument of executive usurpation. And yet, sir, because his name is attached to the order, we are gravely told that the Secretary of the Treasury removed the deposites! It is an insult to the common sense of the nation to say so. This officer was made to do it by the President, who had no more right to remove the public treasure than I have.

Sir, shall we be told that the President, from the bare fact of his appointing men to office, has a right to assume to himself all the powers conferred upon them by law? He appoints the Federal judges. Let us suppose that these judges hold their offices by the tenure of executive pleasure; and that when some state prisoner should be under trial, the President should say to the presiding

judge—the chief justice, for example—"Condemn that man," or, as the tyrant Richard said, "I wish the bastards dead." If the chief justice should refuse to obey this executive order, and claim the right of judging for himself, would the President be authorized to dismiss him from office? Would he have a right to tear off the ermine from his shoulders, and place it upon a mere instrument, who would do the deed of blood? Why not, sir? It would be perfectly justifiable, according to the logic by which the present usurpation is attempted to be justified.

I will now proceed, sir, (supposing the deposites to have been removed by the Secretary of the Treasury,) to examine the reasons he has submitted to Congress in justification of the act. And, in the first place, without stopping to weigh the reasons assigned, I affirm, that however true in point of fact, they are not in the slightest degree applicable to the question of removing the deposites. They no more touch that question than if they related exclusively to the religious opinions of the bank directors. I allude to the governing reasons, not to those that are thrown in as mere make-weights and after-thoughts. The fact that the power of removing the deposites is given to the Secretary of the Treasury, and not to the President, evinces that it was the intention of Congress that the removal should be made only for reasons connected with the safety of the public treasury, or the facility of the financial operations of the Government. Since the power is thus vested in the officer charged with the administration of the finances, it would be obviously transcending his power to exercise it for reasons in no way connected with the operations of his department. If it were shown that the bank is not a safe depository of the public treasure, that would be a conclusive reason for removing them. If the bank had failed to comply with the stipulations of the charter, in transmitting the public moneys from one point of the Union to another, when required by the Government to do so, that would be a satisfactory reason. In fact, any failure on the part of the bank to comply with its engagements to the Government would be a reason of more or less weight. Indeed, if it could be shown that the Treasury could make an arrangement with the State banks more favorable to the Government than that subsisting with the bank, even that might be an adequate reason, if the bank would not serve the Government on the same terms. But how stands the fact? Are the deposites alleged to be unsafe in the bank? Why, sir, it is now admitted by all parties, even by the gentleman from New York, [Mr. CAMBRELENG,] who prophesied so dismally of coming disasters at the session before the last—and the Secretary of the Treasury himself—that the deposites were perfectly safe in that institution. Not only so; but it seems that from having been an insolvent concern, and an unsafe depository of the public funds, as the Government strenuously endeavored to show at the last session, the bank now has too much specie in its vaults! Yes, sir, the charge now is, that this horrible monster is so unreasonably voracious of specie, as to have accumulated more than ten millions in its vaults. It is, then, a safe depository. Has it failed in any of its engagements with the Government? Has it refused to transmit the public moneys wherever required for disbursement, promptly and without charge? Sir, I speak considerately when I say that there is not a Government on the face of the earth, be the sphere of its operations large or small, which has been so well served in its financial operations as this Government has been by the bank. Look, sir, at the astonishing fact, that, in the collection and disbursement of our immense revenue for seventeen years, amounting to four hundred and forty millions of dollars, not a dollar—no sir, not a single dollar—has been lost in the operations of collecting and disbursing! Nor is this all. No creditor of the Government has had to wait one moment for his dues, so far as the bank has been concerned; and moreover, when he received his money, it was *money*. God grant that I may be able to say so two years hence. Thus, sir, as it regards the operations of the bank, we are "in the full tide of successful experiment." Our currency, from unsoundness and derangement, has attained a degree of purity and uniformity unequalled by that of any country in the known world of the same geographical extent. We have had to pay a mere nominal exchange on the most distant commercial operations, and the fiscal operations of the Government have been carried on without any expense at all. Thus, sir, with a solvent bank—the most solvent I might say in the world—a safe depository for the revenue, and a perfectly sound and uniform currency—in a word, while in the enjoyment of all that the heart could desire in these respects, what do we now witness? After two years of unremitting and unexampled persecution of the bank by the Executive Government; after an unsuccessful attempt to destroy its credit by all manner of calumnies, which have recoiled upon their authors; notwithstanding the bank has fulfilled to the very letter every stipulation contained in its charter; yet have the public funds of the country been arbitrarily removed from this safe depository, where the law had placed them, by the President of the United States, without a shadow of legal power; and that, sir, for no legal offence, but for opinion's sake. Yes, sir, in this land of liberty, where all men were believed to enjoy the most perfect and unrestricted freedom of opinion, and the right, too, to the unrestrained exercise of all the influence they may choose to exert in political affairs, a great institution has been assailed, its stockholders and officers disfranchised, and the property of widows and orphans trampled in the dust by the foot of a tyrant; and all this for no other crime than the free exercise of political opinion, and, if you please, the free exertion of political influence. Pray, sir, what right has the President of the United States to say that the stockholders of the bank, or its officers, shall not interfere in his election? I believe that no portion of our fellow-citizens have so studiously abstained from meddling with party politics as the officers of the bank. But supposing they had taken ever so active a part even in his election, has he any right to forbid it? Because a citizen has placed his capital in a bank, is he, therefore, disfranchised? Shall he not dare to open his mouth in opposition to the election of the President, without incurring the guilt and the penalty of violated majesty? Are we already in the reign of Tiberius? Even in his time, this would scarcely have amounted to that high crime against majesty. This reason, so gravely urged by the Secretary of the Treasury, following the lead of the President, so far from having any weight with the House, is of a nature to produce the strongest indignation. What is the plain English of it? What does the President mean when he says that the bank must not interfere in his election, or attempt to acquire political power? Sir, I will tell you what he means. Does any man suppose that if the bank had consented to be an executive partisan, and do whatever the administration ordered, if it had put out Jonathan and put in John when commanded to do so, that we should have heard any objections to its exercise of political power? The President's meaning is perfectly plain. When he says the bank agents must not interfere in elections, he means that they must not oppose his election, but become the mere creatures and tools of the administration.

This, sir, was the attempt made at an early period of this administration—I do not say by the President, or by any person then in the cabinet, but by those who were very near the throne. The effort was to induce the bank to discard the president of one of its branches, who was confessedly competent to the discharge of all the duties

of his station, on the ground of his political opinions. The bank resisted this attempt, as it ought to have done; and a vindictive war has been waged against it ever since. So far as the present board is concerned, (and I believe those of most of the branches,) its members have carefully abstained from mingling, as partisans, in the political contentions of the country, because it was their interest to do so. They even made the attempt—a desperate one, to be sure—to conciliate this administration, by scrupulously performing all their engagements with the Government, and even going beyond them. But it was not to be conciliated by such means. The plans and purposes of certain individuals near the President had been thwarted; and the feelings of the President have been so artfully wrought upon, that the destruction of the bank has become his ruling passion, and he seems now to believe that there is no nuisance in the world that so much requires to be exterminated as the Bank of the United States.

If I were to decide upon principle what should be the course of a national bank in regard to the politics of the country, I should say that it is desirable that the present, and all future banks of a similar kind, should be habitually opposed to the Executive Government. It would be an admirable balance in our system, and would tend to check the fearful tendency to executive encroachment. We have nothing to fear from that operation. The real danger lies in an opposite direction. It is, that the President should convert the bank into a mere instrument of his will, and should wield its power, which has been represented as so tremendous, in addition to the still more tremendous power which he derives from the patronage of such a Government, and that overwhelming tide of popularity which will generally follow the man who distributes that patronage.

But, sir, the President seems to be fully aware of the danger arising from this meretricious connexion between the banking and the executive power of the country. In the manifesto he very properly and wisely expresses himself thus: "It is the desire of the President that the control of the bank and the currency shall, as far as possible, be entirely separated from the political power of the country." Never was there a more wise and patriotic sentiment, and the man who should act up to it would be richly entitled to be President of the United States. There, sir, is the precept. Now for the practice. The President, it seems, is anxiously desirous that the control of the banks should be separated, as far as possible, from the political power of the country. And what has he done? He has, in effect, said, that because the official agents of the Bank of the United States have dared to oppose his election, the faith of the nation shall not for a moment stand as an impediment in the way of their condign punishment. And what more has he done? He has not only punished the Bank of the United States, for opinion's sake, by removing the deposites, but he has set up the public treasure in the political market to the highest bidder! Yes, sir, I sincerely believe that the President of the United States is doing that which, if not speedily arrested, will create a system of executive control, and bank dependance, that will subvert the liberties of the country. By way of separating the bank and currency from the political power of the country, and avoiding the corruption which such a connexion must engender, we are to give to the President, or to his pliant instrument, the Secretary of the Treasury, (and after what has occurred he will never want such an instrument,) some twenty millions of public money to be distributed among the various local banks throughout the country, according to the complexion of their political opinions. Sir, the danger of such a system admits of no exaggeration; and I speak not the language of exaggeration when I say that, as God is my judge, I would rather trust even General Jackson with 50,000 mercenary soldiers, with the military bill of the last session asking authority for using them, than to give him permanently this power of purchasing up the local banks, and through them controlling the whole community. Sir, we might resist the mercenaries, but it would be utterly impossible to resist such an insidious, all-pervading power as this. With twenty millions of public money, the President could get absolute control over some forty or fifty local banks, judiciously selected with a view, not to the separation of the political and banking power—no, sir, but with a view to a result precisely opposite. Every man in the least acquainted with the principles of human nature must know that the banks selected would be, or would become, so many political partisans of those in power. Sir, we have some light thrown upon this subject by our experience already. It is scarcely two months since certain banks were selected to receive the deposites unlawfully removed from the Bank of the United States, and already have we seen two of their officers in the political arena.

A president of one of these banks, in Baltimore, is before the public, in the newspapers, vindicating, as in duty bound, the Secretary of the Treasury; and I understand another has pursued a similar course somewhere in Virginia. But we are assured by the President that the moment the officers of a deposite bank interfere with politics, the deposites must be removed; yet I have heard of nothing yet of any such movement against these banks. But I have no doubt that if they had dared to say a word against the President, they would, before this time, have received such a hint as was given to the late Secretary of the Treasury.

Sir, I should be much more disposed to rely on the declaration of the President concerning his anxious desire to separate the banking and executive power, were it not for the experience we have already had of the woful discrepancy between his profession and his practice. I do not attribute this to any wilful duplicity in the President. I believe, when he makes professions, he feels, for the moment, as he speaks. But I concur in the opinion expressed of the President by a gentleman who lately held a distinguished place in his cabinet. I believe, with him, that the President "has no fixed principles; that he does not arrive at conclusions by the exercise of reason," but that "impulses and passions have ruled."

What has been the difference, then, between the professions and the practices of the President? I have heard a great deal about the principles (I beg pardon for using a word which I believe is nearly out of the fashion) upon which General Jackson came into power. And I have a right, sir, to speak of these with some authority, for I stood then in the midst—yes, sir, in the very brunt of the then unequal contest, waged against "principalities and powers," when the miserable sycophants—yes, sir, the miserable reptiles, who have literally crawled in their own slime to the footstool of executive favor, stood then on the side of those who still held patronage and power. What, then, were the principles upon which the present Chief Magistrate came into power? Why, sir, we had taken up the notion that the officers of the Federal Government had become a little too pragmatical in interfering with the political contests of the country, and that, as a matter of principle, they ought to be restrained from using the influence of their officers in this way. And, accordingly, the President, in his inaugural address, told the country that one of the crying sins of his predecessors had been, that they had permitted office-holders to interfere with popular elections.

Now, I put it to all men who have eyes and ears to see and hear what has passed, and is passing, whether there ever was a period since the formation of the Government, when all the officers of the Executive Government, from the highest to the lowest, approached so nearly to the likeness of an army of trained mercenaries, moving at the

nod of their leader. Why, sir, no man can now breathe the air that surrounds the palace, who does not think precisely as the President thinks, and who will not consent to be docked or stretched until he fits the bed of Procrustes, and his political opinions are brought to the true executive dimensions. Upon this principle, officers have been discarded, and offices filled; and this is the promised reform. Yes, sir, this process of turning out officers who are opposed to the administration, and putting in its partisans, has proceeded so far, that the very word *reform* has become synonymous with turning out an officer and putting in a partisan.

The rule seems to be, to turn out all who have no other merit than qualification for the office, and put in those who will most obsequiously adopt the opinions, and bow to the will of the President, or of those who control him. Sir, it is notorious—it is known to the whole world—that the places of those who have been removed from office have been habitually filled by noisy and open-mouthed partisans of the administration, and very frequently by men who have no other merit. When, therefore, the President tells us that he is anxious to separate the control of the banks from the political power of the country, I must understand him to mean that he is anxious that the control of the banks shall be in the hands of those who will not dare to oppose his administration.

I appeal to every man who has any knowledge of the events which are passing, whether, if we decide that the local banks shall be the depositories of the public revenue, it will not become a matter of political bargaining between the Executive and those banks. All of us know what is now going on. Indeed, I fear the time will never come when the election of a President will not be the all-engrossing and paramount object of the leading and active politicians of the country. Do we not all know that the great question now at the bottom of all others is, who shall fill the throne when the present incumbent shall descend from it? It is a contest for the succession, and the administration party is now notoriously organized, as completely as a party ever was organized, to insure the election of the "heir apparent." Under this view of the subject, I cannot but advert to one of the reasons assigned for the removal of the deposites, viz: the approaching expiration of the bank charter. Now, if I am capable of reasoning at all, this is one of the very strongest reasons why the President should have abstained from depriving the bank of its chartered rights, by an arbitrary exercise of power. In little more than two years, by the limitation of its charter, the bank will cease to have any influence or power. The principal and controlling objections urged by the President against the bank are completely answered by this fact. If, as we are told, it is a dangerous institution, and calculated to subvert the liberties of the country, can any one suppose that it will do this in two years? What, then, is it that the bank could accomplish in this short period, which has produced such apprehensions? I will tell you, sir; it may exert an influence in the election of the next President, unfavorable to the executive favorite. Hence, sir, the importance of selecting new depositories of the public revenue, and of organizing a system of political banking. And I will venture to predict, that in two years from this time, if we do not arrest the proceeding, there will be a perfect organization of the deposite banks, from Maine to Louisiana, and the political and moneyed power of the country will be concentrated in the same place, and in the same hands. All these banks (the result is inevitable) will be actuated by the same political spirit, governed by the same influence, and wielded by one man. Not only the twenty millions of public revenue, but a hundred millions of bank capital, will be thus wielded for political purposes, to the corruption of the public morals, and the subversion of the public liberty.

In every respect, the President has selected the most unfortunate period for this most pernicious interference with the banking operations and credit of the country. We are told, however, that the measure was adopted to enable the Secretary of the Treasury, by timely arrangements with the State banks, to prepare a substitute for the bills of the United States Bank, and to prevent the derangement which would otherwise take place in the currency, at the expiration of its charter. Now, it is obvious that the removal of the deposites at this time will not at all decrease the embarrassment which must take place when the Bank of the United States calls in its debts and winds up its concerns. The directors of the bank understand their duty and interest well enough to know that the Government deposites would be a part of the debt of the institution, for which they would make the same provision as for their other debts. The effect, therefore, of the removal now, was to produce all the present pecuniary distress gratuitously, and in addition to that which must take place at the expiration of the bank charter.

Nor is there any just foundation for the belief that the Secretary of the Treasury can provide any substitute for the bills of the United States Bank, that will have a general circulation and credit throughout the Union. While that bank exists, as a check upon the excessive issues of the local banks, their paper will be good in their respective spheres of circulation. To give them a credit and circulation beyond this, is what the Secretary of the Treasury never can accomplish. It is certain that the arrangements which he has made with the new deposite banks effect no such object. Have these banks stipulated reciprocally to receive the bills of each other all over the Union, in payment of the Government dues? No such promise is made, sir. On the contrary, they stipulate to receive in deposite from the Government only such bills of the banks in their vicinity as are in good credit, and usually received by them in the transactions of commerce.

Would a note of the deposite bank at Norfolk be received from the Government debtors in Charleston? Why, sir, if you were to go with a note of the Metropolis Bank to Richmond, you could not make it available, at par, to pay a debt to the Government.

Such are the evils to which the community is already exposed; and if the Bank of the United States were destroyed, we should soon have all the blessings of a depreciated currency, broken banks, and a rate of exchange averaging from five to ten per cent., operating as a tax to that extent upon all the distant operations of commerce, for the benefit of money changers. Neither is it true, sir, that the removal of the deposites to the local banks has strengthened their credit, and enabled them to make a corresponding enlargement of their accommodations to the community. Indeed, it may be well doubted whether the credit even of the deposite banks has not been impaired by this proceeding. There is a rumor that one of the deposite banks has requested the Secretary of the Treasury to restore the deposites to the United States Bank. I will not vouch for the fact, but it so well corresponds with what I believe to be the true interest of the deposite banks, that I am the more inclined to give it credit. I am well assured that, for the last ten years, there has been nothing like the present pecuniary embarrassment; and if the Bank of the United States were to do what it has a right to do, and what, I believe, prudence requires it to do—curtail its discounts in proportion to the amount of the deposites removed from it, it is impossible to estimate the extent of the pressure upon the State banks, or to foresee the consequences.

While on this branch of the subject, I will notice another of the arguments of the Secretary of the Treasury. He says, in the profoundness of his financial knowledge, that one object he had in view in removing the deposites

at this time, was, to save the community from the injurious effects which would otherwise result from the depreciation of the notes of the Bank of the United States at the expiration of its charter! Now, sir, can any thing surpass the extravagance of this notion? and is it not amazing that such wretched absurdities should be gravely presented to Congress? Here, sir, is a bank not only solvent by the admission of the Secretary, but having in its vaults ten millions of specie, and a capacity of realizing in sixty days a sufficient fund to redeem its whole circulation; and yet we are told that, as the day approaches when these notes will be certainly redeemed by specie, if demanded, they will depreciate in value, to the great loss of the holders. Why, sir, a common farmer would ridicule the nonsense of the man who should tell him that a note held by him on his wealthy neighbor, and which would be certainly paid when due, would become less valuable at the moment of its payment, than it was when it had two years to run.

Who, sir, can really believe that the notes of the bank will depreciate to the extent of one-fourth of one per cent.? And yet this miserable pretext is thrown in to palliate this pernicious and ruinous measure, which must greatly depreciate the value of every species of property throughout the country.

I will now proceed to consider the only substantial ground assigned by the Secretary for the removal of the deposites. It is a ground which, if it were true in point of fact, would be entitled to the consideration of the House. It is alleged that the unusual and unnecessary curtailment of the Bank of the United States from the 1st of August till the 1st of October, had produced such extensive embarrassment in the commercial community, as to render it absolutely necessary for him to act so promptly in the business, that he could not even wait until Congress should again be in session. If this were true—if it can be shown that the bank has pursued an unusual and unjustifiable course in curtailing its discounts to oppress the community, this would certainly be a reason of considerable weight, justifying the course pursued by the Secretary of the Treasury.

But what are the facts? We are told that from the 1st of August, to the 1st of October, the bank reduced its loans to the enormous amount of between six and seven millions of dollars; whereas, in truth, the bank in that period reduced its discounts only one million ten thousand dollars! I repeat, sir, that the discounts of the bank—I speak technically—were reduced only to this extent; and the whole amount of the reductions in all the operations of the bank, including the domestic bills purchased, (which are not loans,) was little more than four millions of dollars; and yet we have been officially informed by the Secretary that the reductions of the bank, or, to use his peculiar language, its "collections from the community," have amounted, in two months, to upwards of six millions of dollars. It is worth while, sir, to look a little more minutely into the process by which the Secretary reaches this financial result. The sum of $6,334,000, set down as the precise amount of the curtailment, is made up by adding to the discounts proper, and domestic bills of exchange purchased, the increase of the public deposites, amounting to upwards of two millions. Now, sir, whether we consider the Secretary as using the technical language of banking, or the language of common sense, I cannot but regard this as a gross attempt to impose upon the community. What does it amount to? That the increase of the public deposites is equivalent to a reduction of the discounts of the bank. In other words, the bank is condemned for not extending its discounts by lending out the Government deposites, when the Government was notoriously making arrangements to remove these deposites. Yes, sir, the bank that has been denounced for extending its discounts at a period of great commercial embarrassment—the bank that had on that very ground been charged with using its funds to control the elections—that very bank is now denounced from the same quarter, because, when the public deposites were about to be removed by a lawless exercise of power, it did not extend its discounts upon the faith of those deposites. Can any thing be more characteristic of the capricious despotism exercised over the bank? The directors of the bank would have deserved to be cashiered, if they had not provided for the approaching storm, by preparing to deliver up the public deposites, instead of lending them out under the existing circumstances.

The Secretary of the Treasury goes on to give a most dismal account of the public distress produced by this unreasonable conduct of the bank, alleging that the removal of the deposites became an imperious duty, as a means of arresting it. I grant, sir, that if the domestic bills purchased by the bank are fairly to be regarded as a part of its loans, the curtailment from August to October amounted in the aggregate to a little more than four millions. But the exchange business cannot with any propriety be so regarded. It does not consist of loans, but, as the term imports, it is the means of transferring funds from one place to another. When a northern merchant or manufacturer purchases cotton at the South, he sells a bill to the bank payable at New York in ninety days, and, by the time it falls due, the cotton is there, and sold to meet it. The object of this transaction is to save the risk and trouble of transmitting money from the North to purchase the cotton. The bill is paid off in full at its maturity, as a matter of course, and upon no commercial principle could it be regarded as analogous to demanding the payment of a discounted note. But even if they were so regarded, the whole amount of the curtailment would be only four millions, instead of six, as the Secretary states. That is to say, the Government had evinced a determination to deprive the bank of eight millions of the capital upon which its discounts had been based; and the bank, to prepare for this contingency, had reduced its discounts four millions of dollars—about one-half of the extent to which its means were about to be diminished. But the bank has not only been thus curtailed in its banking capital, but it has been subjected, in common with the State banks, to all the panic and pressure produced by this rash and lawless act of the Government. Its reductions, therefore, so far from being excessive, are such as common prudence rendered indispensable to its safety, and are less than the act of the Government would seem to require. But a further charge is brought against the bank by the Secretary. It is, that it has adopted the heartless and monstrous policy of accumulating specie in its vaults to prepare itself for these hostile movements of the Government. It seems that between the 1st of August and the 1st of October, its specie had increased $639,000, and the Secretary "believes" it was drawn from the State banks. And what proof does he adduce of this fact? Why, sir, strange as it may appear, that the Bank of the United States had permitted the balances due to it by the State banks to increase from $368,000 to $2,268,000, during the two months in which this operation is alleged to have taken place. Such, sir, are the proofs that the Bank of the United States has endeavored to drain the State banks of their specie.

But even if the bank had curtailed its discounts to the extent alleged, and that curtailment had produced all the suffering experienced, the Executive Government, and not the bank, is responsible to the country for the calamity. I never have read a more unfair and jesuitical argument than the one used by the Secretary to throw the odium of his own conduct on the bank? It is well worth perusal.

"The capacity of the bank, *therefore*, at this time, to afford facilities to commerce, was not only equal, but

greatly superior to what it had been for some time before; and the nature of the inquiry made of the State banks, confined as it was to the four principal commercial cities, showed that the immediate withdrawal of the entire deposites from that bank, so as to distress it, was not contemplated. And if any apprehensions to the contrary were felt by the bank, an inquiry at this Department would no doubt have been promptly and satisfactorily answered." I wonder who would have answered it? The Secretary proceeds: "And certainly it was the duty of the bank, before it adopted a course oppressive to the whole country, to be sure of the ground on which it acted. It can never be justified for inflicting a public injury, [here is a nice question of casuistry,] by alleging mistaken opinions of its own, when the means of obtaining information absolutely certain were so obviously within its reach. The change was always designed to be gradual."

Now, sir, did the Secretary suppose, when he made these assertions, that the manifesto of the President was entirely forgotten? Did not the President publish his decree, in September, that the deposites should be all removed on the 1st of October, and sooner if practicable? Yet, in the very face of this declaration of the President, we are told that it was always designed to remove the deposites gradually, and that the bank ought to have ascertained this by asking the Secretary of the Treasury. Sir, who was the Secretary of the Treasury? Was it not Mr. Duane? and pray what information could he have given if the bank had applied? Subsequent events have shown that he was quite in the dark on the subject. The whole spirit of the proceedings of the Government made it the duty of the bank to consider the removal of the deposites as a measure decided upon, and be prepared for all the consequences of so dangerous and hostile a movement. Yet, when the administration has brought this great calamity upon the country, without the shadow of a cause, and the denunciations of the community begin to burst forth in all quarters, in a voice of thunder, why, forsooth, the Secretary of the Treasury exclaims, "Thou canst not say I did it." It was the bank, that monster of corruption, that heartless tyrant, that has produced all this suffering, without necessity, and purely to gratify its vindictive feelings. No, sir, it is in vain that the administration, after wantonly producing this great calamity, by an act of injustice and tyranny, attempts to throw the responsibility and the odium upon the persecuted victim of its injustice.

I will now proceed to inquire whether the specific charges brought against the bank, and which have been made the grounds of removing the deposites, have any foundation in fact. It is alleged that the bank has violated its charter, in delegating certain executive functions to what is called the exchange committee; whereas one of the fundamental articles of that charter declares "that not less than seven directors shall constitute a board to do business."

Now, if it were true that the charter has been violated, the President might have ascertained, by consulting that charter, that it was his duty to direct a *scire facias* to be issued against the bank, in order to have this question decided judicially by the Federal court, instead of condemning and punishing the institution in this summary manner without a trial. But it did not suit the temper of the President, or the purpose of his advisers, to adopt a legal course. Indeed, sir, I much question whether a respectable lawyer could be found in the United States who would hazard his reputation by standing up before the court upon such an issue.

In providing that not less than seven directors should constitute a board, the charter meant nothing more than that the legislative authority of the bank—the power of prescribing the rules and regulations for its general government, should not be exercised by less than seven directors. The commitment of certain executive duties to subordinate committees is no violation of this article, provided these committees are appointed with the approbation of the board, and in conformity with the rules prescribed by it. Every person acquainted with the details of banking knows that a large portion of the business of all banks is necessarily done by its officers, without the presence of the directors, though by their authority. If all the duties of a president of a bank were required to be performed in the presence and by the direction of the whole board, it would be impossible to carry on the business of banking. It would be like forbidding the President of the United States to perform any of his appropriate duties, without the presence and concurrence of the members of the legislative body—a very inconvenient encumbrance, sir, to which I do not think the President would readily submit.

A great effort has been made to create the impression that there is something extraordinary and unprecedented in the operations of the exchange committee. It is treated as a dangerous and recent innovation. Now, as early as the year 1821, when Mr. Cheves was at the head of the bank, this very authority to purchase bills of exchange was delegated to the president and cashier alone.

But it is alleged that this arrangement is an invention designed for the purpose of excluding the Government directors, not only from a due participation in the operations of the bank, but from a knowledge of them. Now, sir, the absurdity of this suspicion will be seen at once by looking into the machinery and details of this system, and by ascertaining the circumstances under which the power delegated to the exchange committee is exercised. The President and his Secretary seem to regard it as an independent power, exercised without any effective responsibility to the directors; whereas the proceedings of this exchange committee are regularly entered on the books of the bank, which are submitted to the board of directors at every regular meeting; and as only a few days intervene between these meetings, the proceedings of the exchange committee are constantly open to the inspection and review of the Government directors. Indeed, it may be almost said that the proceedings of the exchange committee are carried on under the eye of the board, so speedily is every act laid open to its inspection. No concealment from the Government directors was possible under these circumstances, when it is notorious that the books of the bank are always open to their inspection, if they think proper to inspect them.

Another charge brought against the bank, which I was surprised to see, is the old story of the three per cents again. This dish, it seems, we are to have cooked and served up in all the various modes of culinary preparation, so as to be adapted to every palate. This charge was brought forward at the last session, and referred to the Committee of Ways and Means; who reported that the arrangement made by the bank with the holders of the three per cent. stock, so far from delaying, actually hastened its payment. Why was that arrangement so vehemently denounced? I will briefly explain it. The Government had determined to pay off the three per cents in October, 1831, at a period of great pecuniary pressure upon the commercial community, owing to the large importations of that year. The bank took that liberal and comprehensive view of the effect which this operation would produce upon the credit of the country, (which it would have been well if the Government had taken,) and stipulated with the holders of these three per cents that the certificates should be delivered up to the bank, and the amount, bearing a specified interest, entered to the credit of the holders, on the books of that institution. By this arrangement, the Government ceased to be responsible for the stock, and ceased to pay interest on it sooner

than if the arrangement had not been made. How, then, were the views of the Government thwarted? By the relief which the bank thus extended to the community at a moment of great pressure? Without any loss to the Government, or any delay in the redemption of the public debt, the bank was by this means enabled to avoid curtailing some six millions of its accommodations until the crisis of commercial embarrassment passed away. The arrangement, sir, was essentially beneficial to all parties, and injurious to none; and I am utterly at a loss to conceive why the ghostly form of these extinguished three per cents is now conjured up in the array of charges against the bank. It serves no other purpose than to evince the spirit of the persecution.

Another charge gravely urged against the bank, and of which the administration ought to be ashamed, is the criminal audacity of demanding from the Government, on a protested bill of exchange, the same damages which the Government itself has universally demanded of individuals under like circumstances.

The Government being desirous to obtain funds here, in exchange for funds in Paris, the bank, in the spirit of kindness and accommodation which has marked all its transactions with the Government, voluntarily offered to purchase a bill of exchange from the Treasury here, upon the French Government, upon better terms than could be obtained any where else, or to advance the money to the Government here, and undertake the collection of the bill as its agent. The Treasury declined the agency of the bank, and sold it the bill on the French Government as a mere commercial transaction. From some cause, the French Government refused to pay the bill, and it was protested in Paris. The agents of the bank there paid it for the honor of the bank. But the President of the United States alleges that the sum paid here for the bill was left in the bank, and simply added to the amount of the public deposites. If this were true, it would not vary the case as to the legal liability of the Government for damages. But it is not true. On the contrary, the Secretary of the Treasury, under the authority of an act of Congress, gave public notice that the nine hundred thousand dollars obtained for this bill would be loaned out for the benefit of the claimants for French spoliations, to whom it belonged. It was, therefore, as much taken from the available funds of the bank, as if it had been immediately paid over to the claimants. The directors would have been stupid in the extreme if they had regarded this as an addition to the Government deposites, and made it the basis of discounts. The bank, having sold the bill in London, would have been liable to the full amount of legal damages on its being protested, but for the good fortune of having an agent in Paris who paid it. And now, sir, after the bank has saved its own credit and that of the Government by this payment, the administration comes forward with a charge against the bank of assailing the credit of the nation, because it demands its legal rights. Sir, the faith of the nation has been tarnished—deeply tarnished—by the utter disregard the Government has manifested, in a mere question of legal right, to the great moral and religious precept of doing unto others as it would that others should do unto it. The Government has invariably exacted the legal damages from individuals in similar cases. In the case of Stephen Girard, conclusive proof was adduced that the protested bill was immediately paid by the agent of Girard, and not by the agent of the Government, and that not one cent of damages was sustained by the Government. Yet the twenty per cent. damages were exacted to the uttermost farthing. Under these circumstances, it is a shame, a crying shame, that the administration should thus not only refuse to pay its just debts, but, assuming the judicial power of deciding in its own case, attempt to forestal the opinion of the tribunals which are alone competent to decide the question. In every view, it was the duty of the bank to make this claim, and of the Government to pay it. It was the only mode of obtaining damages from the French Government; for, unless our Government shall pay damages, it can exact none from France. To say nothing of the other stockholders, the people of the United States own one-fifth of the stock of the bank, and they have a right to demand that the administration do not sacrifice upwards of thirty thousand dollars of their money, by its arbitrary and faithless conduct towards the bank. In every respect, this is one of the most audacious charges ever brought by the administration against the bank, to justify the high-handed measures by which they have attempted to destroy it.

I will now proceed, sir, to consider that charge against the bank which is the real moving cause of this persevering and relentless persecution. It is, as the Executive expresses it, that the bank "has attempted to acquire political power"—a charge unknown to any code of law, moral or political, and of that fearful vagueness which indicates the arbitrary spirit in which it originates. The first specification under this charge is founded on a resolution of the board of directors, authorizing the president of the bank to have certain documents printed to illustrate its operations. To my mind, this seems to be a very harmless resolution; but as the President of the United States has denounced it as a dangerous precedent, clothing the president of the bank with powers subversive of the liberties of the country, I will beg leave to read it for the information of the House.

"*Resolved*, That the president be authorized to cause to be prepared and circulated such documents and papers as may communicate to the people information in regard to the nature and operations of the bank."

Now, I pray to know, sir, what application of the funds of the stockholders could be more useful and judicious, when the institution and its credit were assailed by every species of misrepresentation and calumny? But the President of the United States seems to regard it as equivalent to clothing the president of the bank with the whole fiscal and military power of the country. He says:

"Was it expected, when the moneys of the United States were directed to be placed in that bank, that they would be put under the control of one man, empowered to spend millions without rendering a voucher or specifying the object? Can they be considered safe with the evidence before us that tens of thousands have been spent for highly improper, if not corrupt purposes; that the same motive may lead to the expenditure of hundreds of thousands, and even millions more? And can we justify ourselves to the people by longer lending to it the money and power of the Government, to be employed for such purposes?"

It seems that the President of the United States has an instinctive abhorrence for discretionary executive power delegated to any one but himself. What is this power vested in the president of the bank? It is not only harmless and innocent in its object, but perfectly safe as a responsible exercise of power. The president acts under the authority of the directors, with whom he is daily associated, who have daily opportunities of inspecting his proceedings, and to whom he is, therefore, under a constant and direct responsibility for the exercise of the discretion vested in him as to the amount he may spend in printing documents explaining the operations and vindicating the credit and the character of the bank. Yet the President of the United States thinks this very insignificant power subversive of public liberty, when he is himself clothed with a discretion a thousand times more dangerous. Sir, when I recur to what was done here at the last session; when I reflect that an act was passed—I will not call it a law—and that, too, at the special instance and request of the President, clothing him with the power

not only to spend the whole revenue, but to exhaust the credit of the nation in arraying a military power against a sovereign State of this Union, I confess I cannot but feel surprise and disgust to hear that President magnifying a mole-hill into a mountain, and talking about the danger of executive discretion! A simple resolution authorizing the president of the bank to print explanatory documents is a monstrous proceeding; but an act clothing the President of the United States with dictatorial power is all perfectly fair and proper! This brings very forcibly to my recollection another Dutch anecdote; and as I am in the way of drawing illustrations from this excellent class of our citizens, from whose very eccentricities lessons of wisdom may be deduced, I beg leave to relate it. In a certain Dutch vicinity—I will not say Kinderhook, lest a question of location should arise—a lottery was authorized, and on a certain day the neighbors all assembled to witness the turning of the wheel. The drawing commenced, and blank after blank was drawn by the principal persons in the neighborhood, until a general suspicion of unfairness began to prevail. A large bully stepped forward as the champion of his neighbors, threatening to smash the wheel to atoms, and declaring that it was all a "*willainous piece of gheatery.*" In the midst of his rage, when every one was trembling for the safety of the wheel, a friend stepped up to him with great exultation, exclaiming, "My dear sir, have you heard the news? You have drawn the highest prize." "What, (said he,) the highest prize! *It's as fair a ding as ever was.*"

And so, sir, in the estimation of General Jackson, the discretionary power to print a few documents, when conferred on Mr. Biddle, is all a piece of cheatery; but when a discretionary power of levying war and spending money without any limitation is conferred upon himself, it is as fair a thing as ever was.

The President of the United States asks if a bank whose directors make such an application of the public funds is fit to be the depository of the public treasure? Sir, I wish the President of the United States had been as faithful to the trust committed to him, as the agent of the people of the United States, who own one-fifth part of the stock in this bank, as the directors and officers of the institution have been to their trust, as the agents of the stockholders in general. What, then, are the respective duties of the President of the United States and the president of the bank, as representatives of the stockholders; and how have those duties been performed? The contrast is striking. It is equally the duty of them both to promote the prosperity and credit of the bank, in order that its capital may yield a large profit, and its bills furnish a sound currency. But what has been their conduct? For several years past, Mr. Biddle has been night and day exerting talents of the highest order, with a singleness and devotion never surpassed, to promote the credit and usefulness of the bank. And what has the President of the United States been doing in the same period? Has he exerted his influence to advance the credit and success of the bank, as the relation he bears to the stockholders and the country required him to do? No, sir. On the contrary, he has been straining every nerve, and attempting to move heaven and earth to accomplish the destruction of its credit, and consequently of its prosperity. At a time when the bank was as solvent as any bank in the world, he suggested that the public deposites were not safe in its vaults. This charge, which in any other country would have shaken the credit of any other bank, coming from such a source, made not the slightest impression upon the Bank of the United States. Nothing can be said more highly creditable to the bank than that it was able to stand up against this assault upon its credit by the Executive Government, and a confederacy of speculators and stock-jobbers, which would certainly have prostrated the Bank of England.

And what a lesson are we taught at this very moment of the danger incurred by unskilful persons who venture to meddle with edged tools. The administration, or more properly the President, has struck a blow that it was supposed would shake the credit of the bank to its deepest foundations. That blow has recoiled. And while the credit of all the other banks has been shaken by the concussion, the Bank of the United States stands alone on a rock of adamant, bidding a proud defiance to the storm, and generously extending the hand of succor to other institutions. Yes, sir, I am informed that within a few days past this bank tendered a loan of $50,000 to one of the local banks to relieve it from the pressure produced by this reckless and vindictive act of executive madness. Such, sir, is the contrast between these two Presidents.

I come now to another of the specifications under the charge against the bank, of "attempting to acquire political power." It is alleged by the Secretary of the Treasury, that between the 1st of January, 1831, and the 1st of May, 1832, a period of sixteen months, the bank increased its loans to the enormous and unprecedented sum of $28,000,000. And it is inferred that this extension of its loans could be designed for no other purpose but to give the bank a political influence, to be used in opposition to the election of General Jackson. I will first examine the facts, and then the logic of this specification. The Secretary states that "the aggregate debt due to the bank" on the 1st of January, 1831, amounted to $42,402,304 only; whereas, on the 1st of May, 1832, its loans amounted to $70,428,070. Now, in fact, the discounts of the bank amounted to $33,575,403 at the former date, and had only risen to $47,375,078 at the latter date, making a difference in the accommodations to the community of only $13,799,675, instead of twenty-eight millions, as the Secretary's statements would induce the public to suppose. But this is not all. At the former period, the bank had a debt due to it by the Government of $8,674,681, and by Baring & Co. $2,387,331, making a sum of $11,062,012, which, added to the discounts, raised the debt due to the bank in January, 1831, exclusive of domestic bills, to $44,637,415, being only $2,737,663 less than the amount of discounts in May, 1832. It is apparent, from this view, that the aggregate debt due to the bank in January, 1831, including $10,456,653 of domestic bills, was $55,094,068, instead of $42,402,304, as represented by the Secretary of the Treasury, making the difference between the debt due to the bank at the two periods selected for comparison, even if we include the domestic bills, only $15,334,002; and if we exclude these bills as not properly classed with bank loans, the difference will be only $4,877,349. It will be here perceived that, to make out his charge of an unprecedented extension of its loans by the bank in the sixteen months artfully selected, the Secretary has suppressed the debts due to the bank by the United States and by Baring & Co., amounting to $11,062,012, in stating the "aggregate debt due to the bank" in January, 1831. And I am constrained, sir, to believe that this suppression was intentionally made, as the facts were upon the face of the monthly statements, and of a nature not to be overlooked or misunderstood. When the bank converted its Government and foreign debt into cash, what course could it pursue but make a corresponding extension of its discounts? This was not extending its debt, but changing its character, by lending to our merchants what it had collected from the Government and foreigners. To censure this, argues a total ignorance of the duties of the bank, and disregard of the pressing wants of the commercial community at the period under review. It was a period of unprecedented large importations, when the heavy commercial debt contracted, and the unusual amount of bonds due to the Government, required that the bank should draw in all its resources from other quarters, and apply them to

the relief of the commercial community. They were so applied, sir, and were the means of saving, probably, hundreds and thousands from great distress, if not from bankruptcy.

I well recollect the lugubrious vaticinations of a gentleman from New York, [Mr. CAMBRELENG,] who told us that the bank had seduced the merchants into the excessive importations, and it could not save the country from general bankruptcy. But experience, which has falsified this prediction, has shown that the bank understood its own duties and operations much better than those who chose to step out of their appropriate sphere, however enlightened on the general subject of political economy. The country not only passed through the crisis, by means of the wise and liberal course pursued by the bank, but passed through it without a struggle. The merchants would not fail, even to accommodate the gentleman from New York; and the country was brought out of its difficulties so naturally and smoothly, that it was hardly aware of the crisis. The bank is certainly entitled to the highest commendation instead of being obnoxious to censure, for effecting this great public benefit, without impairing its own credit—a result which the gentleman from New York deemed utterly impracticable. If I were to select the period, or the incident in the history of its proceedings, best adapted to illustrate its usefulness, it would be precisely this. And I will only remark further on this point, that the intellect of that man must be wofully perverted, who can see in this proceeding no other motive or object than to interfere in the presidential election.

I have gone through all the charges brought against the bank that I deem worthy of notice, and I now beg the attention of the House to those urgent considerations which impel it to an immediate interposition of its authority. I need not tell those who hear me of the actual and impending distress and ruin which threaten our commercial cities, and finally the whole country. The evidences of this are every where to be seen. We can neither turn to the right nor to the left, without perceiving anxiety and dismay in every countenance. Is it not, then, the solemn duty of Congress to interpose its constitutional power to arrest the progress of this desolating torrent? We are called upon, sir, by every consideration which can grow out of a just regard for our own contemned authority, or for the rights and liberties of the people. The President of the United States has unlawfully seized upon the public treasure. Where, sir, is that treasure at this moment? No man here can tell us. By what authority has the President taken it? Let gentlemen produce it if they can.

Sir, Congress is peculiarly called upon to vindicate its right to the guardianship of the public treasure, because the President has attempted to forestal its decision, and places it in a situation which may preclude the free exercise of its judgment. Why, sir, was the change of the deposites made only sixty days before the meeting of Congress? I will tell you the reason. The President was fearful that he could not induce even a drilled majority to do that which, if already done upon his responsibility, it might be induced to sanction. He is a military man, sir, and he knows the effect produced in desperate emergencies, when the general throws himself into the breach, and calls upon his soldiers to rush to his rescue, or witness his destruction. There could not have been selected a time for performing this act better calculated to show the President's defiance of the legislative authority. And yet, sir, the Secretary of the Treasury has come here with the miserable—I had almost said impudent—pretence that he was constrained to do it by the necessities of the country. It is not true, sir. The President had only to announce that the deposites would not be removed until the question should be first submitted to Congress, and the public mind would have been put at ease. The Secretary well knew this. But the Executive Government has thought proper to thrust itself forward, and place the subject in such a position as almost to deprive Congress of its free agency. We are now told by a gentleman from New York, [Mr. CAMBRELENG,] that the restoration of the deposites to the Bank of the United States was an idea that struck him with alarm; that the country had already suffered too much from one removal to be able to endure the effects of another. It is for this reason that I have made my resolution prospective. I am not so reckless of the sufferings of the community as to take away the money which has been actually deposited in the selected banks. I know we shall be told that the picture of public distress is exaggerated. One gentleman, indeed, [Mr. VANDERPOEL,] told us the other day that it was all a humbug to ascribe the prevailing distress to the removal of the deposites. If this be a humbug, it is a very melancholy one. But whatever gentlemen may have thought three days ago, I believe there is no one who would now be bold enough to say that the removal of the deposites has had no agency in producing the public distress. The calamity can hardly be overestimated. Any idea which we can form of it here, will fall short of the sad reality. I confess, sir, I have been astonished at the accounts brought by every mail. I did not believe that a scene of distress so sudden and extensive could have been produced by the miserable tampering of the Government with the system of commercial credit. It is a mistake to suppose that it is confined to the merchants or to the commercial cities. It will extend like a wave, until it affects every class, and reaches the farthest limits of the country. In relation to one of the great national interests, I can speak with positive knowledge as to the depression this measure has produced in the value of property. I confidently believe that every cotton planter who did not sell his crop at the commencement of the season has lost two cents on every pound of his cotton, in consequence of this measure. It is a fact without precedent, but conclusively shown, by a comparison of the Liverpool and Charleston prices current, that the price of cotton has been habitually five cents lower in this country, at any given time, than the European prices published at the same time here. I presume all other descriptions of property have experienced a similar depression, and can well imagine that all property in stocks, public or private, must have suffered even in a greater degree. It is stated, on good authority, that the stock of the Girard bank, the one selected in Philadelphia to receive the Government deposites, has fallen from 70 to 54, since the 1st of October.

An administration that will thus wantonly tamper with public faith and private property, to promote the selfish purposes of individuals—whatever else it may be called—does not deserve the name of Government. In what, I would ask, is all this to result? I am not sure that I know precisely what is its object, but I can tell you very certainly what will be its end. It will be, sir, the sacrifice of the industrious and enterprising classes of the community to promote the interest of speculators and stock-jobbers. Hundreds of industrious men, whose credit is their principal capital, will be ruined; while the money lenders and money changers will realize princely fortunes, making a rich harvest of the public distresses. If there be any speculators in the stocks—whether connected with the administration or not, who have stipulated to deliver certificates of State bank stock on a given day, they may profit by this act of the Government. But if there be any who have calculated to make this measure subservient to their speculations in the stock of the United States Bank, I rejoice that they will be disappointed. The stock of that bank has been less affected than any other.

And now, sir, in concluding my remarks, I must be

permitted to say, that, if we ratify this proceeding of the President and Secretary of the Treasury, by refusing to order the restoration of the deposites, in addition to the present suffering and distress of the people, we shall permit a system of political banking to be entailed upon the country, utterly incompatible with public liberty. If we intend that it shall ever be arrested, it must be done now; for if we give time to complete the establishment of this confederacy between the Executive Government and the State banks in all its ramifications of dependant interests, I will defy all human power to break the league or resist the man who wields its power. Is it not apparent that it will convert the deposite banks into dependants and partisans of the President? Is it not equally apparent that the politician who controls these banks will indirectly control all those who are indebted to them, and thus obtain an absolute control over the public will? If this House shall confirm the act of the President, it will be, in my humble opinion, establishing in perpetuity a corrupting connexion between the banking capital and the political power of the country, and placing them both in the hands of one man. I trust in God that the country will not be destined to such a condition by the vote of this House. If it should, I can only pray that a power more than human may be interposed for its rescue.

FRIDAY, DECEMBER 20.

After going nearly through with the usual morning business—

The SPEAKER said that there wanted but a few minutes of the expiration of the hour, when the House, according to a standing rule for the day, (Friday,) would pass to the consideration of private bills. He should proceed to call for resolutions, unless the gentleman from South Carolina [Mr. McDUFFIE] chose to move for the unfinished business, and resume his remarks. [Mr. McD.'s speech is given entire, in the report of yesterday's debate.]

Mr. McDUFFIE declining, resolutions were called.

After which, the House went into committee on sundry private bills, which were severally reported to the House and ordered to be engrossed; when the House adjourned to Monday.

MONDAY, DECEMBER 23.

The morning business having been gone through with:

THE REMOVAL OF THE DEPOSITES.

The House resumed the consideration of the question of reference of the report of the Secretary of the Treasury on the removal of the public deposites from the Bank of the United States, with Mr. McDUFFIE's motion to instruct that committee to report a bill for restoring the deposites to the said bank.

Mr. McDUFFIE then concluded the speech which he began on Thursday last, in support of his motion, as heretofore given.

On motion of Mr. POLK, at about half-past 3 o'clock, the House adjourned.

TUESDAY, DECEMBER 24.

ADJOURNMENT.

After the presentation of memorials and petitions,

Mr. E. EVERETT called up his joint resolution for an adjournment of both Houses until Monday next.

Mr. CLAY opposed the resolution, and moved to lay it on the table, but

The House refused.

Mr. EVERETT proposed that the resolution be read a third time this day.

Mr. CLAY proposed Saturday next as the day on which it should be read a third time.

The House ordered it to be read to-day.

It was read accordingly; when

Mr. CLAY asked the yeas and nays on its adoption; but the House refused to order them; and the resolution was passed and sent to the Senate for concurrence.

The Senate refused to concur in it.

Mr. E. EVERETT then moved that when the House adjourn, it adjourn to Friday; which was agreed to.

The resolutions for inquiry, heretofore offered, were severally considered and adopted.

SINKING FUND.

The resolution heretofore offered by Mr. SELDEN, relative to the sinking fund, was taken up for consideration.

Mr. POLK suggested a modification of the resolution, so as to give it the form of an inquiry.

Mr. CAMBRELENG stated that the existing laws on the subject of the sinking fund made all the provisions required by his colleague, except one. Mr. C. stated what were the existing laws on that subject.

On motion of Mr. WHITTLESEY, the resolution was laid on the table, on account of the absence of the mover.

Sundry engrossed bills were then severally read a third time, passed, and ordered to be sent to the Senate for concurrence; and then

The House adjourned to Friday next.

FRIDAY, DECEMBER 27.

ENLARGING THE PENSION LIST.

Mr. CHILTON moved the following resolution:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so extending the provisions of the act of Congress passed the 7th of June, 1832, granting pensions to certain classes of troops therein named, as to embrace in its provisions those who were engaged in the wars against the Indians subsequent to the close of the revolutionary war.

Mr. C. made a short explanatory speech in support of the resolution.

Mr. HARDIN advocated the resolution, and dwelt on the hardships, dangers, sufferings, and merits of those for whose benefit the resolution was offered; arguing to show that they were as well entitled to the bounty of Government as those who are now borne on the pension rolls.

Mr. WARDWELL thought that the resolution ought to go to some other committee than that on revolutionary claims, (over which he presides,) inasmuch as these were not revolutionary services which it was now proposed to compensate.

Mr. EVERETT, of Vermont, thought it would be better to refer the inquiry to a select committee.

Mr. CHILTON accepted the suggestion, and modified his resolution accordingly.

Mr. WHITTLESEY, of Ohio, moved to amend the resolution so as to confine its effect to those who had served subsequently to the peace of 1783, and prior to the year 1794. Mr. W. adverted to the favorable reception of such a limited proposition at a previous session, and spoke some words in its favor.

Mr. CHILTON accepted this amendment as a modification of his motion.

Mr. LANE advocated the resolution, and observed that he had himself intended to bring the subject before Congress, if some one else had not done it.

Mr. BURD wished to give the resolution a retrospective operation before the year 1783, and for this end remodelled it.

Mr. WILLIAMS was opposed to any extension of the pension system beyond the limits of the revolution. No

others could have the same claims on the country, because none could be in their peculiar situation. Mr. W. spoke very respectfully of the services intended to be provided for by the resolution, but thought, if the pension system was once carried beyond the revolutionary period, there would be no end to it. He concluded by moving to lay the resolution on the table; but withdrew his motion at the request of

Mr. BURD, who, after some explanatory remarks, withdrew his amendment.

Mr. HARDIN again took the floor in support of the resolution, which he advocated with much earnestness; adverting to the small proportion of the public money which was expended in the West.

Mr. ALLAN, of Kentucky, replied to the speech of Mr. WILLIAMS, insisting that these services came within his own principle, for they were in fact a portion of the revolutionary struggle. Though peace was signed in 1783, and the war ceased on the seaboard, it was continued in all its horrors on the western frontier, and did not end, in point of fact, till Wayne's victory. It was the same war, prosecuted for the same end, and imposing the same debt of public gratitude.

Mr. BLAIR, of S. Carolina, was opposed to the resolution, because it went to extend the operation of the act of 1832, to which act he had been, and still was, opposed; as it went to tax the descendants of meritorious soldiers to pension rich men and tories. He renewed the motion to lay the resolution on the table; and demanded the yeas and nays.

The question was accordingly taken upon laying the resolution on the table, and decided as follows: yeas 50, nays 139. So the House refused to lay the resolution on the table.

Mr. BOULDIN, though opposed to the resolution, thought the claims of the individuals referred to ought to be heard. He moved to amend the resolution, so as to direct the committee to inquire "into the moral and political effect of the pension laws of the United States; and how far the same ought to be modified and repealed." Mr. B. supported his amendment by a short speech, in which he insisted that the practical effects of the system had been to discourage private industry, and lead a large portion of the people of the United States to look to the treasury as the unfailing spring from which they were to receive every good. The poor, instead of being relieved in their own neighborhoods, were pensioned on the United States.

Mr. CHILTON, in reply, made a long and very animated speech, in which he dwelt largely on the merits and sufferings of those engaged in the Indian wars upon the frontier down to 1794. He admitted himself to be quite a latitudinarian, and declared, with Burns, that, if he was as rich as the day, he would be as generous as the sun, in paying debts of gratitude to those who had won our liberty.

Mr. BOON called for the previous question: but his call was not seconded by the House.

The further consideration of the subject was then, on motion of Mr. EVERETT, of Vermont, postponed to Tuesday.

GRADUATION OF THE PRICE OF THE PUBLIC LANDS.

Mr. CLAY, from the Committee on Public Lands, reported a bill to reduce and graduate the price of the public lands.

Mr. ASHLEY asked leave to move for the printing of 5,000 copies of the report accompanying the bill; but it was objected to. He then moved to suspend the rule; but the House refused.

APPROPRIATION BILL.

The House then went into Committee of the Whole on the state of the Union, Mr. FOOT in the chair, for the purpose of considering the bill making appropriation, in part, for the service of the Government for 1834.

On motion of Mr. POLK, the bill was considered, and the blanks therein filled up and agreed to, as follows:

For pay and mileage to members of Congress, $555,480.

For payment of officers of House, &c., $32,200.

For printing and contingent expenses, $150,000.

The committee then rose, and reported the bill to the House, which was read twice, and ordered to be engrossed for its third reading on Monday next.

And the House adjourned to Monday.

MONDAY, DECEMBER 30.

MEMORIAL FROM STATE BANKS.

Mr. BINNEY presented the following memorial:

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned, the presidents of the State banks located in the city and county of Philadelphia, acting under the authority of the boards of directors of the several banks, respectfully represents—

That they address themselves to your honorable bodies, as the guardians of the general interests of the country, and as possessing alone the power of remedying the existing distress, and of averting the greater calamities which are obviously impending.

That one of the first blessings a nation can possess is a sound and well-regulated currency—the solid and sure reward of industry, and the uniform measure of property; and it was not the least among the many advantages anticipated from the constitution, that the whole Union would, by the legislative power, be relieved and preserved from the dangers and disgrace of a depraved and irresponsible circulating medium. Such a sound currency this nation has enjoyed, by means of the Bank of the United States, established by the wisdom of Congress; and the peculiar occupation of the undersigned justifies them in stating their conviction that it is owing, in a great degree, to the judicious operations of that institution, that, for ten years past, our moneyed system has been so perfect; and that whether its solidity, its adaptation to the wants of all classes of the community, its facilities for internal commerce, or its protection against the vibrations of foreign trade, be regarded, it has no superior in any country.

It is, therefore, with deep regret that the undersigned are now constrained to inform Congress that, in their belief, this system, with the signal prosperity it has produced, has undergone a sudden and painful change. The moneyed operations of our commercial cities are almost at a stand; the commerce between the States is again laboring under a tax, which must continue increasing, of a loss on all its exchanges; the circulating medium already begins to arrange itself on the scale of depreciation; while, in the train of these evils, and not far behind them, may be apprehended still more disastrous results to the agriculture, commerce, and manufactures of the United States.

In looking for the cause of this state of things, the undersigned feel no difficulty in naming that which is at once obvious and adequate. On the 1st of October last, the whole moneyed system of this country commenced a total change. To the eye of a common observer, it seemed to be the mere transfer of the public revenue from one bank to many banks; but it was, in fact, the disorganization of the whole moneyed system, and the whole revenue system of the country. Until the 1st of October, the revenue paid by the whole country was diffused by the bank and its branches throughout the whole community, to be used for the support of the industry of the whole, and gently recalled when needful for the ser-

vice of the whole; while the bank, as the common friend of all sound State banks, uniting with and sustaining them, was enabled to supply an adequate circulating medium from its own resources, and to preserve in a uniform and sound condition the issues of the State institutions. Now, the public revenue is no longer diffused throughout the whole Union; it cannot even be advantageously used where it is collected; and the Bank of the United States, whose expansive power and credit have been so frequently employed to relieve the community, must look necessarily and primarily to its own security.

Happily for the country, the remedy for this distressing state of things is as evident as the cause of it. The undersigned do not hesitate to express their belief that, as the removal of the deposites of the United States from the Bank of the United States is the real cause of this distress, so the restoration of them to that institution is the real, and will be the effectual, remedy for them. With a view to remove from that measure all reasonable apprehension, the undersigned venture to request that the deposites of the public revenue now in the State banks should remain with those institutions, until withdrawn in the course of the public service, or as the wisdom of Congress may please to direct; but that, hereafter, the accruing revenue of the United States should be collected and deposited in the Bank of the United States.

And your memorialists will ever pray,

JOSEPH P. NORRIS,
President of the Bank of Pennsylvania.
H. NIXON,
President of the Bank of North America.
JAMES DUNDAS,
President of the Commercial Bank of Pennsylvania.
L. LAMB,
President of the Mechanics' Bank.
ELIJAH DALLET,
President of the Penn Township Bank.
THOMAS CRAIGE,
President of the Manufacturers and Mechanics' Bank.
J. SOLMES,
President of the Moyamensing Bank.
WM. MEREDITH,
President of the Schuylkill Bank.
SAMUEL HARVEY,
President of the Bank of Germantown.
J. TAGERT,
President of the Farmers and Mechanics' Bank.

Mr. B. remarked, that, as the main question was under discussion, and no person could yet say what disposition would be made of it; and as he had no wish to embarrass the other proceedings of the House by any premature discussion, he would, for the present, move to have the resolution laid on the table and printed.

Mr. POLK reminded the member from Pennsylvania that the memorials on the same subject from the president and directors of the bank, and from the Government directors, had already been referred to the Committee on Ways and Means; he would suggest that this should take the same course. Deprecating discussion on the subject now, he moved that the memorial should have the same reference.

The question on laying the memorial on the table was put, and negatived: ayes 79—noes not counted.

The memorial was then referred to the Committee of Ways and Means, and ordered to be printed.

THE DEPOSITE QUESTION.

The House having resumed the consideration of the motion to refer to the Committee of Ways and Means the reasons assigned by the Secretary of the Treasury for the removal of the public deposites, with Mr. McDUFFIE's motion for instructing the committee to report a bill for restoring them to the Bank of the United States—

Mr. POLK said, in entering upon the discussion of this great subject, he begged to be permitted to remind the House of the present state of the question, and of the manner in which its consideration had, in his judgment, been thus prematurely forced upon this House. The Secretary of the Treasury (said Mr. P.) has removed the public deposites. In the letter now before us, he has communicated his reasons for the act. The Bank of the United States has sent to this House its memorial, complaining of the act of the Secretary, and asking a restoration of the deposites. That memorial, by the vote of a majority of this House, has, upon full consideration, been committed to a committee of this House for investigation and report. The Government directors of the Bank of the United States—officers placed in the bank as the public sentinels of the public interests—have also sent here their memorial, making grave charges against the bank; charges of malpractices in the administration of the bank; charges of the corrupt use of the public moneys intrusted to its keeping; and charges, if true, amounting to a clear forfeiture, not only of the public confidence, but of the charter itself. This memorial, too, has, upon full consideration, been committed, by a large majority of this House, to the same committee for investigation. The letter of the Secretary of the Treasury, now before us, was, by misapprehension of the object of the mover, permitted, in the first instance, to go to the Committee of the Whole House on the state of the Union; but so soon as it was understood to be the intention of the friends of the bank to discuss the subject at once in Committee of the Whole, (the effect of which must necessarily have been to stifle all inquiry by an investigating committee of this House, both into the truth of the facts stated by the Secretary of the Treasury, and also into the truth of the charges made against the bank by the Government directors,) a majority of this House, upon full discussion and consideration, by their votes, determined to take the subject out of the Committee of the Whole on the state of the Union, and bring it into the House, for the avowed purpose of committing it also to the same investigating committee of the House to which the two memorials of the bank and the Government directors had been committed. A motion to that effect is made, and, though the sense of the House had been thrice expressed, the gentleman from South Carolina submits (as he is permitted to do by the rules of the House, and parliamentary usage,) his proposition of instructions to the committee, to report a bill to restore the deposites; which, if carried, precludes all investigation by a committee; and thus, against the expressed will of a majority of the House, solemnly pronounced, opens the whole discussion.

The gentleman proposes, by a peremptory order, in the face of the charges brought against the bank, to instruct a committee of this House to bring in a bill to restore the deposites, and thus to prejudge the question, and prevent all examination into their truth or falsehood. I must be permitted to say, sir, (to use the language of a distinguished gentleman in the other end of the Capitol,) that I consider this as a flight on the part of the bank and its friends from the light of truth. The difference between us is this: the Secretary of the Treasury, and those who sustain him here, shrink from no scrutiny, however severe, but, on the contrary, invite it; they invite it with a perfect confidence that every fact stated by him will be sustained by proofs incontestable. What we want is a thorough, sifting investigation of a committee of this House.

The friends of the bank say No! oh! no! We cannot have a committee to investigate and report the facts; we choose to force this discussion on now, when each gentleman may, by bold assertion, assume such facts as may suit his taste, or answer his purpose best. I am not at liberty to attribute a motive for this extraordinary pro-

ceeding. I do not do so; but it is easy to conceive that it may be deemed important to send out speeches to the country, charging the Secretary with misrepresentation and falsehood, in order to break the force of the Secretary's letter upon the public mind. It may be deemed important to influence, by discussion here, the public mind, and add to that panic which has been described to us as extensively prevailing in the commercial cities, and thus to aid the tremendous power of the Bank of the United States in making the State banks in its vicinity, the commercial community, and all under its control, petition Congress for a restoration of the deposites, with the hope to alarm the representatives of the people, and, if possible, induce them, in the panic of the moment, to do that which their sober judgments would not approve. Are we children, sir? Do we not all understand what is going on out of this House to produce alarm within it? But it is said we must have speedy action, and, therefore, we must have immediate discussion. And is this the mode of arriving either at a satisfactory or speedy decision of the question? It is contrary to our whole experience in the proceedings of this body. To come to a satisfactory and speedy result, a committee should present all the facts, and present some tangible and definite proposition. But, no; nothing but discussion, and discussion now, will do.

One other preliminary remark, Mr. P. said, he would make before proceeding to the main question. When the previous question was demanded, the other day, gentlemen asked, Do you wish to gag us? Do you wish to prevent discussion? These questions were asked by gentlemen whose names are recorded on your journals, at the session before the last, in favor of forcing twice in the same day, by the application of the previous question, the passage of the bill for rechartering the Bank of the United States. That, too, was the final action of the House upon the subject, and those who were opposed to the passage of the bill were not permitted to open their mouths against it. On other questions, also, Mr. P. said, when the bank had a majority in the House, the friends of the bank had no scruples in resorting freely to the previous question, or questions of like import, such as precluded discussion, as in the case of the bill reported for the sale of the Government stock in the Bank of the United States, rejected on its first reading. And when the celebrated resolution, declaring that the public deposites were safe in the Bank of the United States, was before this House, the previous question was moved. The gentleman who moved it was asked to withdraw it, and he refused to do so. A gentleman entertaining similar views with himself concerning the bank then asked him to withdraw it; and, on an assurance that he would renew the motion before he sat down, that indulgence was reluctantly granted to him. Yet, sir, we are charged now with a desire to avoid discussion. The charge cannot be sustained. It is not true, sir. We desire a sifting development of the affairs of the bank, terminate as it may. We desire a full examination of all the charges made against it. We are ready for a full discussion, whenever we shall have a report from the committee on the subject. But I maintain that the instruction which it is now proposed to give to the committee in advance, is one that ought only to be given, if at all, after full examination.

Forced as he, and those with whom he acted, were, prematurely, into this discussion, Mr. P. said he trusted he should be pardoned for occupying the time of the House in answering a few of the arguments of the gentleman who had introduced this discussion. If delay be the consequence—if ruin be the consequence, said Mr. P., the responsibility rests not upon us; and if it would be allowed us now to take a vote upon the question, I would resume my seat, and let the question be taken. I know not, sir, how this discussion may result. Its prototype, moved by the gentleman from Kentucky, the mover was allowed to hang a speech upon, and then it was withdrawn. Whether this proposition is to take the same course, sir, I have no means of knowing. The event will show.

The gentleman from South Carolina, said Mr. P., opened his argument by assuming that the public deposites had been unlawfully removed from the Bank of the United States; that the President is, by reason thereof, a usurper and a tyrant; and he informed us that this was the great constitutional question we were about to examine. Yet, sir, the gentleman did not think it proper to furnish us with any of the arguments by which he maintains these propositions, but seemed to regard them as self-evident. It is true, the gentleman was unmeasured in the violence of his charges against the President. He told us that he had trampled the constitution in the dust; and he seemed to be as much enraged on the occasion as the Dutch bully he spoke of was with the lottery wheel, and ready to strike the administration into smashes; and with about as much reason. The political wheel had turned out badly for the gentleman. But if, perchance, it took another turn; if a star should be in the ascendant from a new quarter; if he should draw the prize, in a word, why, then, sir, it would be "as fair a thing as ever was."

It is easy, sir, to say hard things. It is fortunate, however, for the Chief Magistrate of this country, that his character is placed at such an elevation that it requires no aid from the representatives of the people on this floor to sustain it when assailed. He is above the reach and power of any remarks made here.

But, sir, it is said that the President is a usurper, a tyrant, &c. for having removed the late Secretary of the Treasury. This argument supposes that the Secretary of the Treasury is responsible to Congress, and not to the President, for the manner in which he discharges the duties of his office. Now, sir, I undertake to affirm that the Secretary of the Treasury is not only not independent of the President of the United States, but, if Congress were to pass a law to make him so, they would exceed their power, and the law would be void and of no effect. The Secretary is not only not independent of the Executive, but it is not in the power of Congress to make him so. By whom is the Secretary of the Treasury appointed? Not by Congress. The law creates the office, but the appointment to it is made by the President of the United States, with the consent of the Senate. I beg pardon, sir, for entering upon a question here which has for forty or fifty years been considered a settled question. Does the gentleman mean—do those who think with him mean—that the President has not the power of removing from office the Secretary of the Treasury? By whom is he appointed? By the President of the United States, with the advice and consent of the Senate. The President, says the constitution, "shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers, and consuls; judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." The heads of departments, therefore, are not "inferior officers," and the power of appointment is not, and cannot be, in the President alone, or in the courts of law; much less in Congress. Further, Congress cannot by law acquire the power of controlling the appointment of heads of departments. Under another clause of the constitution, Congress may indeed appoint their own officers; but they have no power over even the manner of appointment of any other than inferior officers in any other department of the Government.

By what tenure does the Secretary of the Treasury, when appointed by the President, hold his office? Although there is no express clause in the constitution authorizing his removal from office at the pleasure of the President, yet the power to remove him flows from the nature of the constitution. He holds his power *durante bene placito*—during the pleasure of the President. The judges of the courts of the United States hold their offices, indeed, during good behavior, or for life; but I deny that any other officer of the Government holds his office by a similar tenure. The President and the Vice President of the United States hold their offices, each, for a term of years. The period of service of other officers is not limited by the constitution; but according to the practice of the Government in the time of the contemporaries of the constitution, and ever since, they have been considered to hold their offices at pleasure. If it were not so, indeed, what would be the consequence? If the Secretary of the Treasury could be made independent of the President, still there must be a power somewhere to remove him. If not, he must hold his office during life, which I have already shown is inconsistent with the constitution.

The appointing power, the Executive, must, of necessity, be the removing power; otherwise, there must be endless conflict and confusion in the Executive Department of the Government. For, says the constitution, "the executive power shall be vested in a President of the United States of America." The whole executive power is here vested in the President; and, by another clause of the constitution, it is made the duty of the President to see that the laws are faithfully executed. Faithfully executed!—how? according to the understanding that each inferior officer may have of them? If that were the case, there would be no uniformity in the execution of the laws. One Secretary, for example, would execute an embargo law; and another would refuse to do so, because he believed it unconstitutional. Was that the intention, do you think, of the framers of the constitution, when they invested the power of supervision of the execution of the laws in the President of the United States, and made him responsible therefor? Was it contemplated that the inferior officers, who are appointed by the Executive, and are but his instruments and assistants in the discharge of executive duty, were to construe the law each for himself? And when this clause, which required the President of the United States to see that the laws are faithfully executed was put into the constitution, was it simply intended to mean, as has been suggested, that he was only to execute them by a resistance of force, when force was interposed to prevent their execution?

This unquestionably would be one of the duties of the Executive, should such a case arise; but the President, I affirm, is bound to see that all laws are executed; and he cannot execute them but as he understands them. If the assistants whom he has chosen, by and with the advice and consent of the Senate, are not, in his opinion, the fit persons for their stations, he must necessarily possess the power to remove them, and to put in others whose opinions do accord with his own. If this power does not exist in the President of the United States, how—when that great civil revolution took place, which in 1801 elevated to the presidency of the United States a citizen of different political opinions from his immediate predecessor—how could the new President have brought into his cabinet those citizens whose opinions were in unison with his own? How could he have seen that the laws of the United States were faithfully executed, as he understood them, without the power of changing the individuals charged with that duty? This question, however, Mr. P. said, had been so long settled, that he would not trespass on the patience of the House by dwelling longer on this particular point.

The constitution looks to the heads of departments as the President's advisers; and requires of them, when asked by the President, to submit to him their opinions, in writing, on any question presented to them. Why does it exact this, if he had no power over those officers? They must furnish him with their opinions, because he is the chief executive officer of the Government, and, as such, has the whole of the executive power committed to his hands; and he is held responsible to the people to see that the laws are faithfully executed. How can he do this, unless he has aids and assistants in discharging the duty? The power to require the opinions of his cabinet infers, of course, that it is not to be given without meaning; but it also infers that, if their opinion shall differ from his, he has complete power to control them.

But, sir, it is said that the Treasury Department has been differently organized from the other executive departments. And how is it differently organized? Congress, it will not be pretended, has any power to appoint the Secretary of the Treasury, nor any power to remove him from office, if his conduct shall not please them; nor would they possess any such power, even if they could pass a law conferring it upon themselves. No, sir; though they should see the public treasure wasting, and the officer derelict in his duty, they could not get at him otherwise than by the tedious process of impeachment.

But, sir, was it ever contemplated by those who framed our constitution that there should be no power any where to remove an officer whose base designs were distinctly seen, except by the circuitous method of impeachment? Surely not, sir. The Secretary has no legislative power; neither has he any power of a judicial character: his whole duties show him to be an executive officer; as such, he is responsible to the chief Executive, as that high officer is in like manner to the people. Let us for a moment reverse this question. Let us suppose that a Secretary of the Treasury should avow his intention, at a certain period, to remove the public deposites from the place where they have been placed—from the United States Bank, for example; and let us further suppose that the President, then filling the executive chair, should hold a different opinion as to the propriety of such a removal. The President calls his cabinet together, and he says to the Secretary, Sir, it is my judgment that the deposites ought not to be removed, as you contemplate. The members of the cabinet say to him the same thing. The Secretary of the Treasury turns round, and says, in reply, Mr. President, I am independent of you; and, gentlemen, I am equally independent of you also: the bank charter has given me the exclusive power of judging in this case, and I choose to carry my own views into execution. Well, sir, the President folds his arms and answers: Well, Mr. Secretary, I have no power to interfere; you must do as you please.

Sir, what would be the indignation of the whole people at such a spectacle? (that is, supposing the removal itself to have been improper and inexpedient.) What should we have heard from the bank, and from its friends here? But, sir, it is a bad rule that will not work both ways. If the Secretary ought to have complied in that case, why not in this? If he has power to resist now, he would have had then.

But, sir, independently of these views, the act itself creating the Treasury Department expressly recognises in the President the constitutional power to remove the Secretary from office. He may remove without any assigned reason whatever, if he chooses to do so. The power to remove is absolute and unqualified. And if he may remove from office without assigning any reason whatever, surely he may with reasons given. Gentlemen may indeed differ in opinion as to the validity of the reasons assigned; but that the President has the power to remove, is unquestionable. Nor does he derive it from the act of

Congress creating this department, but holds it from and under the constitution itself. The act recognises it as a power in him already: it does not confer on him the power to remove, lest it might seem that he held it by grant of the Legislature. The terms employed are such as clearly recognise the power to be from the constitution. The act says that, when the Secretary shall have been removed by the President, or shall be absent or indisposed, another officer may, for the time being, discharge the duties of his office.

Yet still it is maintained that the Legislature, jealous of uniting the money power with other executive powers, wisely and purposely withheld it from the President. The great constitutional question is as to the power of the President to remove the Secretary of the Treasury from office. I can conceive of none other. The President, we have been told, is a usurper and a tyrant; yet he has done only what his predecessors have done before him, and for which he is responsible to the country. Sir, I have made some research as to the opinions and conduct of those who framed our constitution, and who certainly understood well the powers therein given to the President. During the debates on the organization of the executive departments of the Government, this very question of the power to remove from office came under discussion. The question was, whether such a power should be exercised at all; if so, whether by the Executive alone, or by the Executive in conjunction with the Senate? One portion of the members of the convention contended that it ought to require the same advice and consent to remove an officer that it did to appoint one. Well, sir, look now at the views given on this subject at that early day. I refer the House to Lloyd's Debates of the Convention, on the form of the executive department; and I will take the liberty of reading from the speech of Mr. Madison:

"It is one of the most prominent features of the constitution, a principle that pervades the whole system, that there should be the highest possible degree of responsibility in all the executive officers thereof; any thing, therefore, which tends to lessen this responsibility, is contrary to its spirit and intention; and, unless it is saddled upon us expressly by the letter of that work, I shall oppose the admission of it into any act of the Legislature. Now, if the heads of the executive departments are subject to removal by the President alone, we have in him security for the good behavior of the officer. If he does not conform to the judgment of the President in doing the executive duties of his office, he can be displaced: this makes him responsible to the great executive power, and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department."

In the same debate, I will refer to the speech of Mr. Sedgwick, who said: "Suppose, sir, a man becomes insane by the visitation of God, and is likely to ruin our affairs; are the hands of Government to be confined from warding off the evil? Suppose a person in office, not possessing the talents he was judged to have at the time of his appointment, is the error not to be corrected? Suppose he acquires vicious habits, an incurable indolence, or total neglect of the duties of his office, which forbode mischief to the public welfare; is there no way to arrest the threatened danger? Suppose he becomes odious and unpopular by reason of the measures which he pursues, (and this he may do without committing any positive offence against the law;) must he preserve his office in despite of the public will? Suppose him grasping at his own aggrandizement, and the elevation of his connexions, by every means short of the treason defined by the constitution, hurrying your affairs to the precipice of destruction, endangering your domestic tranquillity, plundering you of the means of defence, by alienating the affections of your allies, and promoting the spirit of discord; is there no way suddenly to seize the worthless wretch, and hurl him from the pinnacle of power? Must the tardy, tedious, desultory road by way of impeachment be travelled, to overtake the man who, barely confining himself within the letter of the law, is employed in drawing off the vital principle of the Government?"

Mr. Madison says again: "It is evidently the intention of the constitution that the First Magistrate should be responsible for the executive department; so far, therefore, as we do not make the officers who are to aid him in the duties of that department responsible to him, he is not responsible to his country."

And again: "The question now resolves itself into this: is the power of displacing an executive power? I conceive that if any power whatsoever is, in its nature, executive, it is the power of appointing, overseeing, and controlling those who execute the laws."

Thus you see, sir, that all the inferior officers are so many instruments in the hand of the Executive. If there is any question as to the power of the Executive in overseeing and controlling those who execute the laws, here you have Mr. Madison's views on that subject. I will take the liberty of reading some other passages from the same debate, in relation to the selfsame objections which have been urged here and elsewhere to the exertion of this power.

Mr. Vining says: "I take it that the best principle is, that he who is responsible for the conduct of the officer ought to have the power of removing him; by adhering to this principle, we shall be led to make a right decision on the point in debate. Perhaps it might be equally right that the responsible person should have the appointment of those who are to aid him. But this case is qualified by an express stipulation in the constitution, and therefore must be submitted to. Yet, nevertheless, the responsibility is kept up; the President takes the lead in the business; he nominates; wherefore he becomes answerable for the officer. But whose officer is he? Not the Senate's; for they have no executive business to perform. The executive duties are all vested in the President." So I say he is not the officer of Congress; and more, that Congress could not make him so; because they have no executive duties to perform. I read from Fisher Ames:

"The superintending power possessed by the President will perhaps enable him to discover a base intention before it is ripe for execution. It may happen that the Treasurer may be disposed to betray the public chest to the enemy, and so injure the Government beyond the possibility of reparation; should the President be restrained from removing so dangerous an officer, until the slow formality of an impeachment was complied with, when the nature of the case rendered the application of a sudden and decisive remedy indispensable?"

Mr. Lawrence, in his speech, says: "In the constitution the heads of departments are considered as the mere assistants of the President in the performance of his executive duties. He has the superintendence, the control, and the inspection of their conduct; he has an intimate connexion with them; they must receive from him his orders and directions; they must answer his inquiries in writing, when he requires it. Shall the person having these superior powers to govern, with such advantages of discovering and defeating the base intentions of his officers, their delinquencies, their defective abilities, or their negligence, be restrained from applying these advantages to the most useful, nay, in some cases, the only useful purpose which can be answered by them?

"It appears to me that the power can be safely lodged here. But it has been said by some gentlemen that, if it is lodged here, it will be subject to abuse; that there may be a change of officers, and a complete revolution throughout the whole executive department, upon the election of every new President. I admit this may be the case, and

contend that it should be the case, if the President thinks it necessary. I contend that every President ought to have those men about him in whom he can place the most confidence, provided the Senate approve his choice. But we are not from hence to infer that changes will be made in a wanton manner, and from capricious motives."

Now, sir, on the other side of the question: what was said by Mr. Jackson? "But let me ask gentlemen if it is possible to place their officers in such a situation as to deprive them of their independency and firmness; for I apprehend it is not intended to stop with the Secretary of Foreign Affairs. Let it be remembered that the constitution gives the President the command of the military. If you give him complete power over the man with the strong box, he will have the liberties of America under his thumb. It is easy to see the evil which may result. If he wants to establish an arbitrary authority, and finds the Secretary of Finance not inclined to second his endeavors, he has nothing more to do than to remove him, and get one appointed of principles more congenial with his own. Then, says he, I have got the army; let me have but the money, and I will establish my throne upon the ruins of your visionary republic."

I call the House to some further views on the same side of the question, still stronger than these, and strictly analogous to the course of argument of those gentlemen who deny any power in the President to remove the Secretary.

Mr. Madison says: "Vest this power in the Senate jointly with the President, and you abolish at once that great principle of unity and responsibility in the executive department which was intended for the security of liberty and the public good. If the President should possess alone the power of removal from office, those who are employed in the execution of the law will be in their proper situation, and the chain of dependence be preserved; the lowest officers, the middle grade, and the highest, will depend, as they ought, on the President; and the President on the community. The chain of dependence, therefore, terminates in the supreme body, namely, in the people; who will possess, besides, in aid of their original power, the decisive engine of impeachment."

Mr. Gerry opposed these views: "But what consequence may result from giving the President the absolute control over all officers? Among the rest, I presume, he is to have an unlimited control over the officers of the Treasury. I think, if this is the case, you may as well give him at once the appropriation of the revenue; for of what use is it to make laws on this head, when the President, by looking at the officer, can make it his interest to break them? We may expect to see institutions arising under the control of the revenue, and not of the law."

Can any thing be more analogous to the arguments we now hear? But, sir, let me trespass so far as to read one more extract, in which the forebodings of danger which had been expressed during the debate are summed up by Mr. Scott:

"I have listened to the arguments in support of this motion these three days with great attention, and think, when taken together, they consist in this: the raising of a great number of frightful pictures, which, at first sight, appear very terrible, but, when they are attentively contemplated, they appear to be the vagaries of a disordered imagination. Let us examine one or two of these frightful pictures, merely as a sample of the whole set, and see what they amount to. The most frightful of all that have been brought into view is, that the Treasurer must be the mere creature of the President, and conform to all his directions, or he arbitrarily removes him from office, and lays his hand violently upon the money chest; then, having the sword and the purse, you see the President boldly advancing, supported by the army and navy, and the money chest in the back ground, engaging the liberties of the people. Armed with all this omnipotence of power, the protector rushes onward with irresistible impetuosity; so sudden and fatal is the stroke, that the expiring genius of America has hardly time faintly to say, Farewell liberty. Thus despotism rides triumphant, and freedom and happiness are trampled in the dust. Strange, that all this should arise from the Executive Magistrate's having the power of removal. But gentlemen tell us that if we keep the Treasurer out of the power of the President, he cannot injure us; that, being thus independent, your strong box will be well guarded, and the President cannot get your money unless he steal it; and, if he steals it, and the Treasurer sees him, he will tell; this will lead to an impeachment, and we shall get rid of the cause of our apprehensions. But the constitution says that no money shall be taken out of the treasury but by appropriations; this alone I think a sufficient answer to all that has been said, and will serve to soften down the harsh features which the terrible picture I have just now mentioned displayed. I say, sir, our money may be in the treasury by millions, and, without special appropriation by the Legislature, the President and Treasurer, either or both together, cannot touch a farthing of it, unless they steal it. This being the case, I see as little security to the treasury in the independence of this officer, as danger arising from his dependence, without a single exception; for if the President, with a strong army at his back, comes violently to lay hold of the money chest, this officer stands but a very poor security against such a power. I think the President, supported with the army and navy, making a descent upon your treasury, would be very apt to carry away the money, and the Treasurer too, if he stood in his way."

Here, sir, is summed up the whole argument advanced at that day against the power which has been exercised by the President on the present occasion:

"In the constitution (said Mr. Ames) the President is required to see the laws faithfully executed. He cannot do this without he has a control over officers appointed to aid him in the performance of his duty. Take this power out of his hands, and you virtually strip him of his authority; you virtually destroy his responsibility, the great security which this constitution holds out to the people of America."

I take it, sir, the only power the President has exercised is one not only clearly conferred on him by the constitution and by the act creating the Treasury Department, but one which has been exercised without objection from the very foundation of the Government to the present hour. The power is exercised under his responsibility to the country. It is not to be exercised capriciously, though it may be without the assignment of any reason. If it be abused, the corrective is found in the fact that the executive power returns every four years to the hands of the people; and, if that be too long to wait, the President can be reached by impeachment.

But it is said that the Secretary of the Treasury is bound to make his annual report to Congress; and that, if he shall remove the deposites, he is to assign his reasons, not to the President, but to Congress. And why is this, it is asked, unless he be independent of the President? Sir, I will not repeat what I have already said, but I will say that, if the act intended by this provision to control the President's power of removal, it is unconstitutional and void. But why, then, must he submit his annual report to Congress? I answer, 1st, because Congress is the guardian of the public purse; it passes the laws by which the revenue is collected, and by which alone it is disbursed; and it is peculiarly proper that the head of the Treasury Department should report to that power which controls the money of the country. It is a matter of convenience, and facilitates the public business. But is this inconsistent with his responsibility to the Presi-

dent? Not at all. Not in the least degree. But he is required to give to Congress his reasons for removing the deposites. Yes, sir, and why? The first reason I have already given; and a second is, that, without this enactment, and prior to it, Congress had the right to call on him for those reasons. During the existence of the old Bank of the United States, when the Secretary was not required by law to place the public moneys in that bank, but placed them where he thought most conducive to the public convenience, Congress had a right to require his reasons the moment he changed the place of deposite. This enactment is only a standing call on him, instead of a special inquiry. But why is he to give this account to Congress? That we may know whether he has acted corruptly or no. That we may know what he has done with the public money, and where he has put it. Because, the moment he has removed the deposites from the Bank of the United States, we have entire control over the location of them. He reports to us for these reasons. But does this make him independent of the Executive?

But, sir, the power exercised by the Secretary seems to me to have been greatly misapprehended in all the discussions I have yet heard on this subject. An impression seems to prevail that this is a novel procedure, without any precedent in the history of our Government. Sir, I have attempted to trace the history of this power of the Secretary of the Treasury, and also of the President's control over the Secretary in directing the place where the public money shall be deposited; and what I shall say on it shall not rest on mere assertion. It is an interesting part of the documentary history of our country, which seems to have lain in a great degree hidden from the view of most of those who have entered on this subject. I shall be able to show you that from the days of Hamilton, till now, as well before as since the enactment of the bank charter, the power of fixing the place of the public deposites has been claimed by all the Secretaries of the Treasury, and never has been considered either by Congress, by the bank, or by the people, as any violation of right, or transgression of the constitution. On the contrary, it has ever been held necessary for that officer to possess such a power, in order that he may preserve a just equilibrium in the circulating medium of the country. I call the attention of the House to what is the power of the President in this matter, and as to what was the understanding of those who chartered the bank as to the power of the Secretary in relation to it, and the power of the President over him. I have the books at hand, but, for my greater convenience, I have drawn off copies of those passages to which I wish to refer, and which I will now read to the House.

The first to which I shall call the attention of the House is an extract of a letter from Mr. Secretary Crawford to the Bank of the United States, January 16, 1817. The Secretary, speaking in relation to the transfer of the deposites from the State to the United States Bank, says: "There can be no objection to the board of directors making propositions to the State banks, which shall be subject to the revision of the President." Again, "which will be submitted to the President for his ultimate decision." Thus clearly admitting the supervisory power of the President over the subject, as understood by Mr. Crawford.

In Mr. Crawford's letter of the 28th of January, 1817, to the State banks of Pennsylvania, &c., he asserts "the power of the Treasury Department to control its (the United States Bank's) proceedings at any moment, by changing the deposites to the State banks."

In his letter of February 13, 1817, to the Mechanics' Bank of New York, Mr. Crawford says: "The right to withdraw the deposites, with a view to equalize the benefits resulting from them among the banking community, as the situation of the several banks might require, was expressly reserved." Again, page 18: "Instructed by the President of the United States, I have instructed the Treasurer of the United States to draw upon the banks of New York with which the public money is deposited, and generally through the United States, in favor of the Bank of the United States, for the amount of the public money deposited in those banks." And in the postscript to that letter he says: "The Secretary of the Treasury will always be disposed to support the credit of the State banks, and will invariably direct transfers from the deposites of the public money in aid of their legitimate exertions to maintain their credit. But as the proposition of the Bank of the United States excludes the idea of pressure on its part, no measure of that nature appears to be necessary at this time."

In his letter of the 17th of March, 1817, he states, that, "by the charter, the public money deposited in places where the Bank of the United States or its branches are established must be deposited in them, except when there are urgent reasons to the contrary. In places where there is no Bank of the United States, there is no obligation to deposite the public money in them, or to transfer it to them when deposited." Letters of the same import, written between the years 1817 and 1824, might be quoted, but it is unnecessary. I will just call the attention of the House to the letter of Mr. Crawford of December 10, 1817, "communicating to Congress his reasons for not transferring the public moneys deposited in certain State and other local banks to the Bank of the United States." (See Ex. Docs. 1st session, 15 Congress, Doc. No. 9, in vol. 1.) Mr. C. states that previous to the 1st of January, 1817, "a proposition had been submitted by this department to the State and other local banks, for the purpose of inducing them to resume specie payments on the 20th of February following. As the public money deposited in them was intimately connected with the proposition, it was deemed inexpedient to transfer those balances to the Bank of the United States, until the result of the proposition was known."

Again: "In order to induce the banks in this District to resume specie payments simultaneously with the banks already enumerated, (those of New York, Philadelphia, and Richmond,) it became necessary for the Treasury Department to give them assurances of support during the first months succeeding such resumption.

"In consequence of this assurance, a considerable portion of the deposites in the banks of Washington and Georgetown were permitted to remain until the 1st day of July last. On the 15th day of March, of the same year, a deposite of $75,000 was made in the Farmers and Mechanics' Bank of Georgetown, which had not previously been one of the depositories of the public money, which sum was transferred to the Bank of the United States at the time that the deposites, which had been previously made in the banks of Washington and Georgetown, were transferred."

Again: "Upon the representations of the State bank, (at Boston,) a considerable sum of the public deposite was assigned for the discharge of the treasury notes which had been made payable at that place.

Again: "A considerable sum was left with the Bank of Pennsylvania, upon the ground that a removal of it to the Bank of the United States would be inconvenient to the holders. It was, therefore, determined to continue to employ that bank as the agent of the Treasury, for discharging the outstanding treasury notes demandable at Philadelphia."

By a regulation of the Bank of the United States, the bills of State banks were refused, except those of banks "established in places where they were respectively tendered in payment." In consequence of this, the collectors of the District of Columbia, of Virginia, and Maryland, made their deposites in the Metropolis Bank of this

city; and "the sums so paid remain still principally with the bank." The same thing occurred with the Bank of Pennsylvania.

Again: "In declining to transfer the balances which remained in the banks of this District, at the time that the office in this city commenced business, and in the cases stated to have occurred in Philadelphia and Boston, I was influenced by a consideration of the pressure felt by the State and local banks, during several months subsequent to the resumption of specie payments, and of the services rendered to the Government by those banks during the period that they were used as places of public deposite by the Treasury. An immediate transfer of the public money deposited in them would probably have produced a pressure upon the debtors of those banks, which might have inflicted upon them evils greatly beyond the benefit which would have resulted from the measure to the Bank of the United States."

These reasons were communicated to Congress, and the whole Congress acquiesced in their propriety. The bank did not then allege that its rights were interfered with. The bank had not then set itself up in an antagonist attitude against the Government. When these reasons were assigned, there was no one, in all the country, who doubted that they were satisfactory and sufficient. What did these reasons establish?

1st. That it is a sufficient reason for retaining the public money from the Bank of the United States, and making the deposites in State banks, that it is done to enable the latter to resume specie payments.

2d. That the Treasury may give support (by a deposite of public money) to the State banks, to enable them to pay specie.

3d. That deposites of public money may be made in the banks which have not been before public depositories, to enable them to sustain their credit, as in the case of the deposite in the Bank of Georgetown.

4th. That State banks (as in the cases at Boston and Philadelphia) may be employed as agents of the Treasury, when the public convenience requires it.

5th. That the deposites may be made in State banks to relieve any pressure upon these banks, or in consideration of services previously rendered by them: and

6th. To prevent a pressure by the State banks upon their debtors.

Further than this: seven years after the bank was chartered, and had been in full operation, the Secretary of the Treasury was called on by the Senate of the United States to say if he had made any loans to any of the State banks, or if he had made any of the public deposites in those institutions. In the year 1823, Mr. Crawford answered this call, and gave the information which was required of him. It would not do for gentlemen to say that this was when the bank went first into operation, and that these ought to be regarded rather as reasons for withholding than for withdrawing the deposites. This call was made seven years after the bank went into operation. He would read an extract from the letter of Mr. Crawford, communicated in reply to that call.

"It is the peculiar province, and it has been the practice of the Department of the Treasury of the United States, to direct the moneyed operations of the public to the preservation of credit, by maintaining the equilibrium between the moneyed institutions of the country." Again:

"From my personal intercourse with Mr. Gallatin, I know he entertained the sentiments contained in this letter, and, I presume, they have been entertained by all of his predecessors and successors in office, and acted upon whenever cases occurred which rendered it necessary." Again—page 8:

"In that report" (Dec. 10, 1817,) "it is stated that a deposite of $75,000 had been made in the Farmers and Mechanics' Bank of Georgetown, to sustain it in its operations, immediately after resuming specie payments. The principle and practice of the Treasury in sustaining the credit of banks disposed to act correctly was, in this communication, frankly disclosed to Congress, when not the slightest symptom of dissatisfaction was manifested, or the right or propriety of the practice called directly or indirectly in question."

So that Mr. Crawford informed Congress that he had in 1817 made his deposites in the local banks, and that the act had not then been called in question.

Many other instances could be enumerated when the public deposites were transferred. They had been placed in the Bank of Columbia, in Georgetown, in 1824, and in the Bank of the Metropolis; and also in the Mechanics' Bank in Alexandria. It was stated in this report that they were placed in the Mechanics' Bank in Alexandria. When a committee of the directors of that bank called on Mr. Crawford, and informed him that the institution was in danger of failing, unless it could receive some aid from the Government, they were requested to call on the next day, as it was necessary that the Secretary should consult the President, and receive his order on the subject. On opening the subject to the President, the Chief Magistrate concurred in the propriety of granting such assistance to the bank as would relieve the institution from the pressure which placed it in a situation of peril.

But this assertion of power, and the exercise of that power by Mr. Crawford, was not suffered to pass unobserved. It was not passed silently over by Congress. The House must remember the celebrated memorial of Ninian Edwards, making a number of charges against the Secretary of the Treasury; and, amongst others, that he had permitted money to be deposited in the local banks, and to remain there, in States where the United States Bank had their offices of discount and deposite. The gentleman who superintended the Treasury was then before the country, a candidate for the highest office in its gift. When the letter containing these charges was submitted to the House, it was referred to a committee, of which a distinguished gentleman from Virginia was chairman. Evidence was in that committee taken, and the cashiers from distant banks, as well as from those in the District of Columbia, were examined. All this testimony established the fact that, in making these deposites, the Secretary of the Treasury had acted openly and undisguisedly. All this evidence was collected and embodied into a report; and the committee reported by the hands of their chairman, Mr. Floyd, now Governor of Virginia. And what did he say? and what did that committee say?

"The committee do not perceive any thing in the principle of these arrangements with the banks, either in violation of law, or contrary to the usage of the Government; since the Treasury has, for many years, had agreements with more or less of the banks, by which the public moneys were deposited in such banks, and drawn from them when wanted; certain terms and conditions as to the mode of drawing being stipulated, such as were thought benefical both to the Treasury and the banks. Indeed, it may be proper to observe here, that it seems to have been assumed, by different officers at the head of the Treasury Department, that it was their duty to direct its operations to the support of different moneyed institutions, whenever their affairs required support, so as to defeat combinations against them, and preserve an equilibrium of credit among them." Again:

"Among the banks with which these negotiations were made, the attention of the committee was called particularly to the Farmers and Mechanics' Bank of Cincinnati, the Bank of Chilicothe, and the Branch of the State Bank of Kentucky, at Louisville, as forming the subject of a charge that does not apply to the others. In the several

places where these banks were situated, the Bank of the United States had offices of discount and deposite; and the law incorporating that institution, as has been before observed, creates an obligation on the Treasury of the United States to use them as places of deposite in preference to any other banks, unless the Secretary shall, for special reasons, otherwise direct; and, in that case, such reasons shall be laid before Congress, at its then or next session. The charge is, that no such communication was made to Congress. This omission is acknowledged by the Secretary, who says it was owing to inadvertence, and that the inattention to the provision of the law was unimportant, inasmuch as the provision was intended obviously for the benefit of the bank, and the bank had full notice. The notoriety of the fact is also relied on to show that no improper conduct, or desire to conceal it, produced the omission.

"The committee see no reason to doubt the statement, or to attribute any improper motive to the Secretary in this inattention to the directions of the act."

There is much utility in recurring back to these reminiscences, and seeing what others thought, said Mr. P. It was then thought by Governor Floyd, and the committee of the House, that the deposite of the public money in the local banks by Mr. Crawford was an act which was done without disguise or concealment, and for which no censure was applicable to him. Yet now, when a similar act is performed, the President had been denounced as a tyrant and a usurper, and the Secretary of the Treasury stigmatized as his pliant instrument in an act of tyranny and despotism. Yet the same power had been asserted and exercised by Mr. Crawford, and had then received the sanction of the House and of the nation, Congress and all. No man was to be found who endeavored to gainsay what the Secretary had reported. The friends of the other gentleman, who was at that time a candidate also for the Chief Magistracy, would not descend to take the course which was now pursued in reference to the same question.

This power, then, had been maintained and exercised by Mr. Crawford, and no man was then to be found to raise his voice against it. But since that period, the power had also been claimed by a subsequent Secretary of the Treasury. Mr. Ingham, in his letter to the president of the United States Bank, in 1829, claimed a similar power, and the claim was received by the bank in silence, and remained uncontroverted. This opinion of Mr. Ingham ratified and confirmed that which had been previously asserted by Mr. Crawford.

In Mr. Ingham's letter of October 5, 1829, it is said:

"I take the occasion to say, if it should ever appear to the satisfaction of the Secretary of the Treasury that the bank used its pecuniary power for purposes of injustice and oppression, he would be faithless to his trust if he hesitated to lessen its capacity for such injury, by withdrawing from its vaults the public deposites. That such a power exists, is not more certain than that it may be exerted for such a purpose; and the only qualification of it, viz. the reasons for its exercise shall be reported to Congress, necessarily implies the right and the duty to admonish against, or inquire into, the acts that might lead to such a consequence."

Again: "Before he can be tempted to exercise the authority with which Congress have invested him, to withdraw the public deposites, he will do as he has done—submit directly to your board whatever imputation may be made, and respectfully, resolutely, and confidently ask, nay, demand, the fullest examination; and he trusts that he may not be misconceived when he adds that nothing could, in his opinion, more imperatively exact this energetic movement than a well-founded conviction of the bank's being, as was said of its predecessor, an engine of a political party."

In this letter, too, Mr. Secretary Ingham recognises the superintending control and authority of the Chief Executive Magistrate. He says: "The Executive is constitutionally bound to see that the laws be faithfully carried into effect—I need not add, in their spirit, or according to their letter. Upon general principles, he cannot silently permit them to be made a screen for the indulgence of bad passions, nor an instrument of any sort of oppression, without risking the reproach of a want either of vigor or of virtue."

Yes, sir, (said Mr. P.) an engine of a political party! And before I have done, I shall say something of the political character of this purest of all institutions.

It must be apparent, then, if he had made himself understood, that, in removing the Secretary of the Treasury, the President had exercised only an ordinary and usual power of the Government. He had removed a Secretary. But, according to the argument of the gentleman from South Carolina, Mr. Duane was, in fact, still the Secretary of the Treasury. If he had been unconstitutionally removed, the removal could be of no effect, and Mr. Duane was still the Secretary, and Mr. Taney was nothing.

But the President had exercised only one of his ordinary and clearest powers. He had removed a Secretary of the Treasury, because he would not execute his official functions as he was bound to do; and the President had a right, and was under an obligation, to remove him. But what said the gentleman from South Carolina? That the Secretary of the Treasury removed the deposites? No, that this tyrant did it. What? Roger B. Taney remove the deposites! No, no, it was the President that removed them; and R. B. Taney had no more to do with it, no more hand in the removal, than the pen with which he signed the order.

Fortunately for himself, and for the country, the character of the Secretary was such as to require no eulogy there to establish his moral standing, and to show that he was not a man to lend himself to be a mere tool and an instrument to any power. He (Mr. P.) would assert, (and he made the assertion on authority,) that the opinion of Mr. Taney had been given, in writing, while he was Attorney General, so long ago as March, advising that the public deposites should then be removed. When he came into the Treasury Department, he continued to be of the same opinion which he had before honestly given. When Mr. Duane, therefore, was dismissed, and Mr. Taney was appointed to be his successor, this was a question in which his mind had been previously made up. He could not then be justly designated, as he had been designated, the miserable instrument of tyranny, and crawling in his own slime at the footstool of power. [Mr. McDUFFIE here disavowed the application of such epithets to the Secretary of the Treasury.] He was happy to hear that the gentleman from South Carolina did not apply this language to the Secretary. Some one had used these epithets. The Secretary had deliberately considered the subject, and was not to be regarded as a mere instrument to carry out the purposes of the Executive, but as consummating a measure which he had himself weighed and advised.

It had been said that the contract entered into by the Government with the United States Bank was violated by the removal of the deposites. The general tenor of the argument on the other side was, that the contract had been violated because the President had committed the act, and not the Secretary. The fact was, that the Secretary had removed the deposites, acting in perfect unison with the sentiments of the President. How had the contract been violated? It was a part of the contract that the Secretary of the Treasury might remove the deposites whenever he pleased. That was a part of the contract. It was expressly stated in the contract that the Secretary should have the right to remove the deposites.

There was another part of the contract, to which the House might refer. By the 14th section of the act of charter, it was agreed on the part of the Government that the notes of the United States Bank should be received in payment of the revenue. On the other hand, the Bank of the United States stipulated to transfer public moneys from point to point. The Government thus agreed to receive the notes of the bank in payment of the public revenue. Suppose that Congress pass a law prohibiting the receipt of these notes. Did any one doubt that Congress had a right to do this, without consulting the bank, if, in their opinion, the public interests required the prohibition? Yet this was as much a contract as any other provision in the charter. He would request the attention of the House, before he came to an examination of the reasons of the Secretary, while he put out of the way a charge which had been made against the Secretary of the Treasury, in a celebrated paper which had been put in circulation by the United States Bank, and which he would not have noticed, had not something like it been stated by the gentleman from South Carolina.

Mr. P. here read an extract from the bank report as follows:

"It was in the midst of this career of inoffensive usefulness, when, soon after the accession to power of the present Executive, the purpose was distinctly revealed that other duties than those to the country were required, and that it was necessary for the bank, in administering its affairs, to consult the political views of those who had now obtained the ascendency in the Executive."

Now, said Mr. P., I pronounce all this to be false, and I challenge the proof. Sir, it cannot be produced. Shortly after the present Executive came in power commenced this war of persecution, which is said to have recoiled so strongly on the Government. In his first message to Congress, the President had committed the heinous sin of informing that body that the constitutionality of the bank was questioned by himself, as well as by a large portion of the people. Was this a new view, one which the President had hastily and suddenly formed, as was insinuated by the bank manifesto? It was very well known that the opinion of the President, adverse to the United States Bank, was not of recent origin. When the judgment of the Supreme Court in the celebrated case of McCulloch *vs.* the State of Maryland was pronounced, he entertained the same opinion. At the Hermitage, before he prepared his inaugural address, he had communicated his opinion—a fact which was susceptible of proof. But it was thought best not to make public communication of this opinion, until he should send his first message to Congress. On this account it was not introduced into his inaugural address. The President, therefore, had acted throughout with perfect consistency; yet it had been charged against him that he had endeavored to negotiate with the bank, and, because he could not buy, determined to break it.

This was the charge which had been distinctly made against him in the public gazettes. It had been alleged that the Secretary of the Treasury had enclosed a letter to the president and directors of the branch of the United States Bank in New Hampshire, the object of which was to make terms with the bank. It was not ordinarily required to give proof of a negative, but, from the correspondence itself between the president of this branch and the Government, the contrary could be established. The Secretary of the Treasury had enclosed to the president of the bank a letter from Mr. Woodbury, parts of which had been torn from their context, and made the ground of accusation. He read to the House the following extract from the letter of Mr. Woodbury, to which he had referred:

"The objections to the continuance of Mr. Mason in office are two-fold: 1st, the want of conciliatory manners, and intimate acquaintance with our business men; and, 2dly, the fluctuating policy pursued in relation to both loans and collections at the bank, together with the partiality and harshness that accompany them."

In his letter to the president of the United States Bank, the Secretary of the Treasury had deemed it prudent to use the following language:

"Allow me, therefore, to assure you that those charged with the administration of the Government, relying for support only on the intelligence which shall discern and justly appreciate the character of their acts, disclaim all desire to derive political aid through the operations of the bank. And though, under other circumstances than those which exist at present, such an avowal would be unnecessary, I find myself called upon explicitly to state that they would learn with not less regret than that which has prompted this communication that any supposed political relationship, either favorable or adverse towards them, had operated with the bank or any of its branches, either in granting or withholding pecuniary facilities, which, apart from that consideration, would have been differently dispensed."

Mr. Biddle, in his reply to the Secretary of the Treasury, dated July 18, 1829, says:

"Your own good judgment has indicated the true theory of administering the bank, which is, as you justly state, 'that the bases of credit are to be found in integrity, industry, economy, skill, and capital; and that unity of action, which may be necessary to give efficiency to, and harmony in, the operations of a bank, is essentially secured by regarding these considerations alone as constituting the proper claim to the benefits of its credit;' and that moneyed institutions should not disturb the relations of property, 'by exerting their power in subservience to the passions or prejudices of local or party strife;' and you add the very satisfactory assurance, that those who are charged with the administration of the Government 'disclaim all desire to derive political aid through the operations of the bank; and would learn with regret that any supposed political relationship, either favorable or adverse to them, had operated with the bank, or any of its branches, either in granting or withholding any pecuniary facilities, which, apart from that consideration, would have been differently dispensed.'

"These clear and sound principles contain the whole elements of the system of the bank, and its true relation to the Government."

In the subsequent correspondence, Mr. Ingham indignantly repelled the imputations which were thrown out, saying, in effect, though not in terms, "It is false, and you knew it." What, then, said the president of the United States Bank? He apologized, and took back the offensive expressions.

The language of the Secretary was as follows:

"Further reflection will enable you to perceive that you have gratuitously attributed to me, and, through me, to the administration, certain acts, without knowing whether we sanctioned them or not; and that you have unintentionally distorted, by partial quotations, the natural and obvious meaning of expressions in my former letter."

And the reply of the president of the bank, dated October 9, 1829, was as follows:

"I had yesterday the honor of receiving, and have this day submitted to the board of directors, your letter of the 9th instant. They have instructed me to say, in reply, that, observing, as they do with great pleasure, that the views which they thought disclosed in your previous correspondence are disclaimed, the whole object of the board, in reviewing it, is accomplished; and you will have the goodness to consider the remarks bearing on the presumed assertion of those views as no longer applicable."

Yes, (said Mr. P.,) "as no longer applicable." Yet this stale charge was now trumped up by the Bank of the

United States, in their manifesto, and thrust before Congress. He should have frequent occasion, before he concluded, to refer to this charge.

He said it would be impossible for him to get through what he had to say at this time; but, before he yielded the floor, he would pledge himself to the nation to sustain, from the records of the bank and the Treasury, the truth of every word contained in the report of the Secretary of the Treasury. He would show that the Secretary had been guilty of no falsehood, of no suppression. This he would undertake to show, in the progress of his argument. He would prove it from the documents furnished by the bank itself; and if these were false, then the bank had deceived the Treasury. All who were acquainted with the Secretary well knew that he was incapable of deception; and it was with great pain that he had heard a charge made against him of intentional misrepresentation. He hoped that the gentleman who had made the accusation would be ready to withdraw it.

[At this point Mr. P. gave way to a motion to adjourn. On Thursday, January 2, he resumed and concluded his speech as follows:]

When I had the honor (said Mr. P.) to address this House two days ago, I endeavored to establish, by argument and from authority, the position, that, in removing the late Secretary of the Treasury, the President of the United States had exercised only the ordinary power conferred on him by the constitution, and fully sanctioned by precedent; and I also endeavored to establish, from reason and usage, that the present Secretary of the Treasury, in ordering the removal of the public deposites from the Bank of the United States, had done nothing that was novel or unprecedented, but had exerted a power over the funds of the Government conferred upon him by law, and which his predecessors had used in like manner; and that he had assigned to this House good and sufficient reasons for so doing.

I shall now, with what brevity I may, proceed to examine the reasons adduced by him, together with the objections which have been urged against such an exercise of power.

The first objection we have heard is of a popular character, and is one which, at first view, might seem to have something in it; it is, that the removal was ordered within only sixty days from the meeting of Congress. Why, it is asked, did not the Secretary wait? Why did he not submit a question of this moment to the representatives of the people? This seems specious. But, let it be remembered that Congress, by the charter of the bank, had divested itself of all charge of the deposites, or control over them, and had vested it exclusively in the Secretary of the Treasury; and, therefore, had this body been in session at the time, it would have had no power to interfere as to the place where the public moneys should be deposited. Why, then, ought the Secretary to have waited? And for what? To send a letter to this House, and ask our advice? Sir, would he not have been laughed to scorn had he taken such a course? Would it not have been said, Why, here is a high financial officer of the Government who fears to take the responsibility which the law devolves upon him, and who applies to others to stand before him as his shield while in the discharge of his duty? Sir, it would justly have been said. But, had he done so, the deposites could not have been removed until he decided to give the order. His reasons for removing them are required by the charter to be given to this House, not before, but subsequent to their removal. Well, sir, and what would have been said, had he removed the deposites three days after Congress had adjourned at the last session? Why, then we should have been told that he only waited till the representatives of the people had turned their backs; and this would have been said with still more reason than the other.

Suppose, again, that he had waited until three days after Congress had assembled? The popular argument then would have been (though there would have been nothing in it) that here we had a mere Secretary, in the very face of the people's representatives, venturing, without their concurrence or advice, upon this high-handed measure—for such it would have been called. So that, as it seems to me, objections as to the time of the removal might have been urged with equal, if not with greater force, had any other period been selected than that which was actually chosen for the removal. I think that the time selected was a fortunate one: it enabled the people's representatives to consider the subject, and to give at least some expression of their will to those whom they should send here. Here are representatives from all portions of the Union, who have now an opportunity of bringing with them some expression of the public sentiment on the measure. So much for this objection, which, to a merely casual observer, might appear to have more in it than it really contains.

I come now to what the Secretary gives as his prominent reason for the measure he adopted, viz. the probable expiration of the bank charter about two years hence. It was no part of the Government's contract with the bank that the deposites should remain in its custody during the whole period of its existence: on the contrary, it was expressly stipulated that they might be withdrawn by the Secretary, at will. Nor was any reason stated as the ground of removal. It was not necessary, to render the removal lawful, that the deposites should be unsafe in the hands of the bank; other reasons might operate to produce the Secretary's determination. This was conceded in the argument of the gentleman from South Carolina—he granted that there might be other sufficient reasons for such a measure. The Secretary has assigned the probable expiration of the charter in 1836, and the necessity, in anticipation of the state of things which must necessarily take place at that time, of providing a currency for the public use, and a place of safe keeping for the public moneys, without disturbing the channels of trade, and occasioning the great shock to the country which would otherwise be inevitable. Sir, the gentleman from South Carolina has not attempted to meet the argument of the Secretary. His whole argument is based on the assumption that the bank charter is to be renewed.

The gentleman spoke of the embarrassments of the country, the condition of things in 1817 and 1818, and what would be the state of the currency if there were no Bank of the United States. The Secretary proceeds on a different assumption; he goes on the principle that the bank is not to be rechartered. He considers himself bound to take the laws as they are; in addition to which, he has the further ground of the public sentiment to a pretty great extent. On that point, I may boldly appeal to gentlemen here. Sir, how many of these representatives of the people's will do believe that the bank will be rechartered? How many, with the knowledge they possess of the public opinion, will express such a belief? I guess you will find but few gentlemen on this floor willing to stake their reputation on such an opinion. The difference between the Secretary and the gentleman from South Carolina lies in this: that the one assumes that the bank is to be rechartered, and the other assumes the contrary. Which has the right of the question, time must determine. The state of public opinion we all know. If this is not the inference of the gentleman from South Carolina, I ask when then could the deposites have been removed at a better time than now? Sir, the argument of the gentleman amounts to an assumption that the bank charter is to be perpetual.

But it is said that the removal of the deposites has been productive of great distress, and an unusual pecuniary pressure. I shall controvert that position; but, ad-

mitting it for argument's sake to be true, I ask, at what time would their removal have been productive of less? If this bank is to expire, if it is not to be rechartered, and if the deposites must have been withdrawn at some time, I beg gentlemen to point their finger to the time when the pressure (which they assume to be the effect of the withdrawal alone) would have been any less than it is now? Nay, sir, when would it not have been greater than it is? Will gentlemen answer, at the moment when the bank charter shall expire? What, sir! When the eighteen or nineteen millions of its circulation shall all be returning upon the bank, and the institution shall be in the act of winding up its affairs! Would less pressure be caused then?

But, sir, on this subject of pecuniary pressure, let me call the attention of the House to the actual state of facts. It appears from the statement of the Secretary of the Treasury, (and his statement is verified by the bank returns themselves,) that, although the charter of the bank was about to expire in 1836, yet the bank, nevertheless, continued to extend its discounts, until, for reasons best known to the bank, about the 1st of August last, the policy of the institution was totally changed, and a curtailment of its accommodations took place, more rapid than had ever been known since it went first into operation; and a proportionate pressure was felt throughout the country. But to be more accurate—and I feel this necessary, because the gentleman from South Carolina said, in no very measured terms, that the Secretary, in his report to this House, has been guilty of a misrepresentation, and of a gross attempt to impose upon Congress. Now, sir, I stand here before this House and this nation pledged to prove to the satisfaction of every human being that the statement of the Secretary of the Treasury is true to the letter.

The statement of the Secretary is, that the curtailments of the discounts of the bank from August 1 to October 1, 1833, amounted to $4,066,146. I have here before me the returns of the bank, and they show the statement to be accurate to a farthing, according to the bank's own statement. Mr. P. made some other comparative statements, which the reporter could not catch, concluding by saying that the statements of the Secretary of the Treasury were perfectly and literally accurate and true. The Secretary attempts no misstatement. He expressly says that the amount consisted of loans and domestic bills. But the gentleman from South Carolina insists that domestic bills are not to be considered as discounts. A strange doctrine indeed! and totally new, at least to me. I can show, by the statement of the bank itself, that the amount of domestic bills discounted in a single year was forty-eight millions of dollars; but the gentleman will have it that these are not discounts. Not discounts, sir? I thought that the established rule was to set down all that goes out as debit, and all that comes in as credit. I present a note; the bank discounts it; a merchant draws at Boston, payable at New York: bills thus drawn are taken up by cash, or by the proceeds of notes discounted. This doctrine as to these bills is so clear and settled, that I had not supposed it possible it could ever be doubted.

Mr. P. here went into a view of the operation of discounts of domestic bills of exchange, &c., and consequent drafts and redrafts, which made this sort of discounting the profitable and favorite business of the bank. Yet it is said that these bills of exchange, thus paying interest and premium, are not discounted bills! The Secretary, in his statement of the curtailments by the bank, expressly stated these bills to be included in the sum total of them. Where, then, was the intention to deceive?

But it is said by the gentleman from South Carolina that the Secretary of the Treasury has been guilty of a gross attempt to impose upon this House, by misrepresenting the amount of curtailments by the bank during the months of October and November. What the Secretary states on this point is, that the receipts into the treasury during those months had been unusually large, and that, in consequence, the amount of the public deposites in the Bank of the United States had increased $2,268,000, in addition to its increase of means by its curtailments of more than $4,000,000, making the aggregate amount thus collected from the community $6,334,000. Well, sir, is this not true? Is it not literally true? The bank had increased its means, and could have accommodated the community, by discounting to, at the least, the extent of that increase. Instead of which, it had curtailed its discounts within the same period $4,066,000. And, sir, is there here any misstatement? Has not the Secretary of the Treasury stated the fact as it is? The terms which the gentleman has applied to an officer of the Government, who in the discharge of his high duty thus makes official statements to the House, were unmeasured, and not expected. If they had not been made, sir, I should not have troubled the House with these and the following views.

The gentleman from South Carolina went on to say, sir, that he never in his life had seen so uncandid and jesuitical a statement, for the purpose of throwing the blame of the existing pressure upon the Bank of the United States, than that of the Secretary of the Treasury. Sir, said Mr. P., the Government did not make the curtailment of discounts. If there be any pressure in consequence of it, then the responsibility for it must rest with the bank, which did make it. The Secretary states that there was no occasion for the bank to have produced this pressure, or pursued this grinding policy; but that, with accumulated deposites, and an unusual amount of specie, it was in its power to have accommodated the community, and sustained it against the pressure. Now, sir, as to the amount of specie, how was the fact? On the 1st of October, the bank had on hand, of specie, $10,663,000, having increased its specie $640,000 within the two months preceding. Mr. Biddle, in his letter of April, 1832, speaks of the bank having, on some occasion therein referred to, parted with its surplus specie. According to the view which he there takes of it, all over $6,700,000 of specie, on hand on the 1st of October, was surplus; and yet the bank continued to collect specie from the State banks, at the same time that it made its own excessive curtailments, until it had on hand $10,600,000 of specie, being a surplus of millions beyond its wants. The Secretary of the Treasury expresses the opinion that, in the months of August and September, the curtailments by the Bank of the United States and State banks did not fall much short of $9,000,000; and he makes a prediction, further, that in two months more the additional curtailment by the Bank of the United States would have been five millions, and by the State banks an equal amount; and that this curtailment, from the 1st of August to the 1st of December, to the aggregate of $19,000,000, would have almost put an end to the course of trade. And, sir, the Secretary has predicted admirably what would have been the consequence, if the deposites had not been removed when they were. We find that the curtailment by the Bank of the United States, during the months of October and November, amounted to $5,461,000, of which the notes discounted amounted to more than three millions of dollars. This amount of curtailment, added to the curtailments in August and September, made an aggregate curtailment in the four months of $9,700,000.

If the State banks had, as they probably would have done but for the transfer of the deposites, curtailed their discounts in the same proportion, the whole curtailment in the four months would not have fallen much short of the amount predicted by the Secretary. The Government deposites in the State banks, however, have enabled them,

pro tanto, to mitigate the pressure: but, so far as concerns the Bank of the United States, not a dollar has been permitted to come out of its vaults to relieve the community.

As to the existing pressure, Mr. P. said, it had been produced by the Bank of the United States itself, by its sudden curtailments; by which it had sought to produce a panic, and to make the people believe that the pressure which they feel is the consequence of the removal of the deposites from that bank. To make this pressure felt the more, Mr. P. said, the curtailments had been in a great degree local, confined to the commercial cities. We find, said he, that, about ninety days before Congress met, as stated by the Government directors, the Bank of the United States, or rather a secret committee of that bank, instructed the western branches to buy in no bills of exchange but those on the Atlantic cities, having ninety days to run, so as to produce a local pressure, first at New York; then at Philadelphia, probably; and next in the order of time, I doubt not, Baltimore is to be visited by it.

What, sir, is the operation of this business of discounting bills of exchange, which the gentleman from South Carolina cannot conceive to be a part of the loans of the bank? Let me again refer, upon this point, to the letter of Mr. Biddle, in April, 1832, where he says: "It may not be uninteresting to illustrate this movement of the internal exchanges, by showing the points from which this $20,776,916 of bills come, and where they are tending. This will be seen in the annexed table, marked A: among the objects of interest presented in it, it will be seen that the amount of bills from the waters of the Mississippi amount to $10,212,905, and that the amount payable within an average, probably, of sixty days, at New York, is $4,096,410; and at Baltimore, Philadelphia, Providence, and Boston, $4,387,059, making an aggregate of $8,485,469. The extent of these operations, during the last year, amounted to $48,562,185 32;" one-half nearly of this vast amount being payable in the city of New York, and nearly all the residue in Baltimore, Philadelphia, Providence, and Boston.

Sir, the bank statements do not show where the bills purchased by it are payable, but only the aggregate amounts, purchased at particular places and dates. But we have conclusive evidence before us that the bank timed exactly its reduction so as to produce a pressure about the meeting of Congress, to induce the State banks to come forward and appeal to Congress, as has been done by the very same banks, and using the same arguments, as two years ago memorialized us in favor of a recharter of the Bank of the United States. Yes, sir, they and the whole mercantile community are to be pressed upon to come forward and solicit for the Bank of the United States an extension of its monopoly. If you will turn to the memorial from these banks two years ago, you will perceive the exact similitude of the language employed then and now; the same common-places about a sound currency, and all that; and that the country cannot exist without a bank, &c. With respect to this pressure, sir, it is impossible that the mere removal of the deposites can have produced it. If the amount of those deposites had been annihilated, it could not have produced it. The curtailments by the Bank of the United States, since the 1st of August, have in fact been greater than the whole amount of the public deposites; it has withdrawn from the business of the country, in this way, more, by one and a half million of dollars, than the whole amount of the Government deposites.

It cannot be objected to the local banks that they have created the pressure, because they are but protecting themselves from the effect of the excessive curtailments by the Bank of the United States. The mere transfer of the public moneys could not have produced the pressure. Has the money been exported? Is it not still in the country? If the Bank of the United States had not intended by the course which it has pursued to make the pressure felt, to produce an alarm, and induce the representatives of the people to do what their deliberate judgment does not approve, the simple transfer of the public moneys from that bank to other banks would have produced no shock at all. What is the effect of the transfer of the deposites? Why, you do diminish, to a certain extent, the ability of the deposite bank; but, at the same time that you do it, you enhance the ability of a bank across the street to ease the pressure, &c. It seemed (Mr. P. said) to him idle to argue that, under ordinary circumstances, the removal of the deposites would, necessarily, have produced any pressure.

But, sir, I have not yet done with this business of the domestic bills of exchange, and their curtailment. According to the statement of that portion of the board of directors of the Bank of the United States, who are placed there as public sentinels, on the 13th of August (mark the time when these operations commenced!) the following resolution was adopted:

"*Resolved*, That for the present, and until the further order of the board, the amount of bills discounted shall not be increased at the bank and the several offices. That the bills of exchange purchased at the bank and all the offices, except the five western offices, shall not have more than ninety days to run. That the five western offices be instructed to purchase no bills of exchange, except those payable in the Atlantic cities, not having more than ninety days to run, or those which may be received in payment of existing debts to the bank and the offices, and then not having more than four months to run."

These bills of exchange, sir, it seems, though not discounts, may be received in payment of bills discounted.

"We perceived at once, in this measure, (say the Government directors) the commencement of a system of reduction, in conducting which wisely and impartially the welfare of the whole community was involved." "Believing that this measure was not only precipitate, but partial, and that it would lead to curtailments unequal and oppressive, and entertaining the opinion that a system might easily be formed on a just basis, we offered the following resolution:

"'Whereas a resolution was adopted on the 7th May last, instructing the committee on the state of the bank to report to the board a scale of reduction in the business of the institution, and no report has been made in pursuance thereof: and whereas a resolution, passed at the last meeting, which places certain restrictions on the business of the institution, confines the same to five of the western offices:

"'*Resolved*, That the committee on the state of the bank be instructed to report to the board, at as early a day as possible, a system for the gradual reduction of the business of the institution throughout all sections of the country, having regard to the interests of the stockholders, the debtors of the bank, and the community in general.'

"This plan, which would have prevented an oppressive and partial system of curtailment, confined to particular portions of this country, and exerted at particular times; which would have given to the subject full and fair consideration; and which, above all, would have enabled every member of the board to exercise his deliberate judgment, was, as usual, rejected."

Well, sir, another attempt was made towards averting or relieving the impending pressure, by moving the adoption of the following:

"Whereas the pressure on the commercial community at this time may be removed by a liberal spirit of accommodation on the part of the banks generally: and whereas the State banks complain that, in consequence of the balances being largely in favor of the Bank of the United

States, they are unable to afford the necessary facilities to their customers, without subjecting themselves to increased demands from this bank: and whereas it is believed that, were the banks in this district to extend their loans twenty per cent. beyond the income, for a period of thirty days, it would relieve the money market, restore confidence, and have a salutary effect on the industry and enterprise of our citizens:

"*Therefore, resolved*, That a committee of three be appointed, to confer with similar committees that may be appointed by the other banks, for the purpose of uniting in some arrangement to carry into effect the object of the foregoing preamble; and that the cashier be requested to send copies of the above to the presidents and directors of the other banks, with a request that their determination on the subject may be communicated as early as practicable."

This, too, sir, was voted down, like the other. What next follows?

"A series of resolutions (say these directors) were adopted for reducing the business of the institution; and authority was given to the committee on the offices, which is appointed by the president alone, to modify them in such manner as they should deem expedient; and, eventually, that committee was authorized to direct such measures for the general reduction of the business of the bank as they should think best. We offered as an amendment to the resolution giving to a committee this extraordinary power a request 'that they should report to the board such measures as they directed.' This request was rejected by the usual vote. It is, of course, impossible for us to know by what principles of policy the committee have been governed. Its proceedings are secret, and we can only ascertain, at intervals, some of the results to which they lead."

So, sir, here is the Bank of the United States producing an excessive pressure upon the community, delegating power for that purpose to a secret committee; which committee is prohibited, or rather is not directed, to report to the directors at all. Your directors had as well not be at the board of the bank--denied any means of knowing what is going on in the bank but through information received out of doors.

"It will thus be seen, (further say the Government directors,) that while the unlimited authority of the president to expend the funds of the bank had been deliberately confirmed; and while the committee on exchange, selected and appointed by him, had been officially permitted to discount notes and carry on the proper business of the board; now, in addition to all this, the measures of the institution, in the regulation of its vast business at this most important crisis, were intrusted to the committee on the offices, also selected and appointed by the president, accompanied by an explicit refusal to require them to report any of their acts to the board."

Is it wonderful, (said Mr. P.) after reading this testimony as to the course of the bank, that there is a local pressure? What are this secret committee doing? What plan of operations have they adopted? What and where are curtailments to be made? And where not? And where are domestic bills of exchange purchased to be made payable? A year ago, eight millions of these bills were payable within sixty days in the Atlantic cities, and four millions of them at one point. What is the amount payable within the next sixty days, and where is it payable? Although the Government is so large a stockholder, and has its directors at the board charged with the care of its interests, they know nothing of all these operations, and they have no power by which they can obtain the knowledge. The reason of the distress of which we hear is palpably not the removal of the Government deposites, but the oppression of the Bank of the United States itself. It operates, by its power, to alarm and oppress the people, to answer its own purposes; and that is the operation now going on.

Mr. P. said he would next proceed to consider the statement as made by the Secretary of the Treasury, in his letter in relation to the unprecedented extension of the business of the bank from the 31st December, 1830, to the 1st May, 1832; in regard to which the honorable member from South Carolina had thought proper to attribute to the Secretary of the Treasury the charge of "intentional misrepresentation," whilst he was prepared, by the bank's monthly statements, to show that the Secretary had, in fact, stated nothing but what the records of the bank itself fully prove. What has the Secretary stated? He has stated that it appeared in the documents heretofore laid before Congress, that between the 31st December, 1830, and 1st May, 1832, a period of sixteen months, the discounts of the bank had increased from $42,402,304 24 to the sum of $70,428,070 72, being an increase of the discounts of the bank, within that period, of $28,025,766 48. The manifesto issued by the bank, which I hold in my hand, denies the correctness of this statement; and the gentleman from South Carolina, taking it, I presume, for granted that the statement contained in that manifesto was true, has also denied the correctness of this statement. The gentleman has been pleased, in very harsh terms, to charge the Secretary with suppression of the truth, and intentional misrepresentation. Now, sir, the best vindication I have to offer for the Secretary is to produce the record itself from which the Secretary had made the statement. Here it is; it is the statement of the bank itself, made to the committee of investigation in 1832. At page 329, of the volume containing the report of that committee, and the documents accompanying it, will be found the report from the bank, to which I refer. It there appears (and any gentleman can examine it for himself that chooses to do so) that the total discounts and bills of the bank, loaned to the community, on the 31st December, 1830, was $42,402,304 25, and on the 1st May, 1832, was $70,428,070 72, being the precise amount, at these respective periods, as stated by the Secretary of the Treasury. These statements were made by the bank itself, and, if they contained any misrepresentation or falsehood, the bank itself had furnished them. The gentleman from South Carolina says that here is a gross misrepresentation; and how does he attempt to prove it? Why, he says that the notes discounted at the bank on the 31st December, 1830, were $33,000,000, and on the the 1st May, 1832, were $47,000,000. This excludes the domestic bill business; and the gentleman himself could not well avoid conceding that, if the discounts by domestic bills, as well as the loans on notes, were to be included, the statement of the Secretary was true. But he charges the Secretary with suppressing the fact, that the bank, on the 1st January, 1831, owned eight millions of the debt of the Government; and that in May, 1832, it had been paid off; and that the bank had, within the same period, collected two millions from Europe. Now, sir, I affirm that the Secretary has been guilty of no suppression of fact. The Secretary was stating the enormous extension of the business of the bank; and the bank statements, to which I have referred, show that he stated them correctly. The Secretary was not considering, or professing to state, what debts the bank may have collected. If, in fact, the bank, in the mean time, had collected in any of its debts, it would only prove that the means of the bank had, *pro tanto*, increased. The Secretary was stating the rapid extension of the business of the bank, and was not considering the means which it had to meet them. The gentleman might as well charge the Secretary with suppression of facts, because he did not in his letter state the value of the banking-houses owned by or under mortgage to the bank; he might as well charge him with suppression because he did not, in that letter, state the amount

of individual deposites, and of public deposites, which the bank held at these respective periods, and upon which, having means in its hands, it might trade or extend its business: none of these came legitimately within the scope or object of the statement which he was making to Congress. The truth is, before the five per cents owned by the bank were paid off by the Government, the bank had the use of the public funds to a greater amount than she held of the public stocks. When the payment was made, it was simply transferred from the credit of the United States to the credit of the bank; but the funds were before, as well as subsequent to the payment, in possession of the bank, and subject to its use. The public deposites in January, 1831, exceeded nine millions; in May, 1832, were upwards of ten millions; and at no period within these dates were they less than seven millions. Notwithstanding this fact, clearly proved by the record evidence of the bank itself--and I challenge any gentleman to controvert or deny it—the gentleman from South Carolina charges the Secretary with intentional jesuitical misrepresentation, and suppression of the truth. These were certainly round charges, and boldly made; and the best answer, as I have already stated, is the proof which I now hold in my hand—the public documents from the bank itself—in which every statement made by the Secretary was sustained, and no man can controvert their truth. But the gentleman, not being enabled to disprove the statement of the Secretary of the Treasury, of the excessive increase of the business of the bank during that period, has an apology to offer for the bank for this vast extension of its business; and what is that apology? Why, that 1831 was a year of unusually large importations; that the country had contracted a large debt in Europe, and that there was great commercial distress in the country. The bank, he says, stepped in and extended its business to save the country, and to do that which the Government ought to have done. I know not what this means, unless that the Government had, against the judgment of the bank, directed its public debt to be paid. The Government had certainly neither made the importations nor made the commercial distress.

But it was said by the member from South Carolina that, in that year, there was an immense and increasing importation of goods from abroad, which made it necessary for the bank to extend its business, to enable the merchants to sustain themselves and the credit of the country. Well, if this was a good and sufficient reason for increasing the accommodation afforded by the bank, to the amount of twenty-eight millions in sixteen months--would it not seem, as a natural consequence, that a still further increased importation would make it incumbent on the bank to extend similar accommodations to the importing merchants? Was that, however, the case? No; it would be seen by the annual report to the Secretary on the state of the finances, that the importations for the year ending 30th September, 1833, exceeded that of 1831 by more than eight millions; and that by the cash duties, as well as bonds payable at the same time, the country stood more in need of accommodation. Notwithstanding this, it was at this very time, and under such circumstances, that the Bank of the United States had commenced its career of persecution, had begun to turn its relentless screws upon the community. In 1831, it was a good reason to extend; in 1833, according to the gentleman, it was a good reason to curtail. What the object of the bank was in adopting such a course was clearly apparent. He maintained it was altogether of a political character; for, by thus extending their accommodations, they, at the very moment when they were petitioning Congress for a renewal of their charter, were enlarging their business, in order to bring the entire country into their debt, and thus create an influence, which they sought, as necessary to their future existence.

That the object was political, and not to relieve the country, as is supposed by the gentleman, it appears that the extension of the business of the bank, during 1831, and up to May, 1832, was chiefly in the Western States, and could not therefore have been to relieve the importing merchants of the Atlantic cities, who had contracted debt abroad. These large issues immediately preceded the contested presidential election; and whilst they were making, the bank presented its petition to be rechartered, in December, 1831; and it is manifest that the object was political, and to procure a recharter. It was not to the individual political opinions of the officers of the bank that any objection was made, but to the corrupt use of its corporate wealth as a political engine. The gentleman chose to suppose that the objection, as to the interference of the bank, was to the personal election of the present Chief Magistrate; and he asked if the officers of the bank were to be disfranchised, and if they must stand mute in the presence of majesty? No one, neither the President nor any one else, has ever maintained that the officers of the bank had not equal rights to the free exercise of their political opinions as other citizens; but the objection was, that the bank, as a great, irresponsible, moneyed aristocracy, should throw itself into the political arena, and endeavor to use its money to control and influence party politics.

They followed the example of the former Bank of the United States. What was the charge against that bank? That it was deemed a prostituted engine of political party; that it had arrayed itself against the policy of Madison; was identified and took part with the party opposed to all those measures of restriction which immediately preceded the war. In the debates of the session of 1810 and 1811, upon the question of renewing the charter of the old bank, it fully appeared that these charges were made; that it had palpably identified itself with a political faction which was dangerous to the country:

"It was depicted both in the Senate and House of Representatives as a prostituted machine of political party, partial in allowing discounts to those who professed the favorite tenets, influencing elections, and jeopardizing the liberties of the land. It was said the influence of this bank was palpable and notorious; and although these charges were encountered at the time by prodigal assertions of purity and exemption from politics, all the vividly described dangers of demolition were boldly hazarded rather than prolong, for mere financial facilities, the existence of a corporation whose alleged operations were in steady hostility to the measures of the Government, and subversive of practical freedom."

From the debates, it thus appeared that that bank had identified itself with the aristocracy of that day, and was supporting those who were in array against the republican Government of the times; and this was the principal objection formerly raised to the rechartering of that institution. The present bank, he had reason to believe, was following the steps of its great prototype, and had been also identifying itself with a political party.

But this institution never would have been chartered, if the country, with their past experience of the evils of the old bank, had not guarded sufficiently against a recurrence of similar acts. No, they deemed themselves safe when they reserved the right of appointing Government directors, whose duty it was to communicate to Government any and all instances of malpractices, by which it could be ascertained that the bank was lending itself or becoming a political engine.

Have we not now stated to us, by these Government directors, that the bank has been guilty of these very crimes; and that, though chosen for the purpose of seeing to the interest of the public, as identified with the bank, they have been excluded from all knowledge of their principal transactions? The present bank had even outstripped the former; for what did they see? Why, that it

openly avowed practices of which the old bank was only suspected; that it used its corporate funds for corrupt purposes. But for this corrupt use of their corporate funds, which was the heavy charge, they claimed it as their right, as a means of defence. For defence against whom? Forsooth, a defence against a public functionary: a person who happened to think that their whole concern was rotten to the core; that it was unconstitutional, and should not be allowed longer to exist.

Mr. P. would undertake to say that the bank had not only thus used its funds for corrupt purposes, but they had knowingly endeavored to conceal the uses to which they had applied them, even so far as to make a misstatement of facts to Congress on this very point. The paper in his hand would show he made not this direct charge upon light authority; that the true account of its secret expenditure had been withheld, and that large sums had been used to control elections. The paper would show that in answer to a call by the Senate in 1832, for information as to the amount expended in printing, the president of the bank states, in a letter to the Senate, 29th February, 1832, the whole sum expended in 1831 for printing to be $9,755 94. [See 2d volume of Senate documents, No. 98, page 40.] The Government directors recently discovered, by the merest accident, that the charge made for printing and circulating political essays for that year was a much greater sum. This they reported to the President. The bank issues its manifesto, and, if it be not authentic, I call on the member from Philadelphia to rise in his place and say so. In that manifesto, issued to vindicate itself, the amount of printing for 1832, and for circulating political pamphlets and essays, was stated by the bank to be $43,204 79, making a difference under the head of printing, between the statement of this manifesto and the report to the Senate in 1832, of $33,448 85, and deducting the amount paid for books and stationary; thus, presenting it in the most favorable point of view to the bank, showing a difference, in the statement for printing alone, for 1831, of $11,952 50.

Why had they thus concealed and misstated that expenditure to the Senate in 1832? Why did they not give the whole truth? Either the bank manifesto, or the letter to the Senate, must be false. Both cannot be true. Here were the two books, showing that such misstatements were made; and it is for the bank or its friends to reconcile, if they can do so, their contradictory statements.

Mr. P. averred further, on the authority of the Government directors, that this corrupt expenditure and misstatement had only come to light by the merest accident. But then, all this expenditure was said to be "for defence." That they might understand what sort of defence this expenditure was, they should examine into the items of the account. Well, what was the first? Amongst others admitted by the bank to have been circulated, as is stated "for defence," is a pamphlet review of the veto, issued and circulated prior to the presidential election in 1832. From it I will read an extract:

"He has wrought an entire revolution in the Government. He has concentrated in himself all the power which the constitution designed to divide among the co-ordinate branches. He practically nullifies the power of Congress, the authority of the courts, the will of the people, and the rights of majorities. He destroys the principle of representation, and defeats the objects of public discussion, the advantages of local information, and all the benefits of a comparison and compromise of opinions and interests."

Speaking of the veto, it says:

"It is presumptuously put forth against the public sentiment and the public interest—in the face of the highest authority and most approved precedent; it is founded in fallacies the most pernicious, in doctrines the most detestable, in principles the most dangerous; and must lead to consequences, both by its example and its influence, the most disastrous.

"It tends to a total revolution, if not dissolution of Government: an assumption of all power in the Executive; a total disregard of the rights of majorities, or the will of the people; a denial of all power in Congress, and of all authority in the courts; all the balances of the constitution are destroyed, and all the connexion, dependence, and subordination of the parts is lost.

"While the States deny the most essential powers to the Government, and the President interdicts the most wholesome laws, the constitution becomes a dead letter, the Executive the only power, the election of the Chief Magistrate the principal end, and the 'spoils of victory' the only object of Government.

"It is time to pause, examine our position, review our principles, and question our rulers.

"Let us see if this is the true construction of the constitution, and the just interpretation of the power of the Executive. Let us inquire if he has consulted the real interest of the country, or sacrificed it to ambition.

"Let us see whether this institution, connected with all the affairs of Government, and with all the pursuits of society—a bond that united in one comprehensive system all the various interests of industry, and all the dependencies of commerce, has not been wantonly sacrificed, in contempt of the rights of the people, to propitiate a party, to perpetuate the office he seeks and the power he has abused. Let us see if the man who has so violated his trust, and disappointed our hopes, is longer fit to be the ruler of a free people."

But this was not all: although, from personal knowledge, he could not avow that what he was about to read from came from the institution, yet he had it from such a source that he could not doubt that it was issued from the very banking-house itself; and if a committee of investigation shall be appointed, he had it from a respectable source, which induced him to believe that it could be proved that a large number of the pamphlet from which he would then read was issued from the banking-house itself. This pamphlet is headed "Important Facts for the People," and is dated Philadelphia, September, 1832. He would read a few extracts to show on what sort of "defence" the bank had expended the public funds:

"The individuals who have most power in Washington, and who make this miserable old man do just as they please, are a set of mere political gamblers and bankrupts."

"You see, then, that these objections are wholly false. What does he know, or what does he care, about the constitution—he whose life has been a constant violation of it? No, he has done this out of mere spite—out of hatred to the bank, which he hopes he can break, as he found he could not bend it."

"The truth is, General Jackson wants all power; he wants a bank subservient to his wishes; a court that he can control; a Senate that he can govern; and a constitution that he can adapt to his own purposes. In pursuing his scheme of ambition, he is willing to prostrate every thing valuable to the nation, that stands in the way of his aggrandizement.

"This is the man who calls himself a republican, and who appeals to the people for support. The inconsistencies of his life, the perverseness of his temper, his ignorance and obstinacy, all disqualify him for the office he holds; and we cannot but hope that the people, at the next election, will suffer him to retire to the Hermitage, there to enjoy the repose of private life.

"This solemn truth is as clear to the eye of every intelligent man as the sun at noon-day—that the existence of this Union depends on the defeat of Andrew Jackson, and on the election of Henry Clay as Pres-

ident. No future event can be more certain than the breaking to pieces of this Union, if the pernicious doctrines of General Jackson, and the evil counsellors by whom he is surrounded, are to prevail for another presidential term."

This for defence! Again I would read, speaking of the President:

"Because he has encouraged a set of bullies to infest the halls of Congress, and overawe members in the discharge of their legislative duties. Houston and Heard, and others, who have committed such disgraceful assaults with clubs and pistols on members of Congress, for words spoken in debate, were the intimate personal friends and bosom companions of Andrew Jackson; they were all from the same State, and never would have dared to abuse and bully the people's representatives, had not their friend been in the Presidential Chair; they would otherwise, it is reasonable to suppose, never have come to Washington at all."

"THE VETO AND THE PRESIDENT.

"The first peculiarity in this state paper, which will strike the sagacious reader, is the manifest and constant effort displayed in every sentence to minister to the most unworthy popular prejudices. The artifice of the demagogue is exhibited in every line, but in a disguise so thin that the moral sense of the community must revolt with indignation and disgust at the attempt which has been made to entrap them. The spirit of Jack Cadeism is visible throughout."

"The gratuity 'must come, directly or indirectly, out of the earnings of the American people.' Wretched demagogue! Intent, not upon truth, justice, and the public good, but upon enlisting the lowest and worst passions of the ignorant, in behalf of his own personal objects! It is scandalous that a President of the United States should employ such balderdash as this!"

Again, I read:

"SPECIMEN FACTS.

"1. When the Jackson party was first formed in Washington, a fund of $50,000 was raised for electioneering.

"2. A central committee was appointed at Washington to promote Jackson's election; and all but one of them have been appointed to office by him.

"3. The whitewashing committee, raised at Jackson's suggestion, drew from the Nashville Bank three hundred thousand dollars, to purchase support for him in the last election. A defalcation to that amount was finally declared, and the money replaced from Washington.

"4. Many votes were known to be bought for $5 to $7 apiece in New York and the Western States."

This will be information to the people of Tennessee, when they hear it. The concluding appeal of this precious pamphlet is:

"Freemen! your rights are at stake; distress, and calamity, and impending ruin are before you. Will you longer, from a blind infatuation, follow Jackson; or rally round that star-spangled banner, which, in the darkest hour of our national adversity, in the hands of our ever venerated political Father, conducted us to glory and independence, and yet save our country?"

So that nothing was to be left undone to promote their political objects—all subjects, all passions, and feelings were addressed. The tariff, too, could not be passed by, as it was doubtless a subject well calculated to be used in the region to which it was addressed; and hence we find in this pamphlet:

"We throw out these facts for the consideration of those interested in American industry, and caution them to look well to the characters to whom they give their votes. The tories in the American Revolution were not more hostile to every American interest than are the leaders of the Jackson party."

The bank manifesto, itself, admits the expenditure of $58,265 04 for printing and circulating essays, as it says, in defence. Notwithstanding the boldness with which the avowal was made, that all this printing, that $58,000 was then expended, he asked how it happened that, when it was distinctly charged by the Government directors that of this amount $23,000 had been expended on the order of the president of the bank, without voucher, upon this, and which was a principal charge against the bank, its advocates were silent—that they preserved a death-like silence upon it? How did it happen not a voice was raised to explain it, either from the bank, the honorable member from Pennsylvania, or the honorable member from South Carolina. The gentleman from South Carolina, he knew, must be ignorant of it. Not so the officers of the bank, whose manifesto we have before us. Why are they silent? On examining this account, what did we then find in it to establish its character? Why, that even that large amount, $23,000, had been paid out upon the single order of the president of the bank, who had not deigned to render any voucher for it, although called upon by the Government directors. What! no voucher for the expenditure in which the people had to bear their share of one-fifth! Need he ask for what purpose this money was given? Was it to corrupt the press, or was it similar to that developed by the honorable member from Georgia, [Mr. CLAYTON,] in his report to Congress in 1832, in the case of the Courier and Enquirer, New York, "as a fair business transaction?" He was bound to consider that, bad as the former was, this was worse; for the bank knew this charge was made, and, being silent upon it, it was only fair to suppose that it was expended for purposes too gross to bear the light.

It was, continued Mr. P., perfectly idle to say all this was to be justified on the ground of "defence," or to deny that the bank had not engaged in the expenditure for the purpose of controlling the presidential and other elections. What representative was there opposed to the recharter that did not feel its influence in his immediate district—an influence not the less felt because it worked unseen. This, then, being the malpractice and conduct of the bank, what was the duty of those at the head of affairs? Were they to coolly stand by, and by their silence sanction it? This knowledge, too, brought home officially; and, worse than all, that it was done through the agency of a secret committee, if not altogether in pursuance of a power given to one man to expend at his pleasure.

I proceed (said Mr. P.) to the consideration of the charge against the bank, that much of the business, properly belonging to the board of directors, is in fact done by the exchange committee; a charge which the member from South Carolina thought had nothing in it, because, as he alleged, their acts were the acts of the board, being reported regularly to and sanctioned by it. The following was the language of that gentleman, as reported in one of the newspapers:

"Now, what were the real facts? Why, the proceedings of that exchange committee were submitted to the board of directors every day of its meeting, and that board meets every two or three days, who examined and revised the proceedings of the committee. In fact, he [Mr. MCDUFFIE] might almost go as far as to say, (from the short period which elapsed between the times of meeting,) that the proceedings of the exchange committee were virtually carried on by the board of directors themselves."

Now I affirm that a great part of the business transacted by that committee is not only done in secret, but that they are not even required to make any report of it to the board; and this I will prove by the testimony of Mr. Biddle himself. One of the questions propounded to the

president of the bank by the committee of investigation in 1832, was, "Are the discounts authorized by that committee laid before the directors for their approval or rejection?"

And the answer to this, from Mr. Biddle, on his oath, was, "Not necessarily, nor generally, except for information; they are acted upon definitively by the committee."

Thus, the charter of the bank, which requires seven directors to be present, for the transaction of business, has been palpably violated; and the most important business, the discounting of large notes and bills of exchange, is transacted by this committee, consisting of less than seven; and no report is required to be made to the board except for information. By the fourth fundamental article of the bank charter it is provided "that not less than seven directors shall constitute a board for the transaction of business;" yet we see that the most important business of the bank is intrusted to a secret committee of less than seven, appointed by the president, and, as we are informed by the president himself, in his examination before the committee appointed by Congress in 1832, this committee are "authorized to discount any paper, the security of which they might approve;" their powers are not confined to the discounting of bills of exchange, but to notes also. The Government directors, by their exclusion from these committees, are deprived of all knowledge of, or any participation in, the transaction of the most important business of the bank. Could the public deposites be considered safe and secure in such hands?

Mr. P. said that he considered this delegation of power to these secret committees as a clear violation of the charter; but, said the gentleman from South Carolina, if this were so, why did not the President order a *scire facias*, to revoke the charter? The answer was, that the bank charter would probably expire before a legal decision could be had; but even if a *scire facias* had been ordered, would it not have been the duty of the head of the Treasury to have removed the deposites under the circumstances which had come to light? But the manner in which the transactions of this secret committee were mystified and concealed from the Government directors of the board was well illustrated by the celebrated "fair business transactions" which the editors of the New York Courier and Enquirer had with the bank. He would not advert further to it, but to show that even their transactions were not regularly entered on their books; for of the large sum given to the editor of that paper on the 26th of March, 1831, there was no entry made on the books of the bank until the 2d of January following. Need he refer to the case in which the president had himself, without even the authority of his exchange committee, discounted largely for a gentleman who held at the time a public station, and who, as the president states, had gone to the bank in haste? What were we to think of an institution so conducted? And with the knowledge of all this, could it be said that the public funds were safe?—safe, in an institution where all its funds were at the will of one man, to be expended as corruptly as he pleased, without giving any reason for the expenditure or voucher for it? who might suborn, muzzle, or corrupt the press, by the corrupt use of the public money? Again, look to the transactions of this exchange committee with Gales and Seaton, in which the by-laws of the bank were violated, and large accommodations granted on unusual and uncertain security. Was not the bank, to all intents and purposes, the *bona fide* owner of the National Intelligencer; and, in point of fact, was it not the real, if not ostensible and nominal printer to that House?* We had seen that the Government directors of the bank, appointed to watch over the public interests, had been excluded from all its committees; nay, they had said more; they had said they were not permitted even to know what was the correspondence carried on by the president of the bank. If this was all denied, he desired a committee of investigation; and for a further object, that they might ascertain its truth, and also to ascertain the truth of other matters, which they could not otherwise know, except by rumor; that they might ascertain whether large sums had not been paid to persons who were not printers, but treasurers of political committees, for the circulation of political essays.

The bank had not only done all this, but more. It had set itself up to thwart the financial measures of the Government; it had interfered with the Government in the payment of the public debt. But the gentleman from South Carolina asks, "why bring up the old affair of the three per cents?" And he repeats, in substance, the statements contained in the bank manifesto. He takes it for granted that all which was there stated must be true. Mr. P. observed, that he had last year an opportunity of examining into this question, as a member of a committee of this House; he did not now intend to repeat to the House all the developments in relation to it which that examination had brought to light, but would briefly state the prominent points of the evidence. In March, 1832, the Government, having the funds on deposite in the bank, determined, and gave notice accordingly, that on the 1st of July and October following they would pay off a large portion of the three per cent. stocks. The bank applied to the Government to postpone the payment from July to October. The fact of this application to the Government for postponement was afterwards denied by the president of the bank, in his examination before the investigating committee of this House. In that examination, the president states, "I have made no application to the Government, nor have I requested any suspension of any payment of any portion of the public debt;" and he states further, that "on the part of the bank I sought nothing, I requested nothing." The bank manifesto, page 21, takes the same ground, and, by tearing from its context an isolated part of the report of the same committee, this manifesto makes the committee say "they are fully of opinion that the bank neither sought for nor requested a postponement of a payment by the Government," omitting altogether the closing part of the sentence, "as stated in the declaration of the president;" omitting also the declaration of the committee, that "but for the postponement, the bank would not have possessed the ability to meet the demand for the money on deposite for the payment of the stock."

He ought, perhaps, here to call on the honorable member from Georgia [Mr. Clayton] to step forward in vindication of his own report, against this attempt of the bank to misrepresent it. No man knew better than he did the injustice of such an attempt. He was well acquainted with the whole transaction, and had ability to expose this base attempt of the bank to palm upon the country a falsehood, and throw a responsibility created by themselves upon the Government. The bank charged that the Government, after having advertised a payment of the three per cent. stocks in July, 1832, had, notwithstanding their strong desire to pay it, sought to postpone it until the October following; while, in fact, this very postponement was sought by the bank itself. This veritable bank manifesto, in speaking of the President of the United States, in reference to this postponement, further states: "The impression here intended to be conveyed is, that the president of the bank, in order to relieve the institution from a demand which it could not sustain, asked an indulgence, which was conceded by the Government; now the truth is, that the Government wished to make this postponement, but could not do it without the aid of the bank."

Now, sir, (said Mr. P.) I affirm, and will prove, not-

* See note at the end of the speech.

withstanding the statement of the president of the bank that the bank "neither sought for nor requested" a postponement, that the bank did, in fact, through its president, seek that very postponement; and I will prove this by the evidence of Mr. Bevan and Mr. Eyre, directors of the bank, and members of the exchange committee, and by the evidence of A. Dickens, esq., chief clerk in the Treasury Department, taken before the Committee of Ways and Means, at the last session of Congress. On that examination, the following interrogatory was propounded to Mr. Bevan, to wit: "On the 24th of March, 1832, the acting Secretary of the Treasury notified the president of the bank of the intended payment by the Government, on the 1st of July following, of one-half of the three per cents. Did not Mr. Biddle, immediately upon receiving this information, come to Washington, and solicit the Government to postpone this intended payment from the 1st of July to the 1st of October?" Mr. Bevan answers: "Mr. Biddle came to Washington some time in the latter end of March, and an arrangement was made with the Government to postpone the payment to the 1st of October, the bank agreeing to allow the Government the interest. I have no doubt this arrangement was made by the Government, at the solicitation of the bank." Mr. Eyre, on his examination, was asked, "When Mr. Biddle left Philadelphia for Washington, did you not know that the object of this visit was to ask of the Government a postponement of the intended payment, from July to October?" He answers, "I knew that was the object of the visit." Mr. Dickens, in his examination, in answer to an interrogatory of similar import, states, "I wrote the letter mentioned in the interrogatory to Mr. Biddle, as therein described. He represented verbally, and upon grounds similar to those stated in his letter of the 29th of March, that it would be desirable to postpone the payment of the three per cents for another quarter, and I think it was upon my suggestion that he put his suggestion in the form of a letter. His letter of the 29th of March was accordingly written, which, though dated at the bank, was written by Mr. Biddle at the Treasury. During the interview with Mr. Biddle, Mr. McLane, the Secretary, came to the Department: he had been confined to his house by indisposition, and, as well as I recollect, he came out for the purpose of seeing Mr. Biddle. The postponement was again urged by Mr. Biddle, and upon grounds similar to those presented in his letter. Mr. McLane however, did not, at that time, give any positive answer. I believe it was one or two days before the matter was finally settled; and the consent of Mr. McLane was communicated to Mr. Biddle, verbally, on condition that the bank should pay the quarter's interest which would accrue by the postponement. The application for postponement was on the part of the bank, and was granted by the Government, not because of any apprehension of want of funds to meet the intended payment on the 1st of July then next following."

It was thus clear that the bank, and not the Government, had sought the postponement; and yet this bank manifesto unblushingly affirms what is so clearly disproved by the testimony I have just referred to, and asserts that the report of the committee in 1832, at the head of which was the gentleman from Georgia, [Mr. CLAYTON,] "was in decided contradiction to the assertions of the President" of the United States, in the statement made by him to his cabinet on the 18th of September. If Mr. P. had not sufficiently exposed the misrepresentation and false statements imputed by the manifesto to the committee of 1832, whereby they are made to say directly the reverse of what they do say, he trusted the gentleman from Georgia, who made that report, would vindicate the work of his own hands, and supply the defect. And, after all this, will it be pretended that the postponement was sought by the Government, because the Government had no funds? But even so, the bank would make the Government appear to be guilty of the miserable folly of first advertising that they were ready to pay off this portion of the debt, and yet that they were not prepared for its payment.

It was useful (Mr. P. said) to scrutinize closely these false statements, for they conclusively showed what general credit should be paid to all the other statements of this bank manifesto, which seemed to be regarded as true by the gentleman from South Carolina. The truth was, that such had been the excessive extension of the business of the bank, to the enormous amount of twenty-eight millions of dollars, (within a period of sixteen months,) that it found it inconvenient, if not impossible, to contract its business in time to meet the payment demanded by the Government, and therefore it sought the postponement. Having sought and obtained the postponement upon false pretences, it now, unblushingly, and in the face of the evidence of its own directors, denies the fact, and charges the President with having communicated to his cabinet and the nation a statement which was not true. What is to be thought of an institution capable of thus acting? Can it be a proper depository of the public funds?

In regard to the second postponement, to the amount of five millions of the three per cents negotiated by a secret agent abroad, the bank had also attempted to throw the responsibility of the measure upon the Secretary of the Treasury; but so conclusive and irresistible was the testimony on this point before the Committee of Ways and Means of the last session, that it could not be resisted even by the bank majority of that committee. The majority of that committee, in their report, expressly state: "It is due, however, to the Government to express the opinion, that, in the arrangement made by the agent in England, for the purchase of the three per cent. stocks, and the detention of the certificates, (which measures were subsequently disclaimed by the bank,) the institution exceeded its legitimate authority, and had no warrant in the correspondence of the Secretary of the Treasury." And yet this bank manifesto unblushingly and untruly affirms that the report of the Committee of Ways and Means is "in decided contradiction to the assertions of the President" in relation to this very matter.

He could not go into detail, but would state the prominent facts in this latter transaction. The Government had given notice to the holders that the three per cents would be paid off at the Bank of the United States, on the 1st of October, 1832, and in January, 1833. The bank, with the public moneys on deposite, which it held without the payment of interest, and which it was bound to pay out on the demand of the Government, by order of this secret exchange committee, without the knowledge of the Secretary, or any member of the Government, without the knowledge of the Government directors of the board, or even of many of the stockholder directors of the board, despatched General Cadwallader, in July, 1832, on a secret mission to England, with power to do--what? With power to negotiate a postponement with the foreign holders of the three per cent. stocks, to the amount of five millions, for a whole year beyond the period at which the Government had given notice the reimbursement would take place. That this mission, and the objects of it, were secret, and intended to be kept so, is proved by the testimony, on oath, of the Government directors of the bank, of a portion of the stockholder directors, and by the testimony of General Cadwallader, the agent himself, taken before the Committee of Ways and Means at the last session of Congress. This secret agent proceeded to England, and made a contract on behalf of the bank, through Messrs. Baring, Brothers, and Co., whereby they were authorized to make an arrangement with the holders to postpone the presentation of their certificates for pay-

ment for a whole year, and to leave in their hands the Government certificates, as collateral security. The Barings were also authorized, if it could not be postponed, to purchase in the debt for the bank, in direct violation of that provision of the charter which prohibits the bank from purchasing or dealing in the Government securities. Of all this the Government remained uninformed, and it was by the merest accident that it became possessed of the information. It became at last possessed of it, through the public newspapers, in the manner he would state. The Barings, who were the agents of the bank in this matter, issued a circular, addressed to the foreign holders, in which they state that they have the authority of the Bank of the United States to make the arrangement. A copy of this circular, by accident, made its way to this country, and was published in the New York papers on the 12th of October; and through this channel the Government was first informed of this secret mission of the bank's agent, and of the arrangement made by him, with foreigners, to defeat the cherished policy of our own Government, in the payment of its debt. It appears further, from the testimony of General Cadwallader himself, that the bank was informed of the arrangement on the 1st of October, 1832, and, of course, must have known that that portion of the contract which authorized the purchase of the stocks for the bank was in direct violation of the bank charter. Yet this part of the contract was not disavowed by the bank until after the appearance of the circular of the Barings in the New York papers, and when it became evident it could be no longer concealed from the Government. Then, indeed, on the 15th of October, that part of the contract is disavowed.

Here, then, was a palpable interference of this secret committee of the bank, without the knowledge or concurrence of the board of directors, to prevent the Government from the payment of its debt. When the whole matter was discovered, the first apology of the bank was, the pretended apprehension that the Government might not have sufficient funds, on the day, to make the payment; and an attempt is made to throw the responsibility on the Secretary of the Treasury, although, as it appears, he was never consulted about the measure, and knew nothing in relation to it. The fact was, there was money sufficient in bank on the day. That, then, would not do. The next pretence was, that the bank wished to retain the funds to extend facilities to the importing merchants to pay their duty bonds; but it appeared, from the bank statements, that there was, in fact, a curtailment, and not an extension of accommodation, in the commercial cities, where the duties were chiefly payable. That, then, could not have been the true reason. The next pretence was, the appearance of the cholera, and the fear that the trade of the country would be deranged by it; but when the first postponement was asked, in March, the cholera had not made its appearance on the American continent, much less in the United States; and when it was determined to despatch General Cadwallader to Europe, it had not made its appearance in Philadelphia. Can an institution, which would thus act, be a faithful fiscal agent of the Government? And he here re-affirmed that the conduct of the bank, in this transaction alone, furnished sufficient reason why the public moneys should be withdrawn from its keeping. Yet the gentleman from South Carolina complains that this old matter, as he terms it, is again brought up. There was one other precious item of information, connected with this subject, which he begged to state to the House. The secret agent, as appeared in the testimony before the Committee of Ways and Means, an agent of the bank, and not of the Government, was paid for his services, not by the board of directors, but by order of the secret exchange committee, the sum of 5,000 dollars; and the expenses of himself and part of his family, amounting to an equal or greater sum, were paid. As one-fifth of the bank was owned by the Government, one-fifth of that amount was paid by the Government. For what were these expenses incurred? We will see for what they were, in part, incurred. In a letter from General Cadwallader to the president of the bank, dated London, 14th September, 1832, he says: "The purposes of my mission being now closed, as you will receive the results of the doings in Holland through Messrs. Barings, it is my intention to cross from Brighton to Dieppe on the 18th instant, and, after frolicking in Paris for a brief space, we shall return in the Havre packet which sails on the 10th of October."

Here was an instance of a heavy expense for a mission, paid to thwart the plans of Government, one-fifth of which went out of the pockets of the people.

But under what article of expenditure, under what account, was this sum for frolicking in Paris to be found classed on the books of the bank? It was not found along with the other "items of defence." It might be, that, after hunting through all the bank accounts, some foolish, prying Government director found it classed—where? Why, sir, under the head of foreign exchanges. Yes, sir, the expenses of a secret mission, intended to defeat the Government in the speedy payment of its public debt, smothered up in the bank, and charged to the account of foreign exchange! Can it be possible that such an institution is any longer fit to be trusted as the fiscal agent of the Government?

This brought him to refer to that part of the bank manifesto which related to the draft drawn on the French Government. The Treasury, according to this bank manifesto, was under a deep obligation to the bank: the bank had, in fact, paid the amount of the draft twice over, and made it in some way appear that the Government had not, in fact, the money in the bank to meet it when it was returned. It was for the House to mark the accuracy of this statement. The bill was returned to this country on the 26th March; notice of the protest was given on that day. The bank manifesto asserts that on the 22d March there were not funds enough in the bank to take up this draft; that tne public deposite was only $1,827,048; whilst the monthly statement of this very bank shows that, on the 2d April, the public deposites amounted to $8,466,830 15, and, of this amount, there was then in the Philadelphia office, $2,433,207 43. On the 1st May, there was $8,324,432 57; and on the 3d June, $6,418,345 84; on the 9th February, 1833, when the draft was drawn, there was $2,869,146 70 to the credit of the Treasury; and on the 20th April, exclusive of the amount of the draft on France, there was $2,479,577 07; the lowest amount of deposite at any one time, from the date the draft was negotiated, being nearly three millions. In the June statement, and every statement since, is the following item: "Due by the United States, for damages on protested bill of exchange on France, $158,842 77." Thus there were funds all this time belonging to the Government, and standing credited in the books of the bank itself, more than sufficient to cover this amount.

But he maintained that this bill negotiation ought not to be deemed an ordinary money transaction, as between man and man. No money at all had been paid over for it by the bank to the Government; for, when the bank received the draft from the Government, instead of advancing the money, as they would have been obliged to do if they had purchased from private individuals, the money remained in the bank, being simply transferred from the credit of the bank to the credit of the United States, and went to increase the public deposite. The Government, by treaty, were entitled to receive this money from France, and gave their bill for it to the bank. The bill was protested in Paris, and the bank makes a large demand against the Government for damages. When the bill returned here, there was, in fact, but a very tri-

fling expense incurred. The bank, however, makes a claim for damages.

The Government says to the bank, We are ready and willing to pay you all the expenses you have been put to; you have had our money to trade with for years without interest, and you have no right to set up this unconscionable claim. Were the Government right to say this? The whole country will say, yes; but what says the gentleman from South Carolina to this? Why, that the character of the Government, for refusing to pay these damages, has been stamped with dishonor. The bank statement shows they did not wait for the sanction of Government in the matter; for, be their claim right, or be it wrong, they forthwith paid themselves by charging it, and deducting it from the amount of deposites to the credit of the Government; and, if the Government ever get it back, their only remedy is to sue for it. In his opinion the bank could not sustain this claim, even at law; in conscience, they certainly had no claim. He apprehended that, by the *lex mercatoria*, interest, cost of protest, and re-exchanges on foreign protested bills, were all that were allowed. Damages, as such, were not allowed by the *lex mercatoria;* they were allowed by the *lex loci*, or by virtue of a positive enactment of the place where the bill was drawn. Damages were greater in some places than in others. In Pennsylvania, they were twenty per cent.; other places, other rates. In Maryland the charge was fifteen per cent. The claim for damages on the protest of the present bill, drawn at the seat of Government, and in the District of Columbia, was based on the law of Maryland. The only act of that State, giving damages in cases of protested bills, was one passed in 1785; and it was under this law, as the District formerly was part of that State, that the bank made their claim. By the terms of that law, however, and by no law that he was aware of, was the sovereignty of Maryland made subject to its provisions; and, if so, the sovereignty in this District, to which a portion of the territory of Maryland had been ceded, would not be subject to its provisions. He would not then argue the legal question, but simply suggest the doubt of the legality of the claim. It was his conscientious conviction that it was an unjust demand, and one that could not be maintained at law or equity. Could the House forget the circumstances under which this bank made this large demand? Here was a bank fattening for years upon the profits derived from the public money, which it has held without interest, claiming a large amount of damages where it has sustained none. It appears from the books of the Treasury, that the average public deposites lodged in the bank, for each month, during the whole period from 1818 to 1833, both inclusive, was $6,717,253 67. Yet the Bank of the United States, with this large amount of public deposites, not only claims damages upon this protested bill, but has actually paid itself the amount out of the public money, and charged it to the United States--thus throwing upon the Government the necessity of bringing suit, if it should ever be recovered. Can a bank, which would thus act, be a suitable depository for the public funds? He would only further add that this French bill was not an ordinary commercial transaction; it was a transaction between sovereigns.

By the French treaty, the amount of the instalments were to be paid in Paris, as they fell due, to such person as was authorized to receive them by the Government of the United States. This was not a mere bill drawn by the Secretary of the Treasury on the Minister of Finance in France; for that, of itself, would not have authorized its payment. It was accompanied by higher evidences—by an authority from the President of the United States, countersigned with the signature of the Secretary of State, and under the great seal of the United States, authorizing its payment on presentation; and, without this authority, its presentation would not have been sufficient to authorize the payment.

But it was objected, in the argument of the gentleman from South Carolina, that to withdraw the public deposites from the Bank of the United States, and to place them in the State banks, was a union of the purse and the sword. This was the old argument to which he adverted the other day, brought up in the debate which occurred in the Congress of 1789, upon the organization of the executive departments—an argument which had then been successfully met by Mr. Madison, and other distinguished patriots, who were members of the Congress at that period. But it was said by the gentleman, that the President had seized upon the public moneys; and we were asked where was the public treasure? Now, it is well known that the President has no more control over the public money in deposite in State banks, than he had while they were in deposite in the United States Bank. By the constitution, no money can be drawn from the treasury but in consequence of appropriations made by law. The President could not, therefore, if he would, any more use a dollar now, than he could before the deposites were removed. This is the mere phantom of an excited mind or of a disordered imagination. The gentleman imagines great danger from the executive influence over the State banks in which the public moneys may be deposited; and yet, did not the same power exist in the President of the United States, from the organization of the Government up to the close of Mr. Monroe's administration; and were any such dangerous consequences ever felt as the gentleman seems now to imagine? During the existence of the old bank charter, the executive department of the Government directed, at will, the places of deposite for the public moneys; and the places of deposite were changed at pleasure, during the administration of Mr. Monroe, and that of all his predecessors.

Since the present bank was chartered, the same power was claimed and repeatedly exercised by Mr. Crawford, as abundantly shown the other day from the documentary history of the times. Yet, the dangerous consequences now apprehended were never found to flow from the exercise of that power. But the gentleman has informed us that every one knows that the president of a State bank, which is made a public depository, will be controlled by the Federal Executive; that every one knows that the president of a bank controls and governs the debtors to that bank; that the city debtors to the bank control the country dealers who are indebted to them, and the country dealers control their country debtors. The chain, he says, is a very short one, by which the whole country indebted, directly or indirectly, to a State bank which is a place of public deposite, will be controlled by the executive authority here. This is, indeed, a fanciful picture; but did not the gentleman reflect that, according to his own argument, the same power which he deprecates in the State banks, in fact exists to a much greater extent in the Bank of the United States? The Bank of the United States possesses a great central power, controlling, by the will of a single man, all its ramifications and branches in every portion of the Union; it is, too, an irresponsible power, which can act, by its different branches, in perfect concert, in different portions of the Union at the same moment. Whereas the State banks have no such central power to control or direct their concerted movements. In fact, the State banks, from the necessary and inevitable collision of their interests, must counteract and control the movements of each other, even if they were disposed to become the prostituted instruments of political party. The President of the United States is responsible to the people; the Bank of the United States acknowledges no responsibility either to the Government or the people. But he utterly denied that the State banks either had been, or could be, the instruments of party.

The real danger to be apprehended was from the Bank of the United States; which, if the argument of the gentleman from South Carolina be true, was enabled to control all who were, either directly or indirectly, indebted to it.

The gentleman from South Carolina gave us another reason why the public deposites should not be removed from the Bank of the United States. He had stated that the Government of the United States, being the owner of one-fifth of the stock of the United States Bank, would lose $140,000 yearly by the withdrawal of the deposites. He supposed he meant by the diminution of the Government dividends derived from the use of the deposites by the bank. He should not stop to inquire upon what *data* the gentleman had this information, but, for the sake of the argument, would take it to be true as he had stated it. It then would, in fact, lose $140,000 per annum by this diminution of its dividend, derivable from the use of the public deposites by the bank; then we have *data* by which to estimate the value of the renewal of the bank charter for twenty years. If the Government would lose $140,000 for a single year, its loss for a period of twenty years would be $2,800,000. The Government owning but one-fifth of the stock, the whole loss to the bank would be five times that amount, or fourteen millions of dollars. Fourteen millions then, according to the argument, is the value of the renewal of the bank charter for twenty years, arising from the public deposites alone, and independent of the value of the exclusive privileges of banking conferred by the charter; and yet the gentleman from South Carolina, two years ago, sustained by his vote the previous question, twice in the same day, to confer upon the present stockholders the renewal of the present charter, for a period of twenty years, for a *bonus* of three millions; he did this, too, when other capitalists, by their memorials before Congress, offered a much larger *bonus* for similar privileges. The effects of making deposites in the State banks will be, (said Mr. P.) that the profits will not go, as they now do, into the pockets of foreigners, but will remain in the country for the benefit of our own citizens. It is well known that a large amount of bank stock is owned abroad, and a large amount in specie is annually transported from the country.

He would now come to the cotton illustration. The gentleman from South Carolina has stated it as his opinion, that, in consequence of the scarcity of money, which he attributed to the removal of the public deposites from the Bank of the United States to the State banks, the southern planters had from the 1st of August, (although the deposites were not removed until two months afterwards,) lost five cents per pound on cotton, compared with the Liverpool prices of the same article, which regulates the market of the world. Mr. P. said, when he heard this positive averment made, he was astounded; and supposing it possible, (for he had not examined the facts,) he had set about to inquire the true reason. The scarcity of money, he knew, could not be the true reason; for he could not conceive how the simple removal of a given amount of money from one bank to another could make money either scarce or more abundant. The money had not been, he knew, transported, and he knew that it had not been annihilated. He reflected that there had been two successive short crops in the United States, and he had understood that the stock of cotton on hand, in the English market, in the month of July, was short, and that speculation had had much to do with the enhanced price in the Liverpool market; and he supposed, if the facts so confidently stated by the member from South Carolina, to wit, that the price of the article was five cents lower in the United States than in Liverpool at the same dates, it must have arisen from a want of confidence on the part of the American dealer in the stability of the Liverpool prices; in consequence of which, he might have been unwilling to hazard large investments in the purchase of the article.

Since the gentleman had so expressed himself, however, Mr. P. said, he had been furnished by one of his commercial friends from Maryland, and one of his colleagues [Mr. McKim] on the Committee of Ways and Means, with a statement of the relative *maximum* prices of upland cotton, in the markets of New York and Liverpool of the same dates, during the months of August, September, October, and November; which statement he understood was received from a respectable house in Philadelphia, who were large dealers in the article; from which it would appear that, at corresponding dates, there had been no period since the 15th August at which the difference in the American and foreign market had been equal to three cents per pound, and generally much less.

[Mr. P. here presented the statement to which he referred to the House, as follows:]

Periods at which upland cotton has been sold at the annexed prices in Liverpool, showing what it netts in the United States at the different exchanges.

August	3,	14	a	15	cents per pound.
"	10,	14	a	17	do
"	14,	14	a	16	do
"	17,	14	a	16	do
"	24,	14	a	16	do
September	4,	14	a	17	do
"	7,	14	a	17	do
"	14,	14	a	17	do
"	25,	15	a	17	do
October	9,	15	a	17	do
"	12,	17	a	18	do
"	16,	17⅜	a	18	do
"	26,	16	a	17	do
"	30,	16	a	16⅜	do
November	2,	15	a	16⅜	do
"	9,	15	a	16	do
"	16,	14¾	a	16	do
"	23,	13	a	15¾	do
"	30,	13	a	15	do

Nett produce of one pound of upland cotton, at the annexed prices in Liverpool, showing what it netts in the United States at the different exchanges.

DATE.	Price at which sold.	Charges, including freight, insurance, &c. estimated at 20 per ct.	Nett produce of one pound of cotton in Liverpool, in pence.	Nett produce of one pound of cotton in Liverpool, in cents.	Exchange between New York and Liverpool.	Nett results in the United States.	Sales in New York, as above.
	Pence.	Pence.	Pence.	Cents.	per cent.	Cents.	Cents.
August 1,	12	2.40	9.60	17.77	8	19.19	15
do 15,	11	2.20	8.80	16.29	8	17.59	16
do 23,	12½	2.50	10.00	18.51	8	19.99	17
Sept. 23,	10½	2.10	8.40	15.55	8	16.79	17
do 27,	10½	2.10	8.40	15.55	7½	16.71	17
Oct. 7,	11	2.20	8.80	16.29	7½	17.51	17
do 31,	10½	2.10	8.40	15.55	7	16.63	16¼
Nov. 15,	9½	1.90	7.60	14.07	7	15.05	16

He concluded, therefore, that the gentleman was mistaken in point of fact.

Mr. P. said he feared he should fatigue the House, as he knew he had himself, and must therefore close his remarks. We are called on, Mr. Speaker, to decide a question of no ordinary import. The Bank of the United States has set itself up as a great irresponsible rival power of the Government. It assumes to regulate the finances of the country, and to control the whole policy of Government in the regulation of the financial concerns of the country; it assumes to dictate to the country, in effect, how its Government shall be administered; and, although it has used the public moneys intrusted to its hands for safe keeping for purposes of political corruption, it comes here to demand, as a matter of right, that the public treasure shall be restored to it. It has wasted the public money: it has thrown itself into the arena of politics, and employed its corporate wealth corruptly to control elections: it has been a faithless fiscal agent, in paying out the public moneys, when demanded for the public service: it has violated its charter, by delegating to secret committees powers which of right can only be exercised by the board of directors; it refused to submit its affairs to the scrutiny of impartial investigation and truth, under the heaviest charges of corruption and mal-practices made against it, and boldly demands at the hands of the representatives of the people that it be permitted to continue in the use of the public funds. It is a great aristocracy of money, which, in all ages of the world, has allied itself with the enemies of liberty. Gentlemen must not deceive themselves; the present is, in substance and in fact, the question of recharter or no recharter. The question is, in fact, whether we shall have the republic without the bank, or the bank without the republic.

It has done more, sir: in its manifesto, officially issued by its board, it has undertaken to lecture the representatives of the people on political economy, and to doctrinate (if I may be permitted to use the term) Congress in regard to the constitutional powers of the different departments of Government. It assumes, with the gentleman from South Carolina, that the President is a tyrant, a usurper; that the Treasury is independent of the Executive; and that he has wantonly removed one Secretary, and appointed another.

The very fact that it requires any effort to expose its enormities to the universal indignation of a virtuous people, proves it not only to be a vast power, but a dangerous power in a country which boasts of the purity of its institutions. It is my deliberate conviction that, if the power and monopoly of the present bank be continued for another twenty years, it will be the veriest despot that ever ruled over any land—a despotism of money, without responsibility. No man, hereafter, can expect to arrive at the first station in this great republic, without first making terms with the despot. It will control your election of President, of your Senators, and of your Representatives. If such was its power when it stood in the position of an antagonist to the Government, what would it be in the hands of corrupt men, at the head of affairs, whom it would prostitute itself to serve, and whom it could bend to its own purposes?

After some further remarks, Mr. P. said he trusted in God that the country might be saved from a despotism such as this; from the blighting influence of this most corrupt and corrupting institution that ever existed under the sun; an institution whose practices and principles were alike inimical to the existence of free government.

NOTE.

OFFICE OF THE NATIONAL INTELLIGENCER,
January, 8, 1834.

SIR: We have read, in a report of the conclusion of your late speech in the House of Representatives, purporting to have been corrected by yourself, as published in the Globe of yesterday, and transferred to-day to the columns of the National Intelligencer, the following passage:

"Was not the bank, to all intents and purposes, the bona fide owner of the National Intelligencer, and, in point of fact, was it not the real, if not ostensible and nominal printer to that House?"

So long as the allegation implied in the question thus put by you, in addressing the Chair of the House of Representatives, was confined to the columns of the party press, which every one knows is not very nice in its discrimination between truth and error, we did not conceive that we were called upon to make any specific reply to it. As, however, these allegations have made such an impression on your mind as to induce you to urge them in argument before the elevated and honorable body of which you are a member, we owe it to you to undeceive you, and, through you, the public, in the matter in question. The charge having been publicly made, from a source so respectable, shall be publicly met and answered.

We therefore do here explicitly state, in answer to the question you have publicly put, that the bank is not, either bona fide or mala fide, to any intent or purpose whatsoever, "owner of the National Intelligencer." We do therefore, also, further state, that the bank is neither the real, ostensible, nor nominal printer to the House of Representatives, and that no one is legally entitled to that honor but the undersigned. We do, moreover, further state, that for the latter suggestion, whatever you have been told (as we have no doubt you have) to the contrary, there is not the slightest foundation, nor even the shadow of a pretence.

With high respect and consideration, we are, sir, your obedient servants,

GALES & SEATON.

Hon. JAMES K. POLK,
House of Representatives.

[Accompanying the above letter, G. & S. furnished Mr. P. also with a statement of the president of the United States Branch Bank at Washington, contradicting and disproving the allegation made in the speech; but it is not thought necessary to insert the statement here.]

TUESDAY, DECEMBER 31.

CASE OF NOAH FLETCHER.

Petitions and memorials being called,

Mr. DAVIS, of Massachusetts, rose and said that he held in his hand the petition of Noah Fletcher, a native citizen of Massachusetts, but at present of the District of Columbia, and lately a clerk in the service of this House, which stated that he had long been in the service of the Government, not, however, in any office of distinction and emolument, but as a laborer. That he had removed from his native State to this District, where he had contracted the relations of a husband and a father, and had a family of numerous children dependant upon his exertions. That all he had been able to save out of the earnings of many years of toil was invested in this city. Mr. D. said further, that he understood the memorialist was in esteem here for his good conduct, being universally held as a man of upright and honorable character. He came to this House to demand redress for what he conceived to be an injury inflicted upon him. He had been removed from office without previous admonition, and, so far as he knew, without fault. The petitioner, Mr. D. said, considered this House as the sanctuary of the people of the country; the sanctuary, in a peculiar manner, of their liberties and privileges.

It was here that a free citizen of this republic might flee, and lay hold upon the horns of the altar. Here, to the representatives of the whole nation, he might pour out his grievances, and tell his wrongs; and it was here that he had a right to demand redress. He must be allowed to say that the eyes of the nation were always directed towards this body with peculiar interest, inasmuch

as they looked to it as the last refuge of liberty. No wrong, no violence, no arbitrary despotic use of power, should here be tolerated. And if, said Mr. D., there be in the community a Verres, whose arm shall dare to lift the scourge over the helpless, it ought to be safeguard enough for any man to say "I am a Roman citizen." Here, Mr. D. said, was an humble individual, who came to this House, not as a Roman, but as an American citizen, who asked, respectfully but firmly, of this body, the redress of an injury which he considered himself as having sustained. It was one of the great privileges of an American citizen to think and act, so long as he acted within the law, according to his own judgment and understanding. This, said he, is the great prerogative we all claim—it is the great attribute of a freeman, and the characteristic of liberty itself.

It belongs to our freedom that each man shall be permitted to utter his sentiments without restraint, according to the dictates of his conscience and understanding; and whenever this is impugned, it is the duty of this House to interpose, and exert its guardian power. It is for this body to preserve the citizens of this country from being brought under subjection to any power or authority that may rise up and seek to domineer. Under a conviction of this truth, the petitioner comes here and asks of us redress; and, give me leave to say, that no oppression, no abuse of power, should ever be tolerated within these walls.

Mr. CLAY here called Mr. DAVIS to order, insisting that he was violating the 45th rule of the House, which directs that when a member presented a petition, he should only briefly state what it contained. The gentleman, on the contrary, was going on to deliver his views as to what were the liberties of the people, and into an argument on the merits of the petitioner.

The CHAIR said the gentleman from Massachusetts was certainly out of order, and must confine his remarks to a statement of what the memorial contained.

Mr. DAVIS replied, that it was far from being his intention to excite the feelings of gentlemen, far less of the learned gentleman from Alabama, by any remarks he had made. He thought that the ordinary indulgence of the House would permit him to explain the object of the memorial, and the reasons why it ought to be received. So far as his information extended, the course which had been pursued toward this individual was without a precedent. It was so stated, and it seemed to him proper that the House should inquire into the case; that the memorial should be entertained, and that the House should inquire who it was that had been guilty of this offensive exercise of power. The memorial stated that it had been done by an officer of the House—by an individual who but a few days since had been elevated by the voice of that body to the place he held. Mr. D. held that, as such, he was accountable to the authority that had appointed him.

The SPEAKER here interposed, and again reminded Mr. D. that he was not in order.

Mr. DAVIS said he should not proceed farther, if that was the opinion of the Chair. He had only been giving a reason why this memorial should be entertained by the House, and why the House should act upon the subject to which it referred, and inquire for what reason power had so been exercised. The memorialist, he said, went on to state that he had been removed without cause. It had not been said that he was unfaithful, or uncourteous towards the House in the discharge of his official duty; on the other hand, it was admitted that he had been always respectful and modest in his behavior. He had rarely been seen within that hall. He had been removed, it seemed manifest, by the exercise of power alone, and therefore it became proper to ask why this had been done; to ask whether the spirit of favoritism had been exercised within those walls; whether the spirit of proscription had entered there; whether the despot had come into that House, which either crushed its victim, or moulded him to its own will! The memorialist was a man of honor and respectability, and he had a right to be heard. Mr. D. regretted that he had been embarrassed by a rigid application of a technical rule in a case of this kind; he had hoped the House would have indulged him in going into a somewhat more enlarged view of a subject which, in itself, was of fearful moment, and intimately connected with the freedom and safety of the people; but, as a different course had been pursued, he should resume his seat, after he had sent to the Chair a resolution which he wished to offer. In the meanwhile, he asked for the reading of the memorial. It was read accordingly, as follows:

To the honorable House of Representatives of the United States: The memorial and representation of Noah Fletcher, late an assistant clerk in the Clerk's Office of said House, respectfully showeth:

That in the year 1819, your memorialist was appointed by Thomas Dougherty, then Clerk of the House, as an assistant *pro tempore*, and that afterwards he was recognised by a resolution of said House, and directed to be continued in service; since which time, until Friday last, your memorialist has continued to discharge his duty with assiduity, and according to the best of his abilities, to the satisfaction of the late Clerk, and, so far as known, to the satisfaction of the members of the House.

That, on Friday last, your memorialist was dismissed from the services of the House by the present Clerk, without any reasons assigned, and, as he alleges, without any good cause, and another person appointed in his place.

That your memorialist considers this proceeding as oppressive, contrary to the good feelings of the House of Representatives, and against the true spirit of the Government under which we live.

Your memorialist, therefore, feels it his duty to make this communication to the House, and claims its interposition. NOAH FLETCHER.

Mr. DAVIS then sent to the Chair the following resolution:

Resolved, That Noah Fletcher was removed from his office of assistant clerk in this House without any sufficient cause, and ought to be immediately reinstated.

The CHAIR said it was not in order for the gentleman to move a resolution at this time, unless by the unanimous consent of the House

Mr. DAVIS inquired whether he could not offer it as a motion, in connexion with the memorial?

The CHAIR replied in the affirmative.

Mr. CLAY insisted that any motion accompanying the petition must be of the ordinary character—for the reference of the paper to a committee, or to give it some other disposition.

The SPEAKER consulted the rule, and decided that the motion of Mr. DAVIS was in order.

Mr. CLAY then inquired whether it must not be laid on the table for a day?

The CHAIR replied in the affirmative, provided any gentleman desired it.

Mr. PATTON inquired whether it would not be in order to refer the memorial to a select committee?

The CHAIR replied in the affirmative; but no motion to that effect being made, the motion or resolution offered by Mr. DAVIS was laid on the table until to-morrow.

IMPROVEMENT OF TAUNTON RIVER, (MASS.)

Mr. BAYLIES presented a memorial praying for the removal of the obstructions in Great Taunton river, in that State, and moved its reference to the Committee on Commerce.

Mr. MERCER (chairman of the Committee on Roads and Canals) said that he should be faithless to the duty he owed to that committee, if he did not endeavor to stop the course of referring petitions of this nature to the Committee on Commerce. He then referred to the effect which had, in a certain degree, proceeded, and must inevitably proceed, from such a practice. All improvements situated on the seaboard thus gained an easy and certain passage through the House; while all those connected with the great interior were resisted, and denounced as unconstitutional.

On this question a desultory debate occurred, which occupied the House about an hour, and in which Messrs. MERCER, BAYLIES, SUTHERLAND, WHITTLESEY, of Ohio, REED, WARDWELL, FOOT, HALL, of North Carolina, WAYNE, and SELDEN, took part. The particulars of this debate were not reported, as being of interest chiefly within the House. Precedents were cited, and the former practice of the House largely referred to. But the only question of any moment was, whether harbors were not as much within the purview of the Committee on Roads and Canals as rivers.

The memorial was finally sent to the Committee on Roads and Canals, by a vote of 76 to 65.

IMPROVEMENTS OF SANDY CREEK, &c. ON LAKE ONTARIO.

Mr. WARDWELL presented a memorial praying for the construction of a harbor and the erection of light-houses at the mouth of Sandy creek and Salmon river, on Lake Ontario.

On this memorial, the debate was revived with additional spirit, being continued by Messrs. MERCER, SUTHERLAND, WARDWELL, GORHAM, STEWART, VINTON, BOULDIN, and EVERETT, of Vermont.

Mr. WARDWELL moved that the memorial go to the Committee on Commerce.

Mr. MERCER moved that so much only as related to light-houses go to that committee, and the residue to the Committee on Roads and Canals.

It was finally decided in favor of the reference to the Committee on Commerce, by yeas and nays, as follows: Yeas 105—nays 97.

After the ordinary routine of the reception of memorials and reports of committees, the House adjourned, on motion of Mr. THOMAS, of Louisiana, to Thursday next.

THURSDAY, JANUARY 2, 1834.

CASE OF NOAH FLETCHER.

The journal of the last day's sitting having been read—

A question of order was proposed by Mr. EVERETT, of Massachusetts, on the propriety of discussing the letter from the Secretary of the Treasury in the hour appropriated to resolutions.

Mr. DAVIS, of Massachusetts, asked if the memorial of Noah Fletcher, presented by him on Tuesday, did not come up as the unfinished business.

The SPEAKER remarked, that, if petitions were in order this day, the memorial presented by the gentleman from Massachusetts on Tuesday would now be taken up for consideration. But, by the rules of the House, petitions and memorials, after the first thirty days of the session, could only be presented on the first day of the meeting of the House in each week; consequently, as this was the thirty-second day of the session, petitions could not be received or considered until Monday, on which day this memorial, as the unfinished business in its class, will come up for consideration by the House.

This had been the practice of the House, the SPEAKER said, since the adoption of the rule on the subject.

Mr. DAVIS said he should not question the decision of the Chair.

Mr. WILLIAMS appealed, contending that the rule which required the motion to lie for one day authorized the consideration of it after that time, though it might not have been presented within the thirty days.

The appeal was discussed by Messrs. WILLIAMS, CLAY and MERCER, and the decision of the Chair was vindicated by the SPEAKER, when Mr. WILLIAMS finally withdrew his appeal, and the decision of the Speaker was acquieseed in. So the consideration of the memorial lies over till Monday, (the next petition day.)

THE DEPOSITE QUESTION.

Mr. POLK then resumed the floor, and continued and concluded the speech he commenced on Monday last, as given entire in the proceedings of that day.

When Mr. P. had concluded his remarks, at about 3 o'clock,

Mr. BINNEY obtained the floor; but, on motion,

The House adjourned.

FRIDAY, JANUARY 3.

SINKING FUND.

After disposing of some minor business—

Mr. SELDEN's resolution, which is in the following words, coming up as the unfinished business, viz:

Resolved, That the Committee of Ways and Means be instructed to report a bill, requiring the Commissioners of the Sinking Fund forthwith to purchase, or otherwise redeem, the five per cent. stocks of the United States, and directing the Secretary of the Treasury, from time to time, to place under the control of said commissioners such funds not otherwise required for the purpose of the Government as shall be necessary for that object, and, in case of deficiency, to sell so much of the stock of the Bank of the United States, belonging to the Government, as will enable them to complete the purchase.

Mr. SELDEN addressed the House, observing that he understood that, on a previous day, when this resolution came up unexpectedly, a colleague of his [Mr. CAMBRELENG] had expressed a supposition that he (Mr. S.) had introduced such a resolution into the House without understanding what was the existing state of the law on the subject. It would, at least, have been kind in his colleague to have spoken with him privately, instead of presenting him before the House in such a light; but he believed that he did understand what was the state of the law, and thought he could show that the resolution he had presented was necessary, and ought to be adopted. The law, as it originally stood, authorized the Commissioners of the Sinking Fund to purchase the public stocks whenever they could be redeemed at certain specified prices. In 1830 the law was changed, and the commissioners were amply authorized to purchase any of the outstanding stock of the Government, but not rendering it imperative upon them to do it. What was now the state of the funds of the Government, as reported by the Secretary of the Treasury? The balance in hand, after paying off the four and a half per cents, was, on the 1st of this month, $9,383,000. After deducting out of this sum all outstanding appropriations, and the funds not now available, there remained liable to be applied to the payment of the public debt over four millions of dollars, which might be employed in paying off the public debt of the country. This balance remains, after deducting out of the public funds a sufficient amount to pay off all the four and a half per cent. stocks. The five per cents alone remain of the public debt. He asked gentlemen whether it was useful or expedient to leave the public money longer in the deposite banks, to be a subject of

contest between the local banks and the Bank of the United States, when it might be applied to pay the public debt? But, if the funds on hand should not be sufficient fully to discharge the debt, the Government had property on hand which would supply any deficiency. The resolution was so drawn as to meet and cover both branches of the case: it provided, if there should not be funds in the treasury sufficient to pay off the whole amount of the debt, that so much of the stock of the United States Bank as belonged to the Government should be disposed of for that purpose as would supply the deficiency. How much of this stock it would be necessary to sell, he was not able to say, nor was it material to know.

In connexion with this subject, he would further state that the resolution did not go to clothe the commissioners with any new power, but only to direct them to exercise the power they already possessed. That a provision directing, not authorizing, the purchase of the public stock was necessary, he would refer to a statement in the annual report of the Secretary of the Treasury. It appeared that the four and a half per cent. stocks were redeemable on the 1st of January, 1834, giving six months' notice. But the officer of the Government, instead of having given this notice on the 1st of July last, postponed it, so that the redemption of the stock could only now be completed on the 1st of May next: whereas, if notice had been given on the 1st of July last, the stock would have been redeemable on the 1st of January instant. It was certainly time for the House to act in the case, and not only permit, but require, the payment of the public debt, when the country possessed the means to pay it. Had the notice been given as he had suggested, the country would not have been exposed to pay the interest on the four and a half per cent. stock which remains unredeemed; and the whole might have remained unredeemed, in consequence of the unnecessary delay in giving notice, had not the pressure for money induced the holders of the stock voluntarily to accept the proposal issued.

The only question now was, whether the five per cents could be purchased at a rate that would justify the law? From the returns for the stock market, it appeared that this stock now commands not more than its par value, together with the current interest. During the last eighteen months, it had reached one, or even two per cent. above par, besides the current interest; but this was not uniform. It might be said, as a general statement, that the stock was now at par, or nearly so; and, such being the case, it ought not to remain longer outstanding.

Again: This species of property was never liable to become a subject of speculation; it could not receive that artificial value which was sometimes attached to other stock, the income of which is not settled and fixed, but might be enlarged by the successful prosecution of business, such as bank stocks, and stocks of that character. All that the holders of the five per cent. stock can realize is the amount of principal and interest to accrue thereupon; and, therefore, you can never create a factitious value to this stock, by making the law peremptory, especially as the stock is payable, by its terms, in four years. It never could rise but a shade above its nominal value. Let him now ask whether a resolution of this character ought not to receive the favor of the House? The Government had money in its hands to pay off its debt, and this at a time when the debt could be purchased at a fair value. Such an arrangement and appropriation of money would relieve the public mind from much anxiety as to the present safety of the public money. Its effect was to protect and advance the public interest, to pay the public debt, and to remove one of the causes of the commercial distress, by placing under the control of the creditors of the Government the money which must finally be paid them, which they could use in the shape of loans to individuals, and which the banks now reluctantly loan in consequence of the unsettled question relative to the public deposites.

Even if a law should raise the price to one, or even two or three per cent. above par, it would still be better to make this use of the money than to leave it in the deposite banks, where it was drawing no interest, and perhaps unsafe; and, as a whole, not passing into currency.

Pursue this suggestion—the effect of paying off the five per cents upon the state of the money market: probably most of that stock was in the hands of American holders; and the result would be, to put nearly the whole amount thus applied into circulation, for the benefit of commerce. It might be said that a portion of this stock was owned abroad, and therefore the money would go out of the country. But such would not be the result; its only effect would be to induce the foreign stockholder to reinvest his funds in American securities of other descriptions. Not to apply our surplus funds to the redemption of our debt, would be to create a doubt in the foreign market as to the discreet management of American stocks, and as to the diligence and vigilance of our Government in redeeming the public securities when in its power. The money would not be withdrawn from the country, but only reinvested. The final result would, in practice, be, to put four millions of dollars, being the amount of this stock, into circulation, not liable to be withdrawn, and to pay off the very last cent of our national debt. But if we should not have money enough to pay off the whole debt, we had more than sufficient vested in stock of the United States Bank to supply the balance, which could now be sold at a price quite as high as it could be expected to be at any future period. The Government would be better off—the country would be benefited to the same extent; and no injury would be done in any direction. Ought, then, a subject like this to be submitted to the Committee of Ways and Means without any compulsory direction as to the reporting of a bill? Surely not. The country had the money, owed the debt, and ought to pay it; and its agents ought not merely to be empowered, but directed to pay it.

Mr. CAMBRELENG said, in reply, that he trusted he had never been wanting in kindness to any of his colleagues. When he had made the remarks to which the gentleman alluded, he had not been aware that the gentleman was not then in his place. Such a vast distance intervened between his colleague and himself on this floor, that he was not always acquainted with the movements of that gentleman. If he had been absent, it was not Mr. C.'s fault. He was the last man to say any thing in the absence of the gentleman to injure his feelings. There was, indeed, some novelty in the proposition the gentleman had brought forward: it was novel in two respects. In the first place, it required a committee of the House to report a bill on a particular subject before the subject had undergone any investigation. And it was novel in another respect, and one which might possibly startle some gentlemen. Hitherto, the Commissioners of the Sinking Fund had employed the surplus revenue to redeem the public debt at their discretion, as the law empowered and directed them to do. But here the gentleman came into the House with a proposal to make the purchase imperative; in other words, to compel them to make a purchase of the public debt for the special benefit of the holders of the five per cents. What must be the effect of such an order? Why, if the holders chose to ask a premium of ten per cent. on their stock, the commissioners would be compelled to pay it. But the gentleman said, Oh, no danger: the stock would never rise more than one per cent. He imagined, if the experiment should be made, the holders would tell the gentleman a very different story. If the gentleman would amend his resolution so as to leave it discretionary with the commis-

sioners, Mr. C. would have no objections to vote for it. But he doubted greatly if, in its present form, the gentleman would get one member of the Committee of Ways and Means, and scarce one of the House, to vote in its favor. At all events, he must assign some limitation as to price, to the effect of this resolution.

His colleague was certainly very kind to the commercial interest: the gentleman was afraid that the deposite banks should hold these funds too long, and so wished to draw it out of their hands, that it might not any longer be loaned to trade. Mr. C. said that he was as anxious as his colleague could be that the public debt should be paid. But he thought his colleague had not treated the commissioners justly: he had spoken of the Secretary of the Treasury, but the gentleman must be aware that it was not the Secretary, but the commissioners, who were responsible for the application of the public funds to the payment of the public debt. The commissioners were of no party, exclusively; they were of all parties, and influenced by no party considerations. Whatever the remarks of his colleague might be worth, he trusted these gentlemen would not be assailed by him. If his colleague would so modify his resolution as to call on the committee to inquire into the expediency of the measure he proposed, Mr. C., as one of that committee, would willingly receive and act upon it.

Mr. POLK rose, not to continue, but to terminate the discussion, by proposing an amendment to the resolution, which he did as follows: That the Committee of Ways and Means be directed to inquire into the expediency of making provision, by law, that the Commissioners of the Sinking Fund be directed to forthwith purchase or otherwise redeem the five per cent. stocks of the United States, and directing the Secretary of the Treasury from time to time to place under the control of said commissioners such funds not otherwise required for the purposes of the Government as shall be necessary for that object, and, in case of deficiency, to sell so much of the stock of the Bank of the United States belonging to the Government as will enable them to complete the purchase.

Mr. SELDEN accepted this amendment as a modification of his resolution.

Mr. LANE obtained the floor, when, the hour having expired, the subject was postponed, and the House proceeded to the consideration of private bills. This being one of the days set apart for their consideration, several of them were then taken up, acted upon, and ordered to be engrossed for a third reading.

Among which, when the bill came up for the relief of Abraham Fobes, which proposed to give him six hundred and forty acres of land, out of any of the unappropriated lands of the United States, for his services and losses in the late war—

Mr. FILLMORE, of New York, proposed to amend the bill, so as to permit the claimant to locate it by quarter-sections. He said he was induced to offer the proposed amendment at the request of the petitioner, to whom justice had been so long delayed; that his age and circumstances would prevent him from emigrating to and taking possession of this land; and he thought he could dispose of it to better advantage, if he had the privilege of locating it in quarter-sections, than if he were required to take the whole in a body.

Objection being made to this motion, after some debate upon it, the motion was negatived.

On the same bill coming into the House, further debate arising upon it—

Mr. FILLMORE said, the petitioner being a constituent of his, with whom he was well acquainted, he felt it a duty to answer some of the objections which had been made to the bill for his relief. He regretted that he was not more familiar with the documentary evidence upon which thebill was reported; but, from what had been read, it appeared that this man, before the last war, removed into Canada in affluent circumstances. That, after the declaration of war, he returned to his native country, and took up arms in her defence. That his family returned to this country destitute, and he could bear witness that he was yet poor. That, during the war, he rendered services of a peculiar kind, most hazardous and dangerous in themselves, and most important to the Government. He acted as a spy. He had the confidence of his commanding officer, Colonel Christie, and discharged this delicate and dangerous trust to his entire satisfaction. He was promised by Colonel Christie a handsome reward, but his premature death had prevented his ever realizing it. He now asks justice, and only justice, at our hands. But, said Mr. F., it is insisted that, if we give him any thing, we shall only allow him the same that was given to a Canadian volunteer. When we legislate for a whole class of citizens, we must necessarily bring them within the same rule. It is impossible to make a distinction, and graduate the reward according to merit. This man's case did not come within that general rule. He was not provided for by that general act, and, as we had to act upon his case individually, it was certainly right to look into the merits of the case. These services, then, were not the ordinary services of a soldier. They required information and qualifications of a peculiar kind, to enable him to perform them; and their performance exposed him to great and imminent danger. Can any man say this compensation, thus long delayed, was ample? He thought not; and thought the case fairly distinguishable from that of an ordinary volunteer.

As to the objection that we were liable to be imposed upon by false testimony at so great a length of time after the occurrence, he admitted that the objection had its weight when you present a case to which it is applicable. But the evidence in this case was not subject to that objection. It had been read, and appeared to have been taken immediately after the transaction; and, unless those written affidavits and certificates have changed, they are as good evidence of the facts now, as they were when taken.

As to the objection of the honorable gentleman from Ohio, that the name of this poor petitioner sounded familiar to him, he said, he hoped that that circumstance would not prejudice the rights of this unfortunate claimant. He doubted not the name was familiar to the honorable gentleman—not for the reason supposed by him, that he had already been compensated; but from the fact that he had long been a petitioner at the bar of that House for the compensation which this bill proposed to give. He could not say positively, but he understood that the petitioner had never yet received any compensation for these services; and he hoped this act of justice would be no longer delayed.

The question was then taken, and the amendment lost, and the bill ordered to be engrossed for a third reading.

The House then adjourned to Monday.

MONDAY, JANUARY 6.

CASE OF NOAH FLETCHER.

After reading the journal, the SPEAKER stated to the House that the memorial of Noah Fletcher, presented by the gentleman from Massachusetts, [Mr. DAVIS,] was the unfinished business, and should now be taken up, unless the gentleman from Massachusetts should waive for the present its consideration, until the States are called for petitions.

Mr. DAVIS replied, that as gentlemen were probably impatient to present the memorials they had received from their constituents, he would so far give way as not to call up the consideration of the petition until the States should have been called.

The CHAIR proceeded to call the States, in order, for the presentation of petitions, &c.

A great number of petitions and memorials were presented this day; amongst which,

Mr. HEISTER presented the memorial of a number of citizens of Pennsylvania, submitting to the consideration of Congress two projects, entitled in their estimation to be considered national improvements, viz: the construction of a steamboat navigation between the seaboard and the lakes, from the Chesapeake bay, up the Susquehannah river, and through the Seneca lake and Oswego river, to Lake Ontario; and a connexion between Michigan lake and the Illinois river. For the execution of which works the memorialists pray Congress to make an appropriation, or to have such surveys and estimates made of the same as will enable a definite action to be made thereon at their next session. Its reference to the Committee on Roads and Canals was moved, and it was ordered to be printed.

Mr. SELDEN presented the memorial of the Board of Trade of the city of New York, setting forth the deranged state of the currency, and calling upon Congress to apply the necessary remedy. [In presenting the petition, Mr. S. took occasion to say that the memorial had met the public eye through the newspapers, as he believed, without the direction of the board, and certainly without disrespect to this House. This board consists of merchants engaged in the sale and distribution of merchandise in every section of this country, and are deeply interested in, and intimately acquainted with, all our internal exchanges.]

Mr. BINNEY presented the following:

To the honorable Senate and House of Representatives of the United States of America in Congress assembled: The memorial of the directors of the Philadelphia Board of Trade respectfully showeth:

That, at a very full meeting of the Board of Trade, convened, by public notice, at the Merchants' Coffee House, on the 1st day of the present month, a resolution was adopted, with only two dissenting voices, (a copy of which is herewith communicated,) in obedience to the injunctions of which, the directors approach the representatives of the people in both Houses of Congress assembled, respectfully to lay before them the earnest representations of their fellow-citizens, and to ask that relief which it is in the power of Congress to afford.

Your memorialists do not make this appeal to Congress, without feeling entirely assured that the representatives of the people will recognise in it the exercise of a manifest right, the very element of our republican constitution, and the just practical application of the great principle asserted in the Declaration of Independence, "that all men are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men." In the exercise of this right, your memorialists proceed to remark, that within a few weeks past, the community were in the enjoyment of all the happiness a healthful state of business and a sound currency can bestow. Industry of every kind was in full activity, and fairly rewarded; and the whole country exhibited a condition of more than ordinary prosperity, continually advancing and promising to perpetuate itself by the inducement it offered to wholesome enterprise. Such, your memorialists are obliged to say, is no longer the case. The reverse of what has been stated is unhappily the truth. Where, three short months ago, there was prosperity, there is now distress; where there was activity, there is stagnation; where there was cheerful confidence, there is suffering and alarm; and the whole aspect of business is so completely changed, that gloom has settled upon places which were rejoicing in the success of regular and honest exertions.

The cause of this distress is as palpable as the fact is certain. It has not been brought upon us by any visitation of Providence, to which it would be our duty to submit without murmuring; nor is it the result of the deliberations of our representatives, whose policy, when directed to the interests and honor of our country, it would be our pleasure (as it has been, at whatever cost our duty) to maintain. The seasons have come in regular succession, loaded by the bounty of Heaven with the fruits of the earth. Pestilence has not invaded our land, nor has it been visited by natural evils of any description; neither has there been a transition from war to peace, or from peace to war. In all respects, excepting one, the way of prosperity and happiness is as open as it was before. How comes it, then, that we are no longer walking in it? Why has it been thus suddenly broken up and obstructed? To what is it owing that on every side we hear the accents of lamentation and distress, while even the strongest are so shorn of their strength that they can afford no help to their weaker neighbors; that banks cannot give accommodations; that corporations cannot borrow even for the prosecution of the most valuable improvements; that establishments are reduced, and workmen dismissed, pennyless and unprovided, at this inclement season of the year; whence is it that we see so sudden and great depression of every description of stocks; that we hear so many and heavy failures; that even the stocks of our great commonwealth have suffered such a serious decline?

Your memorialists have no hesitation in adding their testimony to the mass, already more than sufficient, which has been offered to Congress. The evils we now experience, and the greater ones we have to dread, are owing to a single cause—the derangement of the currency; itself brought on by the removal of the deposites of the Government of the United States from the Bank of the United States.

It is no part of the duty of your memorialists, and it is very far from their inclination, to inquire how, and by whom, or for what reasons, this removal was made; they enter not into the political view of the question. What they affirm is, that the removal of the deposites is the cause of their present sufferings; and, in proof of this, they aver that coeval with the announciation to withdraw them was the first impression upon credit. Cotemporaneous with this progress in execution, and in proportion to its advances, has been its destroying influence; the shocks becoming heavier and heavier, until now we are in the extremity of distress, with no prospect of relief but from the immediate interposition of the power of the people, by their representatives in Congress.

To the cause thus stated, and to that alone, your memorialists are firmly convinced is to be traced all that they suffer, and all that they have to dread. And surely no one can doubt that this cause is fully adequate. It has, unhappily, been made manifest, by the lessons of painful experience, that the beneficial strength which has been taken from the Bank of the United States has not been imparted to the State banks: on the contrary, they have been weakened and endangered by the process, and compelled, by a regard for their own security, to abstain from attempting to give aid to any thing like the extent required.

Your memorialists are not unaware that some have suggested that the Bank of the United States has been instrumental in producing this distress; and even asserted that it has done so for the purpose of compelling a restoration of the deposites. As citizens of Philadelphia, the neighbors of the respectable men selected by the stockholders to manage their concerns—as citizens of Pennsylvania, where the parent bank is located—as merchants and traders, whose daily concerns make them acquainted with the conduct of the bank, your memorialists would feel themselves called on, in common justice, to say that they believe such suggestions and assertions are with-

out any foundation whatever. Your memorialists are the more emboldened to make this statement, because they are supported in it by the decisive evidence of the memorials from the State banks, already gone forward to Congress.

Your memorialists are persuaded that, as the cause of the existing evils is thus plainly discernable, so is the remedy for them easy to be applied. The past is beyond relief. Those who have already perished in the disastrous storm are out of the reach of help; but, for the future, the wisdom of the people, embodied in Congress, may be applied with effect. The removal of the deposites has been the cause; their restoration will be the remedy. Your memorialists, therefore, respectfully, but earnestly, ask that the representatives of the people in Congress, will adopt such measures as may immediately cause the restoration of the deposites to the Bank of the United States.

PHILADELPHIA, *January* 3, 1834.

THOMAS P. COPE, *President.*

GEORGE W. TOLAND, *Secretary.*

In presenting this memorial, Mr. BINNEY remarked that the Board of Trade of Philadelphia was an association which had been instituted within the past year; it consisted of gentlemen engaged both in foreign and domestic commerce, and it probably embodied a greater mass of trading knowledge and experience than was to be found elsewhere in the State. The board had in this memorial gone at length into an examination of the causes of the existing distress in the commercial community, and had suggested what they conceived to be the only adequate remedy.

The memorial was read, ordered to be printed, and referred to the Committee of Ways and Means.

ALABAMA AND THE EXECUTIVE OF THE UNITED STATES.

Mr. LEWIS, of Alabama, asked leave of the House to offer a resolution. To this leave unanimous consent being necessary, and it being objected to,

Mr. LEWIS moved to suspend the rule which requires the unanimous consent of the House; stating that the object of the resolution was to prevent collision and conflict between the Government of the United States and the State of Alabama on the subject of certain Indian treaties.

The rule was thereupon suspended.—Yeas 115, nays 16.

Mr. L. then offered the following:

Resolved, That the Committee on Indian Affairs be instructed to inquire whether the provisions of the treaty of March, 1832, with the Creek tribe of Indians in the State of Alabama, be inconsistent with the sovereign right of jurisdiction of said State within its limits; and whether the execution of said treaty has so far conflicted, or is likely to conflict, with the operations of the laws of said State over the country ceded by such treaty; and, if so, to inquire whether some act of legislation, consistent with the right of said Indians, may not be necessary to prevent such conflict; and that said committee have leave to report by bill or otherwise.

The resolution having been read—

Mr. LEWIS said that he felt it his duty to submit to the House, in as brief a manner as possible, the reasons which had induced him to offer this resolution. It would not be necessary, he said, in this stage of his remarks, to give, in detail, the full history of that painful collision which had recently occurred between the President and the constituted authorities of Alabama, in the execution of the treaty of March, 1832, with the Creek Indians. It was sufficient for him to say that, at the time of the execution of that treaty, and, in fact, long before, the laws of the State of Alabama were extended over the Creek country; and that, under its provisions, the President had assumed the power, not only of removing settlers from Indian improvements, by the marshal and the military, but, also, of expelling, "as intruders," the entire body of the white population from the Indian country. This assumption of power was resisted by the Governor of the State, on the ground that whether a trespass had been committed by the white settlers on the Indian improvement was a judicial question, and was to be determined only by the State courts; and that the indiscriminate removal of the settlers was not only a measure of great hardship and injustice to them, but also amounted to a total abolition of the State laws and governments throughout the Creek country.

Mr. L. said that when he left Alabama, this controversy was considered as so far adjusted that no future collision was likely to grow out of it. The removal of the settlers under the President's order was postponed until the 15th of January; and the Governor had received assurances from the Secretary of War that the location of the Indian reservations should instantly commence, with a view of being completed by the time fixed for the removal, the treaty not requiring the removal of the settlers out of the country until after the completion of the locations. As to the settlers on the reservations, it was believed that none would remain after the locations, unless under a fair and *bona fide* contract with the Indian proprietor; and that contracts of this character would be respected by the Government.

Sir, said Mr. L., the whole country was congratulated on the result—on what was considered a fair prospect of a peaceable and honorable termination of a most unpleasant and dangerous controversy between the Government and a sovereign State of this Confederacy. The conviction that this collision of power was, in fact, terminated, was strengthened by the circumstance that the President made no allusion to it in his annual message to Congress at the commencement of the session. If, indeed, a conflict had occurred, and was expected again to occur, with the constituted authorities of Alabama, in the execution of the Creek treaty, the subject was surely of sufficient importance to have been submitted to Congress. It was the duty of the President thus to have submitted it, in order that Congress might, if possible, have prevented further difficulties, by legislation. Why the subject was not even alluded to in the message, can only be explained on the supposition that the question was fully adjusted; unless, indeed, the President reserves to himself the right of coercing, by military force, the constituted authorities of a sovereign State, at pleasure, as an every day transaction, and not worthy of being even reported to Congress.

Mr. L. said he had conversed, at an early period of the session, with two of his colleagues, [Messrs. CLAY and MARDIS,] who, like himself, represented a portion of the settlers in the Creek country, and they concurred with him in the opinion that no further difficulty was to be apprehended in the execution of the treaty. He had seen in the public papers that a large military force, amounting to fourteen companies, was concentrating, by orders of the President, at Fort Mitchell, which had begun to excite his apprehensions: but it was not until he had received letters from Alabama, informing him that the locations could not possibly be completed by the 15th of January, that he could perceive any plausible pretence, on the part of the Government, in employing this force against the settlers. As soon as this information was received, he wrote to the Secretary of War for information, desiring to know whether, in any event, the settlers, or any portion of them, would be removed by military force, and requesting that, if such was the determination of the President, the order of removal might be postponed beyond the 15th of January, to such a time as the locations would certainly be completed; and by that means the

order might be rendered unnecessary. Mr. L. said that, in reply to his letter, he had, to his surprise, received an answer from the Secretary of War, informing him that, by letters received from the locating agents, it was not probable that the locations could be completed by the 15th of this month; that the orders for the removal of the settlers at that time was unrevoked; and that no longer time than that fixed could be allowed. In addition to this, the Secretary of War claimed the power to remove settlers from the Indian reservations for five years, in despite of what, Mr. L. said, was evident to every one who would read the treaty, that such reservations were the private property of the individual Indians to whom they might be assigned, and in defiance of a fact which he had stated in his letter to the Secretary of War, that, in many instances, such reservations were occupied under a lease from the Indian proprietors. The power of the Indians to lease these reservations was denied, and the lessee was to be expelled from them as an "intruder."

Mr. L. said that it was under these circumstances that he had felt it his duty, after receiving this letter from the Secretary of War, to avail himself of the earliest possible opportunity afforded by the rules of the House to offer this resolution. He could not see how an appeal to military force was to be avoided, after the 15th of the month, agreeably to the construction of the duties of the Executive as set forth in this letter of the Secretary of War, unless, indeed, it was arrested by the intervention of Congress. Mr. L. said he repeated it—that it was his object to arrest the action of the Executive by this resolution. He could not, indeed, hope for legislation by the 15th of the month; but he did hope that the Executive would so far respect the action of Congress as to await its decision upon this question. He (Mr. L.) could not believe that the Executive would feel it his duty to enforce his orders while this subject was before the House; and when he, (Mr. L.,) as a Representative from the State of Alabama, had applied for a repeal of the very law under which the right of removal was claimed.

Mr. L. said he could not anticipate any opposition to this resolution from the friends of the Executive. It was a mere proposition of inquiry, and was presented with the sole view of preventing any conflict of military force with the settlers, a large portion of whom were his constituents. The inquiry neither committed the House to any definite course of action, nor any member of the House who might choose to vote for it. Mr. L. said it was an humble effort on his part to adjust by legislation this unpleasant controversy, without compromitting the rights of any party. It was, he said, a duty which he owed to his constituents, to endeavor to remove the cause of disagreement between them and the Federal Government; and if he failed, the responsibility would not rest with him. He was aware, however, he continued, that it might be objected that it was not in the power of Congress to alter, by legislation, the basis of a treaty already ratified. Sir, said Mr. L., if that treaty be in direct violation of the constitution, and inconsistent with the sovereignty of Alabama, it was not only the right, but the duty of Congress, to set aside its provisions; and, if an injury resulted to the opposite party, indemnity ought to be promptly afforded. Gentlemen might speak in lofty strains of the faith of the Government, and the sacred obligation of treaties. The first and strongest obligation of the Government is to preserve the constitution inviolate; to adhere strictly to the compact formed by the States of this Union; and, under no pretence whatever, to do any act in contravention of the sovereign rights of the parties to this compact. Treaties which violate the constitution are null and void, and any enforcement of them which impairs the sovereignty and jurisdiction of a State amounts to a revolution in the character of the Government, for which there can be no indemnity. It cannot be contended that the States hold their sovereign rights by the permission, or at the pleasure, of the treaty-making power. These rest, immovably, on a stronger and deeper foundation, and can only be abridged by an amendment of the constitution.

Mr. L. said that possibly he might be met by the objection that these questions were settled by the ratification of the treaty, and that Congress had, in fact, already determined them. His answer was, that the actual conflict of jurisdiction, which had already occurred, and the greater one which might still be expected to occur, in the execution of this treaty, was sufficient to induce Congress to review that decision. He submitted it to those who professed to be so much devoted to the peace and harmony of the Union, to say whether this was not better than an appeal to military force. The "*ultima ratio regum*" could surely not be considered the first and only argument of a republic, in adjusting its domestic differences.

Again, Mr. L. said, it might be urged that, at the time this treaty was ratified, Alabama was fully represented in both Houses of Congress, and that no objection was then made to its provisions. He answered only for himself, when he said he had no other agency, in reference to the treaty, than his single vote on the appropriation to carry it into effect. It would be recollected that it was still a mooted point whether the House of Representatives had a right to refuse an appropriation to carry into effect a treaty already ratified by the Senate. All must admit that nothing but the strongest and most insuperable objections could justify such a refusal. If a mere difference of opinion with the Senate could have justified such a refusal, it might have been found in the fact, that the Indians, being subject to the laws of Alabama, were not an independent people, capable of making a treaty, within the meaning of the constitution. But such an objection would have been abstract, and not practical, and could not have justified him in an attempt to defeat the appropriation. It would have been equally as absurd, he contended, to have objected to the treaty on account of a provision, which, though objectionable, he could not have believed would have produced any practical inconvenience, and which, he would take the liberty of saying, ought not to have produced any. A speedy survey of the land, and a speedy location of the reservations, would have avoided the whole difficulty. He would not say that the Government was wilfully tardy in its movements—he was unacquainted with the causes which produced so great a delay; but he would say that the delay was much greater than was anticipated by any one, and was in its consequence to be deplored.

Mr. L. observed that the first time he saw this treaty he made an objection to one of his colleagues then in his eye, [Mr. Mardis,] to this very provision which gives the President the power to remove intruders from the Indian country. His reply was, that he had inquired into the subject, and was satisfied that no inconvenience could result to the settlers, inasmuch as it was the intention of the President to survey the land and locate the reservations as soon as possible; and that, by the end of the year, no necessity could exist for enforcing this provision. Sir, these lands have been surveyed, but the locations even at this day are, as he had before said, not yet completed.

Mr. L. asked what right had he to expect that the President, in the execution of that treaty, would feel it his duty to remove the settlers by military force, and thus suppress in the Creek country the laws and the authority of the State? He was pledged by all his public professions to the contrary, and it would have been doing him (the President) an injustice to have supposed he would have sanctioned a provision requiring him to do what he had always declared he had not the constitutional power to do; unless, indeed, he foresaw that, in the execution

of the treaty, circumstances would render the enforcement of such provision unnecessary. Sir, the opinions of the President as to his power to remove intruders from among the Indians, or to prevent the operation of the State laws over them, have been too frequently expressed to be mistaken at this day. Not only his opinions, but his practice has been against it. It is a matter of public history that he has refused, in every instance, to execute the intercourse law, by expelling intruders from an Indian country, where the laws of the State were extended over it. He has in no instance, heretofore, felt it his duty to enforce the act of 1807, by removing intruders from the public lands, as that act requires. If he has, he must knowingly and wilfully have violated his duty in suffering daily violations of that law. There is not a district of public lands in the Union where this law is not now suffering violation. Were not the settlers on the Choctaw lands suffered to trample on this law with impunity? Has the Executive the power to suspend or to enforce this law, at pleasure? Can he declare it law to-day, and no law to-morrow—binding in one place, and of no force in another? If the act of 1807 be constitutional and binding, it ought to be enforced in every instance; if not, a treaty provision cannot make it binding.

But, sir, has not the Executive refused to enforce even treaty stipulations with the Cherokees, on the ground that they were citizens of Georgia, and subject to her laws? Under a treaty which guaranties to them the undisturbed possession and enjoyment of their lands, the Georgians have not only settled the country, but the State has actually disposed of the lands to its own citizens by lottery, reserving to the Indians only a right of reservation to their improvements; and yet no laws have been enforced for their relief, and we hear of no military display like that which now exists at Fort Mitchell.

Sir, so capricious has the President been on this subject of removing settlers from Indian lands, that in this very Creek treaty a stipulation was made that the settlers who were then on the Creek lands should be suffered to remain till their crops were gathered. If these settlers violated the law, and were intruders by settling on the Creek lands before the treaty, the President surely would not have made a treaty stipulation to have protected them in such violation: if they had violated no law, and were not intruders at the time they entered the country, they ought not now to be removed.

Mr. L. said it was under a knowledge of the above opinions and conduct of the President that he felt himself justified in offering no objection to the Creek treaty, and in believing that no measure of injustice to the settlers, or opposition to the State laws, would be attempted by the President, in the execution of that treaty. He could not, judging of the future by the past, have expected that General Jackson would so soon have attempted to expel the settlers by military force, and to substitute his own military power for the laws of the State.

Mr. L. said, so fully was the Legislature of Alabama convinced that the President would not so far violate his known opinions as to attempt a removal of the settlers from the ceded lands, that, at the session after the treaty, the country was fully organized and laid off into counties, judicial officers were appointed, and elections were ordered and held for sheriffs, clerks, &c. The people, under similar convictions, moved into the country in great numbers, most of them settling on and improving the public lands; some, however, occupied Indian improvements by a contract with the Indian owners, either to pay rent for such improvements, or to buy the reservations to be located on them. The Legislature, at a previous session, had, by joint resolutions, approved by the Governor, asserted the right, on the part of the people, to occupy the unimproved lands in the Creek country, in the same manner as they were in the daily habit of occupying other public lands, until they were sold by the Government. The validity of a contract with an Indian to purchase his improvement was admitted by the laws of Alabama, and would have been respected in her courts. Under these legislative and legal sanctions, then, the settlements in the Creek country were made; and made, too, as it was universally believed, in accordance with the established policy of this Government.

Mr. L. asked what had been the policy of the Government since the passage of the act of 1807? Was it not to encourage rather than to prevent settlements on the public lands? Were not the pioneers in such settlements regarded as constituting a meritorious class, and, in many instances, rewarded by pre-emption rights? Do they not, in fact, impart value by their improvements, not only to their own tract, but to the adjoining land? Mr. L. said that the Government had in no instance made profitable sale of her public domain, unless it had been first penetrated and improved by these pioneers of the wilderness. They set up no title to the land, as has been erroneously asserted and believed, but claim merely the privilege of remaining on the land, and, in fact, adding to its value, until it is sold by the Government.

But, said Mr. L., not only were the settlers beguiled, by the general policy of the Government, into a violation of the act of 1807, but they were actually encouraged in their settlements by letters received from the Secretary of War. He (Mr. L.) could not at that time lay his hand on some of these letters he had seen published, but he would read an extract from one written on the 8th December, 1832, to Messrs. King, Clay, and Mardis, in which permission is given "to those who obtained peaceable possession of the land on which they live, &c., to occupy these tracts till the several selections are made." This amounted, in most cases, to a pledge that the settlers should remain undisturbed—for the Secretary of War will not contend that he has any right to remove them after the selections are made, unless, indeed, in those few cases where an Indian reservation may chance to cover their settlement.

But, Mr. L. said, he would, in addition to this, prove, by a letter written in May last, by the superintendent of Indian affairs, Mr. Herring, to Colonel Montgomery, agent of the Cherokees, that the President expressly denied that he possessed the constitutional power, which, in four months afterwards, he so rigidly executed, in removing the settlers from their improvements. He would read the letter, and ask the friends of the President to reconcile it with his acts.

DEPARTMENT OF WAR,
Office of Indian Affairs, May 1st, 1833.

SIR: In consequence of an application from several of the Cherokees, I have been instructed by the Secretary of War to call your attention to my letter to you of March 15th, 1833, and to say to you that the provisions of the letter relate solely to those portions of the Cherokees within the States of Tennessee and North Carolina, and over which the laws of those States have not been extended. The views of the President upon this subject have been too often and too publicly expressed, to leave any doubt of the course which, in his opinion, ought to be pursued. And this explanation would have been considered unnecessary, had not some of the Cherokees intimated different views. The President yet thinks, as he has always thought, the Executive has no constitutional right to apply military force to remove persons from any part of the State of Georgia or Alabama.

I am, sir, &c. ELBERT HERRING.

Col. H. MONTGOMERY.

Here, Mr. L. said, was the rule laid down by the President himself for the government of his own conduct. Here was the measure of his constitutional powers; and

yet, sir, in the teeth of this unequivocal avowal, has he thought proper to order a "military force" to eject those who have settled the country, not only under the sanction of the State Legislature, but under the express approbation of the Secretary of War, and under his promise that they should not be removed. Yes, sir, Mr. L. repeated, it was under the double sanction of both the State Legislature and of the administration, that the number of the settlers in the Creek country had increased, at the date of the order for their removal, as it had been estimated, to near thirty thousand souls. A more unexpected, a more relentless, and a more unjust order, never was penned by the hand of power. The settlers were not only to be treated as "intruders," and expelled from their homes, but the State laws and Government already established were to be abolished, by the indiscriminate removal of every judicial officer in eight counties. Military power was to usurp the tribunals of justice; and that, too, by the order of an Executive who had so recently, and so unequivocally, asserted the rights of the States to extend and enforce their laws over the Indian tribes within their limits.

Sir, said Mr. L., it would be a matter of curious inquiry to investigate the causes of this sudden change of policy. Why had the President so unexpectedly changed his opinions? What was there to warrant such a change, after the promise of the Secretary of War to the settlers that they should remain on their improvements "till the selections were made." It would not be pretended that the public lands were suffering any deterioration of value by the improvements placed on them; nor could it be urged that it was the interest of the Indians that the settlers should be removed. On the contrary, as the Indians had reservations to sell, it was their interest not to drive off competitors in the purchase of such reservations. Remove the settlers from the country, and who does not see that the price of reservations would instantly fall? Who, then, were to be benefited by the expulsion of the settlers from the country? No one, but a few Government pets and favorites, who expected to be suffered to remain in the country, in the character of Government agents, and who, when the settlers were removed, expected to enjoy a monopoly in the purchase of Indian reservations. Mr. L. said he mentioned no names, for he knew them not, and cared not to know them; he spoke only of a class of men, and of the only class in the community whose interests could have been promoted by the removal of the settlers. He believed that it was through the exertions and representations of these men that the President had been induced to adopt so outrageous a course as he had. There could be no doubt that gross slanders and misrepresentations of the settlers had reached the ear of the Executive from this source.

Mr. L. said he was aware that an apology for the course of the Executive had been sought in the complaints of the Indians themselves of the intrusion of the whites. Such complaints were easily got up by designing men. He believed, however, that the great body of the Indians had made no complaint, but were, on the contrary, perfectly satisfied with their new neighbors. He said he would venture the assertion, that no two people, distinct in language, color, and all the habits of social and domestic life, had ever lived together in more harmony. Individual cases of oppression there doubtless were, but for these the corrective was to be found in an appeal to the State laws. These were ample for the protection of the rights of the Indians, and public sentiment would enforce them rigidly for that purpose. Public opinion and public sympathy would, in any portion of the Creek country, come in aid of an Indian who had suffered oppression from a white man.

In making these assertions, Mr. L. said that he spoke from his own knowledge of the character of the white population in that country; a large portion of them were his constituents; he knew them well, and was proud of such constituents. Whether in general intelligence, in upright bearing of character, in patriotic principles, or in a willing obedience to the laws, he would assert that they yielded to the citizens of no portion of the southern country. He felt it his duty to say this much in their defence, because they had been denounced as "intruders," and were to be treated as such. He appealed to his two colleagues near him, [Messrs. CLAY and MARDIS,] to sustain him in the character he had given of these people.

Mr. L. said he would here allude to a more extraordinary, and, as it appeared to him, a more outrageous assumption of power, than any he had yet noticed in this warfare on the rights of Alabama. A marshal, at the head of a band of armed soldiers, has been sent through the country, invested by the President with the sole power of removing, upon *ex parte* testimony, or no testimony at all, whoever he may have thought to have intruded on an Indian improvement. Under the act of 1807, which was passed for the protection of the public lands, the marshal has been clothed, not with the power intended by the statute, of removing intruders from public lands, but of determining between an Indian and a white man, both citizens of Alabama, and subject to her laws, whether the white man has trespassed on the improvements of the Indian; and, if so, in the opinion of the marshal, a military force stands ready to execute his sentence at the point of the bayonet. Are not these judicial questions for the decision of the courts of Alabama, and for them alone? If an Indian commits a trespass on a white man, redress can only be obtained through an appeal to the judicial tribunals: if a white man commits a similar trespass on an Indian, the marshal and the military stand ready to avenge his private wrong. The President, impatient of the law's delay, has set aside the authority of our courts, by despatching a deputy marshal to judge what improvements were made by Indians, and what by whites; whether such improvements were occupied by contract or not; and, under the exclusive decision of this executive agent, removals have been made, in many cases productive of total ruin, and in one of death. The account given of this matter, by the marshal himself, proves it to have been one of the most atrocious acts of despotic power ever perpetrated in a country claiming to be free. Mr. L. said he was sorry he did not have it in his power to procure Mr. Austill's letter to the Secretary of War, giving an account of this transaction, that he might read it to the House. He was, however, in possession of an extract from that letter, which he would read: "We had not left the place one mile, before he (meaning Hardiman Owens, the man murdered) returned, swearing he would kill me on sight, and some half dozen Indians. I have, therefore, directed the Indians to take him, if possible; and if he returned among them, to shoot him down. I have sent another detachment after him, who are now absent." Such, Mr. L. said, were the orders of the marshal, which preceded this military murder; for it could be called nothing else. Even the forms of law were dispensed with; the trial by jury, the birthright of every American, as well as Englishman, was set at naught; and a free citizen, under the protection of the laws of Alabama, within her territory and the jurisdiction of her courts, meets his death at the hands of a United States deputy marshal and a band of hireling soldiery.

Mr. L. said he would not go into the details of this transaction, to controvert a statement made in the report of the superintendent of Indian affairs, which completely justifies the conduct of the deputy marshal. With the deputy marshal Mr. L. had nothing to do. His case could be decided only by a judicial tribunal. His (Mr. L.'s) business was with the President, under whose order

the act was done. He (Mr. L.) would hold the administration responsible for the deputy marshal's conduct, until that conduct was disavowed. The Secretary of War had already justified the act of the deputy marshal, and upon the hands of the Executive Government let the blood and responsibility of that transaction rest.

Mr. L. said he was desirous of submitting it to the solemn decision of that House, whether such outrages were to be tolerated in a free country. Were they to be sanctioned by the representatives of a free people? Were our army and navy to be maintained at the people's expense, for such purposes as this? Instead of being employed for defence against a foreign foe, were they to be kept as the bull-dogs of the Executive, to let blood wherever he shall point his finger? If so, Mr. L. avowed he was ready to vote for their disbandonment at once. They would soon become odious in the eyes of freemen, by being so often used as the instruments of executive vengeance.

It was high time, Mr. L. thought, if the States were to be ruled by military power, that it should be known. It should no longer be disguised under false semblances. Let them know and prepare for the worst. Was there not already a military government in Alabama? For under what other name could the prostration of the civil jurisdiction of the country, by military power, be designated? By the constitution, the Federal Government can exercise exclusive jurisdiction within the limits of a State only for certain specified purposes, and in specified places. But, sir, has not the Federal Executive, with the United States marshal and soldiery, usurped our exclusive jurisdiction over so much of the Creek country as was within the limits of Alabama?

Mr. L. said that, under that provision of the constitution which guaranties to each State of this Union a republican form of government, he felt himself authorized to call for the interposition of this House in behalf of a portion of the people he represented. He would put it to the judgment of every man present to say whether the usurpation by military force of all power in one individual was not, instead of a republican Government, a despotism. Sir, has not the marshal, at this time, under the orders of the President, all power, whether executive, legislative, or judicial? Where was the law which was to govern in the Creek country? In the mouth of the marshal. Who were to execute it? A hired soldiery, supported by the labor of the people.

Mr. L. contended that the act of 1807, the groundwork of that superstructure of executive power which had been reared up by the Creek treaty, was a gross violation of the constitution. It was not the first time its constitutionality had been called into question. It would be recollected that, under this law, Mr. Jefferson, through the marshal of Louisiana, removed Mr. Livingston from the celebrated batture, near New Orleans, on the ground that the batture was the property of the United States. This act of Mr. Jefferson's, although vindicated with great ability, and sustained by his well-deserved popularity, at this day can find but few advocates. Public opinion has set the seal of reprobation on Mr. Jefferson's order, and the law by which it was enforced; and some of the most distinguished jurists of the country have pronounced it unconstitutional.

Sir, said Mr. L., this act gives to the President the power, through a marshal and a military force, to remove intruders from the lands of the United States. What constitutes an intruder under the law, is a judicial question; and whether lands belong to the United States, is also a judicial question. The constitution declares that "the judicial power of the United States shall be vested in one Supreme Court, and such inferior courts as Congress may, from time to time, ordain and establish;" and yet, by this act, judicial power is vested in the Executive, which is not only a violation of the constitution, but the very best definition of the most absolute tyranny.

Sir, by this act, the marshal, though a subordinate ministerial officer, was more absolute than the Autocrat of Russia. He had, in fact, more power than all the departments of the Government together. Congress itself had no power to take an atom of property from the humblest citizen, without judicial investigation. No free Government could do so, because it was the very essence of despotism. Blackstone informs us "that it was a part of the liberties of England that the King may not enter upon or seize any man's possessions, upon bare surmise, without the intervention of a jury." The constitution of this country makes the trial by jury a part of the liberties of the people. It is the great protection of property, as well as of life and liberty, against not only individuals, but the Government itself. The act of 1807 conflicted with the inviolability of private property and the trial by jury, and was therefore unconstitutional. It conferred an arbitrary power on the President to expel the citizen from his possessions, without even the semblance of legal investigation, and was therefore tyrannical, and ought to be repealed.

Mr. L. said he thought he had a right to call on those who were members of this House in 1830, and voted for what was then called the famous Indian bill, to aid him in repealing the act of 1807.

What was the principle settled by that great question? It was, that each State of this Union was entitled to jurisdiction throughout its entire limits, and over the Indian tribes within those limits; that the act of 1802, regulating trade and intercourse with the Indian tribes, and all treaties with those tribes which conflicted with this right of jurisdiction, were unconstitutional, and could not be enforced within the limits of a State. Mr. L. said he thought no one who would examine the act of 1807 could fail to be satisfied that it was still more repugnant to the jurisdictional rights of the States than the act of 1802. He believed these two acts had a common origin, and never were intended to operate within the limits of a State. The act of 1807, like the act of 1802, was passed at a time when our public lands, like our Indian relations, constituted an exterior interest—when these lands were out of the limits of the several States, and unprotected by the State laws; and, in the absence of State authority, so strong a measure might then have been necessary to protect the public lands against the force and fraud of large companies of land speculators. That necessity now no longer existed.

Mr. L. concluded by saying that, having submitted these remarks for the purpose of putting the House in possession of the material features of this case, he would not go further into the argument. He wished it understood, however, that he desired to meet this question fully and fairly, by an investigation before a committee of this House. He hoped it would not be refused. He held himself ready there, or elsewhere, to vindicate and justify the conduct of the great body of the settlers in the Creek country against the charges which might be brought against them from any source, however respectable. He wished to meet such charges face to face. He had felt it his duty that day to come forward in the name of a portion of his constituents, and to demand a restoration of their rights as American citizens—the restoration of the trial by jury—the restoration of their domestic laws—and, lastly, the restoration of a republican form of government. Until these rights and privileges are restored, let not the people be insulted by being called free, or the State of Alabama sovereign.

Mr. STEWART said he rose, not to prolong, but to terminate at the threshold this discussion, if possible. He deemed it not only premature, but it might have a very injurious effect upon the arrangements now making

for the adjustment of this important controversy. Besides, there were exciting topics enough before the House, without adding this to the number. The House had suspended the rule to entertain the motion of the gentleman from Alabama, [Mr. LEWIS,] on his stating that it was necessary to prevent immediate civil war—to arrest an impending collision between the troops of the United States and those of Alabama. After this statement, he had looked for the annunciation of some new and important intelligence from that quarter, but he had looked in vain. Not a word—not a new fact or circumstance had been stated—no collision, no difficulty had occurred. None would occur, in his opinion, unless the people of Alabama were roused and excited to acts of violence and resistance by such speeches as that just made by the gentleman. If any thing could produce collision, it would be such appeals as this to the passions of the people.

The gentleman cries peace, while he throws a firebrand into the midst of the scene of excitement; he is lighting up by his speech the very flame he seems so anxious to extinguish. He (Mr. S.) had therefore risen to move to lay the resolution on the table, and thus put an end at once to this discussion. He saw no occasion whatever for it; it could do no good, it might do much harm; he had no doubt the whole difficulty would be amicably and satisfactorily adjusted without our interference; nothing had been stated to show that it was not now approaching such a result. Why, then, call on this House to interpose? None of the parties had desired it. But it was not his purpose to discuss the subject, but to submit a motion to lay the resolution on the table. Should it prevail, the resolution could still be taken up hereafter, if found necessary. The argument so earnestly urged, that the selections could not be completed by the 15th of this month, and that therefore Congress must act, had no weight whatever. This time was fixed by the Executive, and he could extend it, if found necessary to do so. He therefore moved to lay the resolution on the table.

At the request of Mr. LEWIS, however, Mr. S. withdrew his motion; when

Mr. LEWIS made some further remarks to show the necessity of prompt action on the subject by Congress. He had at first determined to wait until his Legislature should have acted; but the time would not now allow of further delay. He pledged himself that the fullest indemnification should be provided for the Indians. The question on the resolution was a question of peace or war.

Mr. JONES then rose, and addressed the House as follows:

Mr. Speaker, I rise to add a few remarks to those of the gentleman from Alabama, [Mr. LEWIS,] upon what has fallen from the gentleman from Pennsylvania. He says no cause has been shown, and not a single fact stated, which calls for the action of this House; and asks for a postponement until after the 15th of this month. And why should we delay until that time? Then, the military will be let loose; then, the settlers are to be driven out; then, the mischief is to be done, which our timely action may arrest.

Is it no cause that persons invited by the Secretary of War to settle in that country are now to be driven out? Is it no cause that the country has been laid off into eight or ten counties; the jurisdiction of the State of Alabama extended over the country; and all the necessary officers have been appointed? Is it no cause that the civil and criminal laws of the State are to be disregarded, and a military tribunal is to be established, before which all offences are to be tried—all rights to be investigated? If there be no cause in this country, which we yet consider free, for the action and intervention of this House, I know not what can be.

It has been correctly stated by the gentleman from Alabama, that, in many cases, pre-emption laws have been passed. These have held out invitations and encouragement to settlers to occupy the public lands. The Secretary of War, in a letter to part of the delegation from Alabama, has certainly not discouraged those settlements, if he has not actually encouraged them. (Note 1, Art. 5.) The treaty itself, made with the Creeks, protects those persons who have made their own improvements, and have not driven out the Indians. The treaty secures reservations to the Indians, and gives to them the right of sale, subject to the approval of the President.

The construction which has heretofore been put on that treaty, both by the General Government and individuals, has been the same. Individuals have believed that, by the treaty, (Note 2, Art. 3,) the Indians could sell as well before as after the locations, leaving to the President the right to prescribe the manner in which the contracts shall be made. It comes within my own knowledge that this opinion was known to the Government. Letters have been written, to obtain information from the War Department in regard to those purchases; and on one occasion, when the inquiry was made whether the Government desired to purchase the Indian reservations, the reply was, that the Government had no such wish; that there was individual competition sufficient to enable the Indians to get a fair price for their reservations, and remove; and that was all the Government desired. Was not this encouragement to individuals to go there, make purchases of the Indians, and settle? Are these persons to be considered intruders, when complaints may be made against them by any Indian? It is well known, to some at least, that some Indians may be got to complain against any person settled among them, more especially those who have gone there since the treaty. Those persons who were there before that time are the pets of the agent and the military officers, and they can have any man who has settled there since the treaty complained against by some Indian, and turned out of possession of his improvements, as an intruder, by military force. Why was Owens murdered? It almost comes within my own knowledge, and I have no doubt of the fact, that he had rented all his lands, and was in possession of them by the consent of the Indians, who had a right to occupy them, and had paid them the whole rent, except one old Indian woman, who was afraid to receive her pay. Why was he murdered, I ask? Some "Indian," who had no right to the improvements of which he was in possession, made complaint, and he was to be turned out, and he was murdered; and, in less than four hours, a white man was put in possession of his premises. Sir, I live within a few miles of this scene of outrage and murder, and I have no doubt of the facts.

Owens was living on the road, keeping a sort of public house; had a crop growing, which promised to produce three thousand bushels of corn, and his place was desirable. He therefore was an intruder—"the Indians" wished him removed. He was murdered, and his place is now in possession, not of an Indian, but a white man. Other places were then occupied by those persons who were living in that country before, and at the time the treaty was made, and who were only to be permitted to remain until their crops were gathered. They are the favorites of the agent and the officers. No "Indian" has complained against them—they are not intruders—they are not to be removed.

When a man's life and his property are held at the mercy of a deputy marshal, and subordinate military officers—when the voice of the law is silenced by the roll of the drum and the roar of guns—is it not time for the interposition of this House?

Mr. Speaker, I have seen the instructions [Note 3.] which have been sent from the Department of War to the agents for locating the Indian reservations, and certifying contracts made with them for those reservations. To the

instructions, as originally given, no objection would be made, and, under them, there would be no use for a military force. But, out of the supplemental instructions given at the suggestion of the agent, who has deceived the President, or has been imposed upon himself, by designing men around him, who have wound themselves into his confidence, will grow mischief and difficulties, and, most probably, such troubles as will cause the shedding of much blood. By them, the agents are particularly instructed not to certify any contract, or allow any payments which have been made before the location of the reservation. The treaty was made in March, 1832. Ever since that time, persons have been going into that country making contracts with the Indians, and increasing the improvements, which must fall within the locations. The treaty has fixed where the reservations of many Indians must be located. [Note 4.] The second and sixth articles of that treaty show they must include the improvements of the Indians. No Indian can have a reservation including the improvements of another Indian. Although a white man has fairly purchased, for a *bona fide* consideration, the very reservation which belongs to the Indian from whom he purchased—although he may be able to prove his contract and the payment of the money—although the Indian may be willing to admit the contract, and the payment of part or all of the money, and is willing to fulfil it—although the white man may have long since been put in possession, and have improved the place to double its value at the time of sale, by clearing more land and extending the improvements, his contract must not be certified, and his payments must not be allowed. I speak what I know, for I have been furnished with a copy of these instructions by the Secretary of War. Sir, there are from twenty-five to thirty thousand people settled in that country. Will they—must they be placed at the mercy of a deputy marshal and military officers? And will they tamely submit? They are freemen and the sons of freemen. Is this no cause for the intervention of this House?

The State of Alabama, in 1829, extended her jurisdiction and laws over all that country, and over all the Indians within her limits. The public documents within the archives of this House will show that, in her claim to jurisdiction, she was sustained by the Secretary of War, by the President, and by the opinion of Congress, who made a large appropriation, and placed it at the disposal of the President, for the purpose of relieving the Government from these conflicts of jurisdiction, and inducing this unfortunate people to emigrate beyond the Mississippi. The orders from the Secretary of War require the persons in possession of the Indian reservations to be removed by force—yes, sir—in a country of laws—by military force! I say, sir, that military force cannot legally be used against those people.

The opinion of the Attorney General, given in regard to these lands, considers them as public lands. I cannot agree with that opinion, when the lands lie within the limits of a State, and over which she has extended her jurisdiction.

The act of 1807 may be constitutionally applied to public lands in a Territory, but cannot authorize the resort to military tribunals to try, and military force to drive, those persons who may be considered intruders by the military officers from the possession of lands lying within the jurisdictional limits of a State, where her laws, both civil and criminal, are in full force. But, without farther contesting this opinion, as regards public lands, it is not pretended by him that the act of 1807 can have any operation in regard to individuals or individual possessions, whether white or red; and, by the terms of the treaty, those reservations become individual property as soon as the locations are made. By the treaty, the Indians have all the rights which belong to a fee-simple title, except the absolute right of sale. To sell, they must either have the approval of the President, or live on the land five years. [See articles 3d and 4th of the treaty, note 5.]

By the 5th article of that treaty, the President is to remove intruders from the reservations for five years. This stipulation is contrary to the constitution, contrary to the sovereign rights of a State; and Congress could not by law, nor could the President and Senate by a treaty, give to the President any such power. The public documents to which I have before referred will fully sustain me in this position.

When the country is surveyed, and the locations made, they cease to be public lands; and the remedy given to the public cannot be exercised in favor of individuals: they must resort to the laws of the State of Alabama for protection. This principle is not new. The Legislature of New York, after deliberate consideration, and consultation with the judges, declared "that the sole and exclusive cognizance of all crimes and offences committed within that State, except only such crimes and offences as are cognizable in the courts claiming jurisdiction under the constitution and laws of the United States, belong of right to the courts holden under the constitution and laws thereof, as a necessary attribute of sovereignty." The Committee on Indian Affairs, in their report (1829) to the House on that declaration of the State of New York, "recognise only the general principle, that territory and jurisdiction, considered in reference to a State, are inseparable; that one is a necessary incident to the other; and that, as a State cannot exist without territory, the limits of that territory are, at the same time, the limits of its jurisdiction."

Again, they say, "The superior right of a State to the control of every inhabitant within its territorial limits, whether citizen or Indian, must prevail over every other inferior or inconsistent claim. The lands which constitute the object of the guaranty of the United States will remain to be enjoyed by them; all the States within the limits of which any portion of those tribes may continue to reside, when they shall come to consider of a permanent policy in relation to them, will, no doubt, model it by a standard, which the enlightened humanity of the age will approve as appropriate and just." Let me pause here to inquire—will not the claim of the military be inferior? Will not the claim of the United States be inconsistent with the superior right of the State to the control of every inhabitant within her territorial limits?

The Secretary of War, in a letter of instructions to Generals Carroll and Coffee, says: "A crisis in our Indian affairs has arrived. Strong indications are seen of this, in the circumstance of the Legislatures of Georgia and Alabama extending their laws over the Indians within their respective limits. Those acts, it is reasonable to presume, will be followed by the other States interested in the portions of their soil in the occupancy of the Indians. In the right to exercise such jurisdiction, the Executive fully concurs." And again, in a letter to Governor Forsyth, of Georgia: "The principle asserted by your Legislature, of extending the laws of the State throughout her own territorial limits, appeared in itself so reasonable and well founded, that it was impossible, under all the circumstances presented, to doubt as to the propriety of the measure. Therefore, when this question arose, the Cherokees were given distinctly to understand that it was not within the competency or power of the Executive to call in question the right of Georgia to assert her own authority within her own limits." Let us now hear the President on the same subject. Though the Secretary of War has spoken by authority, it may be best to hear the President himself. In his annual message (1829) he says, "The Indians should be distinctly informed, if they remain within the limits of the States, they must be subject to their laws. In return for their

obedience as individuals, they will, without doubt, be protected in the enjoyment of those possessions which they have improved by their industry; submitting to the laws of the States, and receiving, like other citizens, protection in their persons and property, they will, ere long, become merged in the mass of our population."

In the next year, the Secretary of War, in his report dated 1st December, 1830, again calling the attention of the President to our Indian relations, says:

"Before the States were members of this Union, they were sovereign. The United States Government can legitimately exercise those rights only with which the States parted under their general compact. To regulate their internal municipal authority, is a privilege which has not been surrendered. Among those rights is the indisputable one of controlling their own citizens, and governing them after their own modes, with this exception: that a republican form of government is to be secured to each. The States, being sovereign and independent within their own limits, can admit no check upon their sovereignty, whether in its exercise it affects one citizen or another—the white man or the red. By courtesy, the laws have been withheld from an interference with the Indians within a State; and that which heretofore was mere courtesy, is now insisted upon as matter of constitutional right."

These are old fashioned doctrines, Mr. Speaker—they are the doctrines of '98, and they were well. It was the opinion of the Secretary of War, writing by authority of the President, that the States are sovereign and independent, and that the citizens of a State are entitled to a republican form of government. Shall we be told the laws of a State are inadequate to give redress to an Indian for injuries done to him, or trespasses committed on his possessions, and that military tribunals are to be substituted? And shall we be also told the State is sovereign and independent, and that the people have secured to them a republican form of government? The gentleman from Alabama has said the President is impatient of "the law's delay." Would to God he were equally impatient of the "insolence of office." If he were, we should not permit military officers to decide upon our rights, and destroy the lives of our people.

One extract more, and I have done. Transmitting the report of the Secretary of War to Congress, with his message in 1830, the President says:

"The Indians may leave the State, or not, as they please. The purchase of their lands does not alter, in the least, their personal relations with the State Government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess, by virtue of their sovereign powers within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it."

I have shown, Mr. Speaker, the opinions of this House, expressed through its committee. I have shown the opinions of the Secretary of War and of the President upon this important, this momentous subject—State sovereignty and jurisdiction. The laws of 1802 and of 1807 were then in as full force as they are now. It will be recollected that Tassels was tried for a murder committed in the Indian country, over which the State of Georgia had extended her jurisdiction, and was condemned. A citation was issued from a judge of the Supreme Court to arrest his execution, and remove the case to the Supreme Court, and was served upon the court and State. In answer to that citation, Tassels was hanged: and the public sentiment throughout the State approved that answer, and every heart and every arm was ready to defend it. Tassels was an obscure individual: the man whom he murdered was an Indian or half-breed: nobody cared for either. It was a question of sovereignty and jurisdiction—a question of freedom and slavery.

It is known to every one within the hearing of my voice that Owens was killed by a soldier, acting under the order of his officer and the deputy marshal. It is also doubtless known that a true bill has been found against him for murder, and true bills against Lieutenant Laing, and Austill the deputy marshal, as accessaries to the murder. The question is the same with Alabama as it was with Georgia. Orders are now issued, requiring the military to drive off the settlers from Indian reservations, and are to be executed after the 15th of this month. In what a difficult and dangerous situation are they placed! If they act, death—if they refuse, disgrace awaits them. The execution of the orders of the President may subject them to prosecutions for murder in the State courts. The President has given orders that they shall submit themselves to the civil authority, and by no means to obstruct the execution of the laws. He has also issued orders that their cases shall be taken from the State to the Federal courts. As in the case of Tassels, the answer of Alabama to the citation from the Supreme Court may be the execution of the sentence of death. It is a question of sovereignty—a question of freedom and slavery. Is not this cause for the inquiry which has been asked? Let me earnestly entreat the House to listen to the voice of humanity, and, by timely interposition, arrest the arm of military force, and the unnecessary effusion of the blood of our people.

NOTES TO MR. JONES'S REMARKS.

Note 1. *Article 5th.*—"All intruders upon the country hereby ceded shall be removed therefrom, in the same manner as intruders may be removed by law from other public land, until the country is surveyed, and the selections made; excepting, however, from this provision those whites who have made their own improvements, and not expelled the Creeks from theirs. Such persons may remain till their crops are gathered. After the country is surveyed and the selections made, this article shall not operate upon that part of it not included in such selections. But intruders shall, in the manner before described, be removed from these selections for the term of five years from the ratification of this treaty, or until the same are conveyed to white persons."

Note 2. *Article* 3.—"Those tracts may be conveyed by the persons selecting the same to any other persons for a fair consideration, in such manner as the President may direct. The contract shall be certified by some person appointed for that purpose by the President, but shall not be valid till the President approves the same. A title shall be given by the United States on the completion of the payment."

Note 3.—*Original Regulations, 28th November*, 1833.

2d. If the payments are all made to the satisfaction of the Indians, and the title is clearly established in the opinion of the approving agent, then an absolute deed from the Indian to the white person may be certified.

Supplemental Regulations, 18th December, 1833.

In consequence of a representation from one of the certifying agents that a construction would be put upon the above regulations which would incontestably lead to the committing great frauds upon the Indians, in consequence of the facility of imposing on them, and the ease with which declarations or acknowledgments may be procured, the President is desirous of guarding against such a result, as far as in his power, and of securing to every Indian the receipt of a just consideration for his property. The following additional and explanatory regulations are therefore adopted:

1st. The payments required by the 2d article of the above regulations must be made in the presence of the approving agent, except in the very few cases where the Indian may be prevented by illness or inability from appearing before the agent, &c.

2d. The contract described in the 2d article of the above regulations must be entered into subsequent to the location of the reservation.

Note 4. *Article* 2.—"The United States engage to survey the said land as soon as the same can be conveniently done, after the ratification of this treaty, and, when the same is surveyed, to allow ninety principal chiefs of the Creek tribe to select one section each; and every other head of a Creek family to select one-half section each: which tracts shall be reserved from sale for their use for the term of five years, unless sooner disposed of by them. A census of these persons shall be taken under the direction of the President, and the selections shall be made so as to include the improvements of each person within his selection, if the same can be so made," &c.

Article 6.—"Twenty-nine sections, in addition to the foregoing, may be located, and patents for the same shall then issue to those persons, being Creeks, to whom the same may be assigned by the Creek tribe. But wherever the grantees of those tracts possess improvements, and as near as may be in the centre," &c.

Note 5. *Article* 4*th*.—"At the end of five years, all the Creeks entitled to these selections, and desirous of remaining, shall receive patents therefor, in fee-simple, from the United States."

Mr. McKINLEY said he was not ready for the question. There should be further inquiry into facts before such a measure was adopted. It could not but produce great excitement in the country. To him, it seemed very extraordinary that, on the 6th day of January, that House should be called upon to prepare for a state of things which was to happen in Alabama nine days after. He moved an adjournment.

But the House refused to adjourn.

Mr. McKINLEY then moved to lay the resolution on the table until to morrow.

On this motion Mr. DAVIS, of South Carolina, asked the yeas and nays.

Mr. GRENNELL called for a second reading of the resolution, and it was read at the Clerk's table.

Mr. McKINLEY now withdrew his motion to lay on the table, and moved that the consideration of the resolution be postponed until to-morrow.

Mr. FOSTER inquired whether, if this motion prevailed, this resolution would have precedence of the bank question.

The CHAIR replied in the negative, unless the House should order otherwise. The bank question was the unfinished business in its class.

Mr. MARDIS demanded the yeas and nays on postponement. They were ordered by the House, and, being taken, stood as follows: yeas 110, nays 107.

So the resolution was postponed until to-morrow.

PRESENTS FROM FOREIGN POWERS.

The CHAIR presented to the House the following message from the President of the United States, received by the hands of Major Donelson:

WASHINGTON, *January* 6, 1834.

To the House of Representatives:

I communicate to Congress an extract of a letter recently received from James R. Leib, consul of the United States at Tangier, by which it appears that that officer has been induced to receive from the Emperor of Morocco a present of a lion and two horses, which he holds as belonging to the United States. There being no funds at the disposal of the Executive applicable to the objects stated by Mr. Leib, I submit the whole subject to the consideration of Congress, for such direction as in their wisdom may seem proper. I have directed instructions to be given to all our ministers and agents abroad, requiring that, in future, unless previously authorized by Congress, they will not, under any circumstances, accept presents of any description from any foreign state.

I deem it proper, on this occasion, to invite the attention of Congress to the presents which have heretofore been made to our public officers, and which have been deposited, under the orders of the Government, in the Department of State. These articles are altogether useless to the Government, and the care and the preservation of them in the Department of State are attended with considerable inconvenience.

That provision of the constitution which forbids any officer, without the consent of Congress, to accept any present from any foreign Power, may be considered as having been satisfied by the surrender of the articles to the Government, and they might now be disposed of by Congress to those for whom they were originally intended, or to their heirs, with obvious propriety, in both cases; and, in the latter, would be received as grateful memorials of the character of the parent.

As, under the positive order now given, similar presents cannot hereafter be received, even for the purpose of being placed at the disposal of the Government, I recommend to Congress to authorize by law that the articles already in the Department of State shall be delivered to the persons to whom they were originally presented, if living, and to the heirs of such as may have died.

ANDREW JACKSON.

The message was referred to the Committee on Foreign Relations; and

The House then adjourned.

TUESDAY, JANUARY 7.

WASHINGTON BRIDGE.

The following message was received from the President of the United States, by Mr. Donelson, his private secretary:

WASHINGTON, *January* 7, 1834.

To the House of Representatives:

In compliance with the resolution requesting the President of the United States to lay before the House "a copy of any contract which may have been made for the construction of a bridge across the Potomac, opposite to the city of Washington, together with the authority under which such contract may have been made; the names of the contractors and of their securities, if any; and the plan and estimate of the cost of such a bridge," I transmit herewith a report from the Secretary of the Treasury, to whom the resolution was referred, containing all the information upon the subject which he is now able to communicate.

ANDREW JACKSON.

January 6, 1834.

SIR: In answer to the resolution of the House of Representatives of the 20th instant, referred by you to this department, and which requires information whether any contract has been made for the construction of a bridge across the Potomac river, opposite to the city of Washington, and, if there has been, a copy of that contract, together with the authority under which it may have been made; the names of the contractors and of their securities, if any; and the plan and estimate of the cost of such bridge, I have the honor to state that proposals were issued by this department for building a bridge according to the plan approved by you on the 11th day of April, 1833.

That Riah Gilson and Philander Stephens offered to construct it according to that plan, for the sum of $1,186,625; and this, being the lowest bid, was accepted in the month of May last.

Some misunderstanding having arisen as to the terms of the contract, various delays took place in endeavoring to

adjust the difference. At length, finding that there was but little prospect of coming to a satisfactory conclusion, I addressed a letter, on the 27th day of last November, to the contractors, notifying them that, unless the contract, prepared under the directions of this department, was executed by them within twenty days from that time, I would consider it as at an end.

I received on the 29th day of November their answer, stating that they declined proceeding with the contract. Copies of my letter and their answer are hereto annexed, marked A and B.

After this bid was renounced, O. H. Dibble proposed to erect the bridge on a plan varying, in some respects, from the one heretofore approved by you. The principal alteration proposed was to dispense with the piles originally contemplated, and to go through the mud by means of coffer-dams, to the solid earth, for the foundation of the stone pillars to support the arches. Some other changes of the plan, not material here to specify, were also suggested; and he proposed to construct the bridge according to his plan for $1,350,000.

The price for which he proposed to do the work was less than any of the bids previously made, except the one before mentioned to have been relinquished; and the alterations in the plan were not such as would lessen the expense to the contractor. He moreover engaged to finish the work in two years from the 1st day of March next. The plan proposed by Mr. Dibble was deemed by you preferable to the one before adopted, and the proposed changes approved; and as no doubt was entertained of your right to sanction the modification proposed in the original plan, and to accept a bid more favorable to the United States than any before made, you informed Mr. Dibble that his plan would be adopted, and his offer accepted, upon his entering into the proper covenants, and giving security for their performance to the satisfaction of this department; and that, in the mean time, he might begin to make his preparations for the commencement of the work.

Many other engagements have prevented me from presenting for your approval, in the usual form, a plan of the work, with the precision and care which the magnitude of the proposed expenditure requires. And the contract has, therefore, not yet been signed, nor the security given. But I have taken measures to have the plan of Mr. Dibble carefully examined, and the specifications of the work properly made, and hope to be able to submit them to you without much further delay.

I have the honor to be, respectfully,
Your obedient servant,
R. B. TANEY.

To the President *of the United States.*

A.

Treasury Department,
November 27, 1833.

Gentlemen: I beg leave to inform you that, unless you execute the contract for the erection of the Washington bridge across the Potomac at the city of Washington, within twenty days from this date, I shall feel myself compelled to offer the contract to some other bidder.

I am, very respectfully,
Your obedient servant,
R. B. TANEY, *Secretary of the Treasury.*

Messrs. Gilson & Stephens,
Contractors, Washington.

B.

November 29, 1833.

Dear Sir: On reflection and serious consideration, we have become convinced that we cannot execute the bridge across the Potomac river, were we to comply with the contract by you exhibited to us, without its proving very injurious to ourselves and hazardous to those who have taken an interest in our welfare, sufficient to allow us to deserve their recommendation. In consequence of which, we refuse executing the contract, and hereby decline it.

Your obedient servants,
RIAH GILSON & Co.

To the Hon. R. B. Taney,
Secretary of the Treasury.

On motion of Mr. MERCER, the message was referred to the Committee on the District of Columbia, and ordered to be printed.

APPROPRIATION BILL.

The bill making an appropriation for the service of Government, in part, for 1834, having been returned with amendments made thereto by the Senate, was, on motion of Mr. HUBBARD, committed to the Committee of the Whole.

THE DEPOSITE QUESTION.

The House resumed the consideration of the motion to refer to the Committee of Ways and Means the reasons assigned by the Secretary of the Treasury for the removal of the public deposites, with Mr. McDuffie's motion for instructing the Committee to report a bill for restoring them to the Bank of the United States; when

Mr. BINNEY rose and addressed the Chair to the following effect:

Mr. Speaker: The amendment offered by the gentleman from South Carolina [Mr. McDuffie] proposes to instruct the Committee of Ways and Means "to report a joint resolution, providing that the public revenue, hereafter collected, be deposited in the Bank of the United States, in conformity with the public faith, pledged in the charter of the said bank." It, therefore, presents directly the question of the sufficiency of the Secretary's reasons for removing the public deposites from the bank, and for making the future deposites elsewhere; and brings up for the consideration of this House every thing that can bear upon the great topics of national faith and public safety that are involved in the issue.

I mean to discuss this great question, sir, as I think it becomes me to discuss it, on my first entrance into this House; as it would become any one to discuss it, having the few relations to extreme party that I have, and being desirous, for the short time that he means to be connected with the station, to do or omit nothing that shall be the occasion of painful retrospect. I mean to discuss it as gravely and temperately as I can: not, sir, because it is not a fit subject for the most animated and impassioned appeals to every fear and hope that a patriot can entertain for his country—for I hold, without doubt, that it is so; but because, as the defence of the measure to be examined comes to this House under the name and in the guise of "reason," I deem it fit to receive it, and to try its pretensions by the standard to which it appeals. I mean to examine the Secretary's paper, as the friends of the measure say it ought to be examined--to take the facts as he states them, unless in the same paper, or in other papers proceeding from the same authority, there are contradictions; and then I must be allowed the exercise of private judgment upon the evidence—to take the motives as the Secretary alleges them--to add no facts, except such as are notorious or incontestable, and then to ask the impartial judgment of the House upon my answer.

Sir, the effort seems to be almost unnecessary. The great practical answer is already given by the condition of the country. No reasoning in this House can refute it; none is necessary to sustain it. It comes to us, it is hourly coming to us, in the language of truth, and soberness, and bitterness, from almost every quarter of the country; and, if any man is so blind to the realities around him as to consider all this but as a theatrical exhibition got up by the bank, or the friends of the bank, to terrify and deceive this nation, he will continue blind to them

until the catastrophe of the great drama shall make his faculties as useless for the correction of the evil, as they now seem to be for its apprehension.

Mr. Speaker, the change produced in this country, in the short space of three months, is without example in the history of this or any other nation. The past summer found the people delighted or contented with the apparent adjustment of some of the most fearful controversies that ever divided them. The Chief Magistrate of the Union had entered upon his office for another term, and was receiving more than the honors of a Roman triumph from the happy people of the middle and northern States, without distinction of party, age, or sex. Nature promised to the husbandman an exuberant crop. Trade was replenishing the coffers of the nation, and rewarding the merchant's enterprise. The spindle, and the shuttle, and every instrument of mechanic industry, were pushing their busy labors with profit. Internal improvements were bringing down the remotest west to the shores of the Atlantic, and binding and compacting the dispersed inhabitants of this immense territory as the inhabitants of a single State. One universal smile beamed from the happy face of this favored country. But, sir, we have had a fearful admonition that we hold all such treasures in earthen vessels; and a still more fearful one, that misjudging man, either in error or in anger, may, in a moment, dash them to the earth, and break into a thousand fragments the finest creations of industry and intelligence.

Sir, there is one great interest in this nation, that is, and I fear will for some time continue to be, peculiarly subject to derangement; and yet every other interest is intimately and inseparably involved in it: I mean the currency. We have some twenty scores of banks from which this currency is derived. We have from eighty to a hundred millions of bank notes, with a metallic circulation along with it, not greater, perhaps, than as one to seven. We have, it may be, one hundred and forty to fifty millions of bank notes, and bank deposites, performing in part the same office, with about the same proportion of specie in the banks to sustain it. It is a system depending essentially for its safety upon public confidence, and that confidence depending of course upon the regularity of the whole machine, which again depends upon the control that governs the whole. When compared with the currencies of England and France--in the former of which the metallic circulation is estimated as nearly one-half, and in the latter as nine-tenths of the whole—it may be seen how much more confidence is required here, and how much greater the liability to shock and to derangement. Yet, by the regulation and control of the national bank, ever since that regulation and control have obtained, this system has worked well, and it has worked well only by means of them. Sir, this regulation and control have been thrown away—thrown away wantonly and contemptuously. In an instant, sir, almost in the midst of the smiling scene I have described, without any preparation of the country at large, with nothing by way of notice but a menace, which no one but the bank itself, and she only from the instinct of self-preservation, seems to have respected, this most delicate of all the instruments of political economy has been assaulted, deranged, and dislocated; and the whole scene of enchantment has vanished, as by the command of a wizard. The State banks are paralyzed—they can do, or they will do, nothing. The Bank of the United States stands upon her own defence. She can do, or she will do nothing, until she knows the full extent of the storm that is to follow, and measures her own ability to meet it. Prices are falling, domestic exchange is falling, bank notes are falling, stocks are falling, and, in some instances, have fallen dead. The gravitation of the system is disturbed, and its loss threatened; and it being the work of man, and directed only by his limited wisdom, there is no La Place or Bowditch that can foretell the extent or the mischiefs of the derangement, or in what new contrivance a compensation may be found for the disturbing force.

Sir, whence has come this derangement? It comes from the act of the Secretary in removing the deposites, and in declaring his doctrine of an unregulated, uncontrolled, State bank paper currency. It is against all true philosophy to assign more causes than are sufficient to produce the ascertained effect. This cause is sufficient; this I verily believe has produced it; and I hope for the patient attention of the House to my humble efforts hereafter to show that nothing else has produced it.

Sir, the Secretary of the Treasury has, in my poor judgment, committed one error which is wholly inexcusable; it is, in part, the error of the argument that has proceeded from the honorable member from Tennessee. That error lies in supposing that there were but two objects to be considered in coming to his decision upon the deposites—the administration and the bank. The country has been forgotten. The administration was to vindicate its opinions. The bank was to be made to give way to them. The consequences were to be left to those whom they might concern; and they are such as moderate human wisdom might have foreseen, such as are now before us. While the administration is apparently strong, and the bank undisturbed, the country lies stunned and stupified by the blow; and it is now for this House to say whether they will continue the error, by forgetting the country here also, or will endeavor to raise her to her feet, and assist her in recovering from the shaft that was aimed at the bank, but has glanced aside and fallen on her own bosom.

Mr. Speaker, I cannot better show the extent of the derangement which this act is certain to produce, unless it is corrected, than by a statement of the uses which the Bank of the United States has annually afforded, in various ways, to the people of the United States. I take the year 1832, for which the returns are complete as to the item of exchanges, and the years 1832 and 1833 for some other items of nearly equal moment.

The amount of domestic bills of exchange, purchased in all parts of the Union, in 1832, was		$67,516,673
[The half year from December, 1832, to June, 1833, was $41,312,982, showing a large increase in that line during the first half of this year.]		
The amount of domestic bills collected for others was		42,096,062
The amount of drafts by Bank United States and its offices, on each other,		32,796,087
Drafts by Bank United States and its offices on State banks,		12,361,337
Notes of Bank United States and its branches, received and paid out of place, viz: at places where there was no obligation to pay them,		39,449,527
Notes of State banks received by the Bank United States and its branches, where they were not payable,		21,630,557
Transfers of funds for the United States,		16,100,000
Transfers of office balances,		9,767,667
Making a total of domestic exchange,		241,717,910
Add to which the amount of—		
Foreign exchange purchased,	$9,253,533	
Do. sold,	4,203,204	
		13,456,737
Making the total amount of exchanges, by means of the Bank of the United States, within the year 1832,		$255,174,647

The amount of premiums on domestic exchange, re-

ceived by the bank for the same period, was $217,249 56, which is about one-eleventh of one per cent. on the aggregate amount of the domestic operations of the bank, say $241,717,910; and this has been the whole cost of this circulation to the people of the United States, by the aid of which their property of every description has been passing in a copious and uniform current, from one extremity of this nation to the other. To this extensive aid must be added that derived from the bank discounts, which, with the domestic bills purchased, amounted, in the year 1832, to an average sum of $66,871,349, and, in the year 1833, to an average of $61,746,708; and that also derived from the constant circulation of her notes, averaging $20,309,359 for the year 1832, and $18,495,436 for the succeeding year.

Now, sir, it appears to me that I do no injustice to the Secretary of the Treasury, or to any one who has directed, or authorized, or superintended this act, by saying that it was the design of the removal of the deposites to break up this whole machinery; that this was not to be a casual, unexpected, unpremeditated result; but that the removal was ordered for the very purpose of drawing the circulation of the Bank of the United States out of the hands of the people into the hands of the bank, to compel her, with this view, to reduce her discounts, and diminish the amount of her purchases of domestic exchange; and thus to cut all the ties which united the bank to the internal trade of the country. I do no injustice by saying this, because, in the letter of the Secretary, if I read it right, this design is there explicitly avowed and defended. But whether designed or not, this will be the effect, and the necessary effect, of the measure, if it shall prove successful. It must throw the whole machinery of the bank out of gear; compel her at once to begin the process which is to liquidate and close her transactions; separate her from the people, and the people from the bank; and deliver over these vast concerns and interests to confusion and misrule. It is by the revelation of this design, and by the necessary consequences of the measure, as this intelligent people have apprehended them, that great distress has already been produced, and the just anticipation of greater distress hereafter. Can any one, after this view of the recent uses of the bank, and of the effects which have followed, and are to follow, their intended or necessary interruption, ask the reason of the want of employment, the want of money, the stagnation of trade, which prevails in most of our cities? Can he ask the cause of the syncope into which this people have fallen? No, sir, no one can for a moment doubt the cause of all this. It lies in the act of removing the deposites, taken in connexion with its design and doctrine. It is not the mere transfer from one place to another. That is a circumstance which might happen, and has happened already, in the history of this bank, without producing any alarm whatever. It is not the removal of the deposites simply, but the design with which that removal was made, and the effects which belong to it. The alarm proceeds from looking at the necessary consequences of such a design, unless Congress shall interpose to avert them.

Permit me, sir, before I come to the regular discussion of the reasons adduced by the Secretary of the Treasury for removing the deposites, to occupy a few moments in drawing the attention of the House to some matters, which, to many gentlemen here, are no doubt familiar, but which ought to be known and considered by all who would form a sound judgment on the question before us. I have said that the removal of the public deposites, if it had been a mere transfer of so much money from one bank to other banks, judiciously regulated as such transfers may be, would not have produced the train of consequences which we have already seen to flow from it. There are gentlemen in this House familiar with as large operations in finance, that have produced no inconvenience. The effects of such a measure must depend upon the condition of trade at the moment of removal, upon the continued or interrupted application of the money transferred to the same uses to which it has been before applied, and upon the prosecution or discontinuance of the general system of banking operations which prevailed at the moment of transfer. What its effects must have been, and must continue to be, in the actual circumstances of the country, taken in connexion with the imputed design, it is not difficult to show.

Sir, the Bank of the United States held of the public deposites, of every description, on the 1st of August, 1833, according to the statement of the Secretary of the Treasury, the sum of $7,599,931; and they were in a course of increase, which the bank knew as well as the Secretary, up to the 1st of October, 1833, when they amounted to the sum of $9,868,435; say ten millions of dollars. How was this money to be paid? The Secretary of the Treasury had a right to demand its payment, when, where, and in such sum or sums, as he thought fit. He had such a power to do it in point of form, that the bank could not question its exercise in point of right. It was the duty of the bank to be prepared to pay it; and the question must be answered, how was the money to be paid?

The answer given to this question, and given with a view to involve the bank in odium and prejudice, is this: that she ought to have paid it, or whatever the Secretary chose to require of it, in specie, from her vaults, without distressing the community, by calling upon others to pay their debts to her. To say nothing of the fact, sir, that the bank has always paid every one, the Treasury included, in specie, unless they preferred something else, the doctrine that she was to pay in specie to the Treasury, without putting herself in a condition to require it from some one else, is a doctrine which I cannot admit. It is one that will not bear examination.

The bank, on 1st October, 1833, had specie in all her vaults to the extent of $10,663,441. If she had been so situated at that time as that this, or any considerable portion of it, had left her vaults, without being brought back again, the consequences might have been of the most pernicious character to herself and to the whole country. The bank had a circulation of more than eighteen millions to sustain, exclusive of her private deposites. A new era had opened. A new system was about to be adopted in the fiscal affairs of the Union. Its effects were to be seen. The extent to which the Treasury was about to assail her could not be known. The slightest interruption, the slightest fear of interruption, to her promptness and punctuality, would have raised that apprehension for her stability which has been excited for others. Sir, to ask this bank, under these circumstances, to empty her vaults of specie, without taking any measures of precaution to replenish them, would have been to ask the able directors to throw away their whole capital of reputation, and that of the bank also. They would have proved themselves unworthy of the occasion on which they were called to act. What, sir, at the very outbreaking of the storm, when no human intelligence could tell how long it was to last, or what would be the fury of its violence, to ask the pilots of this bark to keep all her sails set, and to throw her ballast overboard! No, sir; the bank was bound to do as she has done. She was bound to prepare for the trial. She was bound to strengthen her position, by diminishing her discounts; and she has diminished them, in my judgment, most wisely, most discreetly, and most tenderly. And yet, sir, it is from this circumstance—the mere reduction of loans and purchases of bills, without looking either to the necessity for that reduction, or to the extent and effect of it—that some men of honest and upright minds have been prejudiced against her. I can show, without difficulty, that it is a mere prejudice.

The bank had to pay over ten millions of public depos-

ites, and she ought not to have exposed herself to lose any material portion of her specie, without being in a condition to recall it. She had then but one resource, and that was, unless the interest of her debtors did of itself produce the effect by diminishing their loans, to call upon them to assist her in paying the amount. There was no other way open to her; and the degree to which she must call, in order to obtain assistance to a given extent, is a point in practical banking to which it is material for gentlemen to advert.

In explaining this operation, so as to make it intelligible to that portion of the House which may not be familiar with banking, I will state the argument against the bank. It is said, sir, that whatever amount she requires her debtors to pay, or withholds from other borrowers after it is paid, is to be set down as an actual increase of her ability to meet the demand for the public deposites. This is a very specious but wholly unsound proposition. In the process of reduction of discounts, with a view to increase the ability of a bank, two and two do not always make four; they sometimes do not even make two. The bank not only has debtors, but she is herself a debtor to the Treasury for the public deposites, and to individuals for their private deposites; she is a debtor for her notes in circulation, and to other banks for any balances due to them. When, therefore, she calls upon her debtors to return a part of the debt they owe her, these very persons may be her creditors by deposite, or may borrow from such as are, and may call upon the bank to pay what she owes to them. Thus, if a person who is required by the bank to pay a note has at the same time a deposite or credit in bank, the one may be made an offset against the other; and if the two are equal, it is manifest that the bank has no more ability to pay its debt to others after this transaction than she had before. She has merely paid a debt that she owed an individual, by the extinguishment of a demand which the bank had upon him. Sir, this effect is universally seen in the practical business of banking, that when a bank calls in what is owing to her, a part of the demand is paid by drafts upon herself; and as her line of discounts goes down, so does her line of individual deposites.

It will be easy to show, sir, the effect of this circumstance upon the resources of the bank while the reductions of August and September last were being made.

In August and September the bank loans and purchases fell, according to the Secretary's letter, 4,066,147 dollars, as follows:

The amount of notes and bills in August was - -	$64,160,349	
And in October following -	60,094,202	
		$4,066,147
But the private deposites in August were - - -	10,152,143	
And in October they had fallen to	8,008,862	
Making a reduction by payment of these deposites equal to - - -		2,143,281
And leaving the bank the better in ability to pay the public only - - -		$1,922,866

the difference having been paid away to her own depositors or creditors. This result is familiar in the history of all banks. As a bank calls upon her debtors to pay, they call upon her in like manner; and she retains only the difference between her receipts and payments.

Sir, while the process of reduction was going on in August and September, 1833, the public deposites to be withdrawn in October were increasing against the bank; having been in Oct'r the amount before stated $9,868,435
While in August they stood at - - 7,599,931

Making an increase of - - - $2,268,504

so that, regarding these elements alone, the increased ability of the bank to meet the public deposites was not equal to the increased demand by reason of the deposites; and the process of reduction was of necessity to be continued. So very insufficient a method is it of ascertaining the effect of reductions either upon a bank or the community, to take the amount of reductions only.

But, sir, let me carry this examination a little further. The amount of reductions from 1st August, 1833, to 1st January, 1834, was as follows:

Notes and bills in Aug't, 1833, were	$64,160,149	
Do. in January, 1834,	54,911,461	
Making a diminution or reduction in five months of - - - -		$9,248,688
The individual deposites in August, being as before, - -	10,152,143	
They are in January, 1834, -	6,734,866	
So that the bank has paid those deposites to the extent of - - -		3,417,277
And her ability, so far as the reductions gave it, was increased by the difference only -		5,831,411
But the public deposites in October were as before - - -	$9,868,435	
And in January they stand at -	4,230,508	
Showing a payment of the public deposites during this time of - -		5,637,927
And leaving an increased ability to pay the residue, as compared with the 1st Aug. 1833, only to the extent of the difference of -		$193,484

These statements, sir, show that, although reductions are necessary to meet the withdrawal of deposites, they do not produce an increase of ability to pay deposites in the direct ratio of their amount; and therefore that the amount alone is not a test of their having been carried to a sufficient extent. There is no doubt that the payments of debts to the bank may have produced distress; but these payments have themselves been the effect of the removal of the deposites, and this effect has been infinitely aggravated by the stagnation of trade and the loss of confidence proceeding from the design of the removal, and from the manner of the removal.

Sir, the Treasury might have pursued a course that would have mitigated the evil, by diminishing the cause of alarm. Having the control of this demand, they might have made known to the bank the times, proportions, and places of the intended transfers, and have thus given assurance to the bank that its reductions to meet the emergency need not exceed the proposed demand. But the Treasury took a different course; and, if any thing could raise the embarrassment of the bank, and the community also, to the highest degree, it was the course which the Treasury pursued.

Mr. Speaker, what was that course? Is any gentleman in this House ignorant of it? The honorable member from Tennessee [Mr. POLK] has read to the House a passage from a pamphlet, which he was pleased to call the manifesto of the bank; I shall, therefore, regard that publication as authentic, and I will refer gentlemen to the correspondence between the cashier of the bank and the Treasurer of the United States that is appended to it. They will there find what, by agreement with the bank, had been the practice of the Treasury when there was no alarm in the community, when the bank was admitted to be in a state of perfect security, and free from the apprehension of embarrassment. The Treasury practice was to send to the bank a daily list, specifying every draft upon the bank from the Treasury, showing the amount drawn for and the place of payment, but omitting the names of the persons to whom payable, to guard against

fraud. Another list was sent weekly, with the dates, amounts, places of payment, and names of the payees. These were intended not only to guard the bank against fraud and surprise, but to enable the bank to regulate the accommodations to its customers, as they were thus apprized of the points at which their funds would be wanted. Nothing surely could be more natural than to continue a practice like this, when the deposites were to be permanently removed. It could not be doubted by any one that such a proceeding must cause uneasiness in the public mind; and the very first precaution which prudence would have suggested to mitigate the alarm was the continuance and increase of these safeguards of the bank; certainly not that, at the very commencement of the alarm, they should be discontinued. But such was the fact. That they were discontinued, and that the bank, misled and deceived, had to deal with the Treasury as with an enemy, is an event which belongs exclusively to the present day, and to the existence of personal feelings in the department which directed the Treasurer, wholly unbecoming the official transactions of any Government.

Sir, if I meant to deal with my enemy as is befitting the spirit of honorable contest, I would give him equality of position, of instruction, of knowledge, and let the issue be the result of skill and the better cause; but if I meant to deprive him of all chance of defence or escape, to murder him basely, what better course could I pursue than to blindfold him, or rather to throw false lights into his eyes, that he could only know the approach of the poniard by feeling it in his heart?

Sir, the former practice was made an instrument of imposition upon the bank, by continuing to wear its usual appearances, while, in truth, drafts, to the extent of nearly three millions of dollars, were purposely withheld from the lists—drafts payable in unknown places, at unknown times, and to unknown parties. The lists themselves became instruments of deception, and gave false information to the bank of the state of the Treasury demand, while rumors gave out the existence of the concealed drafts in precisely that way which was most likely to increase the deception. I call the attention of the House to that correspondence of which I have spoken. The Treasurer says that the drafts were of an unusual kind; that they depended on certain contingencies—contingencies still unknown to this House and nation. Was this a reason why the bank should not have notice of them? Was it calculated to quiet the apprehensions of the bank or of the community, that the presentation of these drafts, payable as it now appears at sight, was suspended upon unknown contingencies? Sir, every unprejudiced person who looks at this transaction must agree that the course of the Treasury, in regard to drafts for nearly three millions of dollars, hovering between Philadelphia, New York, and Baltimore, without an intimation to the bank of the time and place where they were to be presented, was of itself amply sufficient to justify even more alarm than the bank felt, and greater reductions than the bank required.

There is one other fact to which I will advert before I close these preliminary remarks; it is of great use in explaining the influence of the removal in producing the present distress. The honorable member from Tennessee [Mr. POLK] expressed great surprise that any difficulty should be apprehended from transferring deposites from one side of a street to another, inasmuch as the community would derive the same amount of accommodation from them in one place as in the other. Sir, the consequence did not follow. The same amount of accommodation was not derived, and it is for those who know the condition of the deposite banks to give the reason. This House does not know what their circumstances were. Their capital may have been employed in furnishing capital to western banks, or in discounting upon their own stock; or the amount of their private deposites may have been lessened by the apprehension of remaining in company with a public depositor and preferred creditor. There is one decisive reason why the deposite State banks can never so efficiently further the accommodation of the trading community as the Bank of the United States, and that is, that the circulation of the one extends over the whole Union, and never enters one of her banks in its course, but it issues again to repeat the circle. But the circulation of a State bank is at her own door. It cannot leave it to any material extent. Contrivances to extend it are abortive. It does not answer the purpose of exchange, and its excess as currency instantly returns upon the bank for something that is better than her bank notes. The discounts of the State banks, on the faith of the desposites placed in them, cannot have been equal to the reductions of the Bank of the United States to pay them. And, in addition to this, there is an immense mass of private capital usually loaned out on the security of stock, at a moderate interest, which, at a moment of danger and alarm, retires from the scene. The days of exorbitant interest are not the days of the capitalist, but of men who desire to make exorbitant profit upon small investments.

Still, sir, it is not easy to account for the height of the present distress by the mere change of the deposites, nor by the diminished use of them in the State banks, when compared with their use in the Bank of the United States, from which they were taken. These circumstances had an effect, but they do not stand alone. There is an intense apprehension for the future connected with this operation—an apprehension which springs from the Treasury determination that nearly the whole of the existing circulation of exchanges is to cease; and cease it must, to a great extent, if the Bank of the United States is not to collect the public revenue.

The Bank of the United States, Mr. Speaker, has performed her great offices to this people by the concurrence of two peculiarities, which belong to her—her structure, and her employment in the collection of the public revenue. No State banks, by any combination, can effect the required exchanges to a considerable extent. No Bank of the United States, without the aid of the public revenue, can effect them to the extent which the necessities of trade require.

Sir, the structure of the Bank of the United States contributes to this operation in a way which every one may comprehend. The whole circulation of the United States is employed in effecting the exchange of the crops with the merchandise of the country. It is employed in transporting the crops to market, and merchandise to the places of its consumption. Now, sir, a national bank, with branches spread over the whole Union, knows from experience, and by her means of observation, where the amount of demand will fall and rise, and at what time these changes will occur. She knows beforehand where she may with safety diminish her resources, and where she must enlarge them. Wherever her resources are placed for use, it is the same thing to the bank. Her profit is the same every where; and this ability to give them the position which the trade of the country requires, is sustained by, and in a great degree dependant upon, her employment as the depository of the public revenue. In this character the bank receives the revenue, and holds it until the time of disbursement; and the knowledge which her accomplished president and the board of directors obtain through their relations to the Treasury, and by intimate acquaintance with the fiscal operations of the department, enables them to reconcile all the demands of the Treasury with the demands of trade, at the same time that they preserve the whole currency of the country in that due proportion to demand which makes it, and which alone makes it, sound and invariable.

But now, sir, this revenue is to be collected against the bank. She is to assist in paying, not in receiving it. Her situation is to be entirely reversed. The wants of the community are to become secondary to her own preservation; and, instead of placing her funds where trade will most require them, she must place them where, from the presence of rivals supported by the Government, she will require them herself for her own protection. Sir, this is to be the future operation of the measure taken by the Treasury Department. The theory of a national bank with branches not collecting and disbursing the revenue, is an absurdity. It never was conceived of until the present day; and even now, though complaints are made against the bank, as if her powers were not impaired, no one can seriously regard the measure of removal except as a measure of intended destruction. It is particularly a measure of intended destruction to all the usual operations of exchange. The bank cannot perform them as she has done. If the State banks promise to perform them, it is all delusion. If they have contracted to perform them, they will break their contract; and if they do not, they will break themselves. If, by possibility, they could make themselves a bank of the United States and its branches, (which they cannot do,) what would the country gain by such a contrivance but a bank with the powers of the present bank, subject to no restrictions or control by law, and dependant only on the pleasure of him who controls the deposites? Sir, the whole property of the country, in its transfer from place to place within it, is to undergo—has already undergone—a violent change. There is not a man who can now take the management of a crop in the South, or of a manufacture or importation in the North, who is able to foresee how he shall conduct it to its close; and the consequence is, that he will, if possible, have nothing to do with either. This derangement, actual and prospective, sir, enters materially into the present excitement and distress.

And does the honorable member from Tennessee propose, as a remedy for all this, to have an inquiry into the affairs of the bank? Is it for difficulties of this description and magnitude that he demands a sifting inquiry, an inquiry into the printing accounts of the bank? Is his great object to ascertain how $7,000 of unvouched payments have been distributed, and who is the owner of the National Intelligencer? Sir, I confess my profound astonishment that gentlemen, having the welfare of this great nation confided to them, will descend to inquiries like these, will run after petty accounts with printers, and the concerns of the National Intelligencer, and, in the ardor of pursuit, forget the country that is intrusted to them. The time has come, or I greatly mistake the indications around us, when the country demands that our attention be given to objects of a higher nature.

I humbly hope then, Mr. Speaker, that this House will inquire into nothing but the question before it, and from which we cannot escape—the evil which now threatens the country, and the proper remedy to be applied. An inquiry of this character is worthy of all attention, and of the devotion of all our faculties and efforts. In such an inquiry, no person will be more ready than myself to forget the bank, if that shall be the course of patriotism and safety. Except as she ministers to the public good, I regard her as nothing, and less than nothing. The public good, in the preservation of the public faith, in the maintenance of the public currency, and in the support of the constitution—this is an object which this House should never cease to regard, and to which, in my further remarks, I shall endeavor to keep my own attention fixed, without yielding it to any other.

Mr. Speaker, the immediate question before the House is, whether the reasons assigned by the Secretary of the Treasury for removing the public deposites are such as ought to satisfy Congress and the country; and, if not, what is the remedy which it is the duty of Congress to apply?

The reasons assigned are remarkable, sir, in a particular which cannot have escaped the general observation. The letter of the Secretary consists of certain general propositions, by which he endeavors to sustain his authority; and of certain particular reasons or statements of fact, by which he endeavors to justify its exercise. The general propositions upon which all his particular reasons depend, he does not condescend to argue at all; and I have listened with all due attention to the gentleman who has preceded me, the honorable member from Tennessee, without being able to perceive that his course has in any respect differed from that of the Secretary. The Secretary asserts, sir, that, by the removal of the deposites, by and through his absolute and unconditional power, whether the act was in itself right or wrong, with or without cause, the Bank of the United States is put out of court, and the nation discharged from the contract without any violation of faith. He further asserts, that, while his own power was absolute, that of Congress over the same subject was gone, having been alienated to him; that the Legislature were, as to the treasure deposited in the Bank of the United States, in a condition of impotency and imbecility; that they had bound themselves hand and foot by the charter of the bank; and that, while they had given unlimited authority over the subject to him, they had reserved no power whatever to themselves or to the people; and, consequently, that in no event, not even if the deposites were unsafe, or the ultimate law of all government—the safety of the people—should imperiously have demanded the removal of the deposites, was it in the power of Congress to touch them, without a violation of the public faith. He further asserts, that the rightful exercise of his power is not, even in point of responsibility to Congress, dependant on the safety of the deposites, or on the fidelity of the bank in its conduct to the Government; but that it was his right and duty to remove them, if the removal tended in any degree to the interest and convenience of the public. He finally asserts, that as it was his right to remove the deposites, so it was his right, as a consequence, to select the places of new deposite; and he did so.

Sir, these are startling propositions. They involve grave consequences. They deserve careful consideration. They are far from being self-evident. It was worthy of the officer who asserted them, and who was bound to justify the assertion to Congress, to favor that body with at least an outline of the train of reasoning by which he came to these remarkable conclusions. But, sir, there is no such thing in the book. I have looked carefully through it, to borrow some light on this subject from the mind of the Secretary, by which I might enlighten my own; but, beyond the simple dogmas which I have stated, there is nothing to be found, except the causes of his particular determination, which were of no sort of importance whatever, nor worthy of the least consideration, if his general propositions are true. I am compelled, therefore, from necessity, to assert the contrary of all that the Secretary has asserted, and to take the burden of refuting what it would seem to have been rather his duty to establish. These are points, sir, to which I shall especially call the attention of the House, as involving principles of the highest public importance—principles which, if this House shall affirm them, they will affirm that all power over the treasury is gone from Congress, and that there is but a single department in the Government.

The first proposition is that with which the Secretary begins his letter. The Secretary says:

"It has been settled by repeated adjudications, that a charter granted by a State to a corporation like that of the Bank of the United States is a contract between the

sovereignty which grants it and the stockholders. The same principle must apply to a charter granted by the United States; and, consequently, the act incorporating the bank is to be regarded as a contract between the United States of the one part, and the stockholders of the other; and, by the plain terms of the contract, as contained in the section above quoted, the stockholders have agreed that the power reserved to the Secretary over the deposites shall not be restricted to any particular contingencies, but be absolute and unconditional, as far as their interests are involved in the removal. The order, therefore, of the Secretary of the Treasury, directing the public money to be deposited elsewhere, can in no event be regarded as a violation of the contract with the stockholders, nor impair any right secured to them by the charter."

That the House may have before them the section to which the Secretary refers, I beg their attention to it. It is the 16th section of the bank charter, which enacts:

"That the deposites of the money of the United States, in places in which the said bank or branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

I beg the House to remark that this document proceeds from a gentleman of distinguished reputation as a jurist, trained to legal investigations, and fully acquainted with the legal effect and value of every word which he has used. The language he has adopted runs, "by the plain terms of the contract, as contained in the section above quoted, the stockholders have agreed," &c. Sir, if the Secretary had said that the contract gave him this power by implication, or that he possessed it by the fair interpretation of the section, or by its reason, spirit, scope, or intention, my perplexity would have been less; but when he asserts that his authority is derived from the terms of the section, and from its plain terms, and that by those terms it is not restricted to any particular contingencies, but is absolute and unconditional, I feel some doubts whether there is that common medium of a common language between the honorable Secretary and myself which is so indispensable to profitable argument. If I rightly understand the proposition, it has no authority in the terms, nor in the reason, spirit, or intention of the section; and it is as revolting to good sense, in the strength of the language which the Secretary has used, as it is to the rules of law. It asserts that, in no event, right or wrong, not even in the extremest case of wilful injustice or fraud, (a case which I am far from supposing to have been in the view of the Secretary, though his language comprehends it,) could the bank assert the least violation of faith by the Secretary's removal of the deposites. Sir, I submit to the House that the contrary proposition may be easily shown to be true, and therefore that the Secretary's proposition is not true.

The right of the bank to the deposites is derived from contract; a valuable consideration having been paid for it, in a bonus to the Treasury, and in a stipulation for expensive services to be performed through the whole term of the charter. A right in the Secretary to remove those deposites, without good cause, during any part of the time, is not to be presumed, but the contrary; and it should not be conceded, until it is shown to be required by the clear and plain meaning of the whole section. The terms of the section, instead of giving to the Secretary an absolute and unconditional power to remove the deposites, require that he shall have reasons for the removal, which reasons he shall immediately communicate to Congress. This is the condition upon which the bank submits to the exercise of his power—that he shall have reasons, and communicate them; and such is the agreement of the parties. The whole section is agreement, as the whole charter is. It is all contract, from the beginning to the end. Now, if Congress have agreed with the bank that the Secretary shall give his reasons for the act, and, consequently, that he shall have reasons, the difficulty, sir, is to understand how, according to approved rules of interpretation, these reasons can be considered as of no concern to the bank, but only to Congress; how we can understand that it is of no sort of moment to the bank whether there are reasons or not, when the bank is to be affected by the removal, and Congress have agreed with the bank that the reasons shall be given. Sir, in my judgment, the Secretary has directly inverted the object of the provision. The reasons concern the bank only, and not Congress: or rather, they concern Congress, only because they concern the bank. The contract for the deposites with the bank is a mockery under any other interpretation. Congress is above the reasons. Whether good or bad, she can do right and justice to herself, whatever the Secretary may argue. The bank, on the other hand, is wholly dependant upon them, and has no other protection from injustice; and the stipulation for communicating the reasons to Congress is, therefore, for the plain and manifest object of giving to the bank the benefit of a review by Congress, upon such principles as ought to govern such a contract.

Sir, the honorable member from Tennessee seems to me not to have been fortunate in his reference to the former head of the Treasury, Mr. Crawford, for his doctrine on any branch of this case. On this, in particular, the opinion of Mr. Crawford was directly against him, as well as against the present Secretary, and in favor of that interpretation which I suppose to be the true one. On the 25th May, 1824, the select committee on the memorial of Ninian Edwards reported that, in certain instances, deposites of the public money were made by Mr. Secretary Crawford in certain State banks situated in places where the Bank of the United States had branches, and that he made no such communication of his reasons to Congress as the charter requires. "This omission," say the committee, "is acknowledged by the Secretary, who says it was owing to inadvertence; and that the inattention to the provision of the law was unimportant, inasmuch as the provision was intended obviously for the benefit of the bank, and the bank had full notice." (Reports of committees, 18th Congress, 1st session, document 128.) The doctrine of the present Secretary is, that the provision was not intended at all for the benefit of the bank; but that, so far as regards the bank, his power of removing the deposites is, by the plain terms of the section, absolute and unconditional.

The honorable member from Tennessee is not more fortunate in the suggestion of his own reasons for supposing the provision to regard Congress and not the bank. I understand him to have said that the section required this communication from the Secretary, that Congress might know, 1st, where the deposites were made by the Secretary after their removal; and 2d, whether the Secretary was or was not liable to impeachment for the act. Now, sir, I think myself entitled to ask it as a concession from the honorable member, that a communication of the fact where the public money is placed is not a communication of the reasons why it was removed from the Bank of the United States. That fact is precisely what the Secretary is not directed to communicate. His communication is, by the plain terms of the section, confined to the reasons for ordering and directing that the deposites should not be made in the bank or the branches thereof. As to the object of impeachment, sir, it is as much in derogation of that principle of our constitution, that no man shall be compelled to be a witness against himself, as it is of the character of the Legislature for plain and honest

dealing with its officer, to impute to it the design of drawing the Secretary of the Treasury into a confession which may be read against him to the Senate. No, sir; this was not the design of Congress, nor can any course of decent reasoning sustain the enormous proposition of the Secretary, that his power is absolute and unconditional. It is a power which Congress did not, could not, give. An absolute and unconditional power, derived by implication from a contract, for valuable consideration, belongs to doctrines which a court of justice would spurn from its hall. It has no countenance in our institutions; it has none in our constitution, which was ordained to establish justice, as well as to secure the blessings of liberty; it has no countenance from any thing but the poverty of the case, which, finding a reason to be impossible, makes it unnecessary.

Sir, the interpretation of the section is, to my mind, abundantly clear. The Legislature did not see fit to part with the absolute right to the deposites, nor to make the right of the bank a judicial question, by defining the exceptions to it. In consequence of the fiscal relations of the Secretary of the Treasury to the bank, and of the probability that, whenever the proper reasons should occur, they would call for immediate action, the parties have agreed that he shall exercise a provisional power over the subject, under the stipulation that his reasons shall come immediately to Congress for their review, upon such principles as belong to the contract; and if, according to those principles, the reasons of the Secretary are insufficient for the act, then it will be an open breach of the public faith, not merely sanctioned, but committed by Congress, not to send the deposites back to the bank, whose right to them is unimpaired. If, after the payment of a million and a half of money as a bonus, and the performance of costly duties to this period of the charter, and to be continued to the end of it, together equivalent to an annual payment of two hundred thousand dollars for twenty years, the Secretary has removed the public money without adequate cause, it is possible, indeed, that an artificial argument may be made to sustain the act; but reflection in this House, and by this people, will infallibly bring the question back to the ground upon which it must ultimately rest—the ground of common sense and common justice, upon which alone the faith of the nation is to be defended, if it can be defended at all.

Mr. Speaker: The second general proposition of the Secretary affects this House as a component part of the legislative power, and affects the whole legislative power in the most critical manner, as may be seen by the proposition itself. "The place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given," "although Congress should be satisfied that the public money was not safe in the care of the bank, or should be convinced that the interests of the people of the United States imperiously demanded the removal." These are the plain terms of the Secretary, and the House must see what is their plain meaning; that, whereas the Secretary could overthrow this contract, with or without reason, right or wrong, Congress could not be relieved from it by the most imperious reasons; that, as his action could under no circumstances impair the contract, so the action of Congress upon it could, in no event, be otherwise than illegal.

Sir, there is one characteristic of these propositions, for which I acknowledge myself to be indebted to the Secretary; they are so strongly stated, that it is impossible to mistake their meaning. While the Secretary asserts every power over the subject in himself, he denies the existence of any power in Congress over the same subject. The use and design of the doctrine are, at the same time, as clear as its meaning; it is the only and the indispensable justification of the Secretary's extreme action upon the deposites so shortly before the present session of Congress; and, if this justification fails, he is without any.

The question, sir, concerns the interpretation of a statute. The extent of the Secretary's authority, and of the restriction upon that of Congress, must be collected, therefore, in the ordinary way, from the fair scope and meaning of its provisions, in their application to the subject-matter; and the House must consequently feel some surprise that the Secretary should have adopted the interpretation which he asserts, in a state of mind that ought to have carried him to the directly opposite conclusion. His letter proceeds to say: "The power over the place of deposite for the public money would seem properly to belong to the Legislative Department of the Government, and it is difficult to imagine why the authority to withdraw it from this bank was confided exclusively to the Executive." I must state it as an extraordinary fact in the history of legal interpretation, that, when the learned Secretary admitted that he could not imagine why the meaning should be what he asserts it to be, it did not occur to him that this was one of the best reasons in the world for holding that its meaning is not what he asserts it to be. If a court of justice should be told by learned counsel that he could not imagine why the meaning he gave to a statute should be its meaning, he would probably be admonished to try the effect of his imagination upon a different construction, and it would be very likely to assist him in obtaining the true construction. The Secretary says, he cannot imagine why the power was confided exclusively to the Executive. I hold, sir, with submission, that the power is not confided to the Executive, either exclusively or at all. The position is directly repugnant to his first proposition, that the power of the Secretary is absolute and unconditional; and it is equally repugnant to the laws and constitution, as they have created and fashioned the Executive Department. The Secretary is not the agent or officer of that department in the performance of the trust committed to him by the 16th section of the charter, nor in the performance of any of the trusts committed to him by Congress, in regard to the control of the public treasure. In these particulars he is the agent and officer of that department which levies and collects taxes, duties, and imposts; pays the debts of the nation; borrows money; raises and supports armies; provides and maintains a navy; makes appropriations, and keeps the public treasure under its own control, till, in virtue of a legal appropriation, it is drawn out of the treasury. He is the agent and officer of Congress, and not of the Executive.

This, sir, is a question of vast importance, not more in relation to the recent transaction, than to the due order of this Government, under all future administrations of it. It is not a point now raised for the first time, though possibly for the first time made a topic of controversy. The distinction is coeval with the constitution. It may be traced, in the clearest characters, through the first organization of the Executive Department and of the Treasury; and, if it did not lead to public discussion then, it was because it challenged universal assent. It is impossible to explain the structure of these different departments or offices upon any other theory. I ask the attention of the House to the consideration of this point.

The act of 27th July, 1789, entitled "An act for establishing an executive department, to be denominated the Department of Foreign Affairs," enacts that the Secretary for that department (now the Department of State) "shall perform and execute such duties as shall, from time to time, be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to correspondences, commissions, or instructions to and with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other

applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department: and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order and direct."

The act of 7th August, 1789, entitled "An act to establish an executive department, to be denominated the Department of War," enacts that the Secretary "shall perform and execute such duties as shall, from time to time, be enjoined on or intrusted to him by the President of the United States, agreeably to the constitution, relative to military commissions, or to the land or naval forces, ships or warlike stores of the United States, or to such other matters respecting military or naval affairs, as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto for military services rendered to the United States, or relative to Indian affairs: and, furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order or instruct."

The act of 30th April, 1798, entitled "An act to establish an executive department, to be denominated the Department of the Navy," enacts that it shall be the duty of the Secretary "to execute such orders as he shall receive from the President of the United States relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment of the United States."

The provisions of these acts require no commentary. They place the departments wholly under the direction of the President, agreeably to the constitution, in all that regards the exercise of his constitutional powers over foreign affairs, the army, and the navy.

The act of the 2d September, 1789, for the establishment of the Treasury Department, pursues a strikingly different course. It drops from the title the denomination of "executive" given to the other departments—not by accident, but by design, as the word "executive" was contained in the title of the bill when reported by committee, (see journal 1st and 2d Cong. vol. 1, p. 57;) and, what is more material, it enacts that it shall be the duty of the Secretary "to digest and prepare plans for the management and improvement of the revenue, and for the support of the public credit; to prepare and report estimates of the public revenue and the public expenditures; to superintend the collection of the public revenue; to decide on the forms of keeping and stating accounts and making returns; and to grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States as may be by law required of him; to make report and give information to either branch of the Legislature, in person or in writing, as he may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and, generally, to perform all such services relative to the finances as he shall be directed to perform." The name of the President is not mentioned in the act, except in the 7th section, which charges the assistant with the duties of the office in case the Secretary is removed by the President; and the bond of the Treasurer, prescribed by the 4th section, is not to be approved by the President, but by the Secretary of the Treasury and Comptroller.

It is not meant to say, sir, that the Secretary of the Treasury performs, or is bound to perform, no duties of an executive department, or that, in the performance of any such duties, he is not subject to direction by the President; but it is meant to say that the Treasury Department is not, in its control of the treasury, an executive department, in the constitutional sense; and that the direction which is to govern the Secretary is left, by the terms of the act, to be settled according to the character of the function to be exercised. The Secretary is not the head of an executive department, in the performance of acts which concern the custody and security of the public moneys in the treasury. His department is not, in this respect, a presidential department. To have placed the custody of the public treasury within the Executive Department, would have been a constitutional incongruity, a solecism, to say nothing of the enormous mischiefs to result from placing the power of the sword and the purse in the same hand. It would have marred the harmony and simplicity of the whole scheme of the constitution, by leaving to Congress the duty of paying the debts and providing for the common defence and welfare, while the money collected for these objects was not under their control, but in the hands of a different department. It would make, and the adoption of the doctrine does make, the power of appropriation entirely futile, because the public money is, by force of it, as little under the control of Congress before appropriation as it is afterwards; and it gives the control of the public treasure, so far as the position and distribution of it can give such a control, to a department that can wield the whole force of the revenue against the Legislative Department and the people.

The argument of the honorable gentleman from Tennessee here cuts into the subject by means of the power of removal from office; and, with the aid of the debates in Congress, when the act for organizing the Department of Foreign Affairs was on its passage, he contends that the President may direct the Secretary of the Treasury in the discharge of his duties of every description, because he may remove him. Sir, I do not adopt his conclusion. It does not flow from his premises, and a better conclusion flows from better premises.

The power of removal is a great question, which I do not mean at present to agitate. It has been allowed, by implication and usage, to the President of the United States, for different reasons; and the argument handed down to us on this head is, perhaps, not altogether as clear consistent, and intelligible as the great names connected with it would lead us to expect. It is probably imperfect. It is, however, plain, from what remains of it, that the gentlemen who asserted this power did not all do so for the same reasons. It would seem to have been the opinion of some, that the power of removal was an executive power, or a power of the Executive Department. Others, who did not agree to this, thought it belonged to the appointing power, which was substantially in the President. And some, who differed from both, deemed the most convenient and safest position of the power to be in the President, who, by its immediate exercise, might resist the aggressions of dishonesty, or prevent the mischiefs of incompetency. No one, sir, appears to have thought that the power belonged to the President, because he had a right to direct all officers appointed during pleasure; although it is clear, from the argument of Mr. Madison, that the force of that principle was very striking in its influence upon the question then directly before Congress—the right to remove the Secretary for Foreign Affairs. That eminent person said, "It is evidently the intention of the constitution that the First Magistrate should be responsible for the Executive Department. So far, therefore, as we do not make the officers who are to aid him in the duties of the said department responsible to him, he is not responsible to his country." This, sir, is very striking, but it goes no further than the duties and re-

sponsibilities of an executive department, in its constitutional sense. If the honorable gentleman can make it out that the keeping and control of the public treasury are duties of an executive department in that sense, he will gain a better support for his argument than I have yet heard.

The principle which, it seems to me, sir, must govern this question, and that which I take the liberty of stating to the House, as the only satisfactory one that has occurred to me, is this: that the right of direction, where it exists at all, results from official connexion, subordination, and responsibility, and not from tenure of office. If the duty belongs to the Executive Department, the right of direction is in the head of that department, who is responsible for the performance of all its duties. If it belongs to the Judicial Department, the right is in the heads of that department—the courts. If it belongs to the Legislative Department, the right of direction is in Congress. The direction in these several cases, by force of this principle, is in perfect harmony with the system. It proceeds from official responsibility in the principal, and official duty in the subordinate officer to follow what the principal directs. The officer is bound to obey the principal, because the principal is responsible for him in the very matter directed, and his direction is a justification to the officer who obeys him. Any other principle must produce perpetual conflict and confusion. The attempt to make a test of the removing power fails as soon as you apply it. The marshals are, as to matters of judicial cognizance, directed by the courts, to whom they are responsible, and for the proper direction of whom the courts are responsible; yet the courts do not appoint, and cannot remove, the marshals.

Sir, the question cannot well arise as to acts plainly prescribed. No one can assert an authority in the President to direct an act to be done, which the laws, or the courts in conformity with the laws, direct not to be done; nor the contrary. It arises only in regard to discretionary acts. But the same principle regulates duties of every description, and especially duties which are committed by the law to the discretion of an officer. For abuse of that discretion, if answerable to any thing but the law, he is answerable to the head of that department to which the particular duty appertains, and by that department he may be directed. The marshal is, in judicial matters, answerable to the court; in legislative matters, to Congress; and in executive matters, to the President. The Secretary of the Treasury, as it regards the Treasury, is answerable to Congress. To give the President the right of directing or controlling his discretion in such matters, is to make the Secretary responsible to the President, who is not responsible for him. This, sir, is the position upon which the doctrine I maintain may be safely placed. The President is not responsible for the duties which do not appertain to his department. His direction is no justification to the officer to whom the law assigns the duty to be performed, or to whom it has given the discretion to perform the act or not; he is, therefore, not bound to obey him, nor excusable for obeying him. Any other principle will give to the President the right of directing and controlling the discretion of every officer in the land except the judges.

The answers given to these suggestions, sir, are not satisfactory. It is said, the President has the undoubted right to remove, and may, in this way, obtain the direction. Certainly the President may thus obtain the direction of men who prefer their office to their duty; but if he removes, to obtain a power of direction where he has not the right, he violates his own duty. The power of removal ought not to be so exercised.

It is further said, that all powers are legislative, judicial, or executive. The Secretary's power is neither legislative nor judicial, and therefore it must be executive, and belong to the Executive Department. This is a confusion of language. The departments of our Government are legislative, judicial, and executive; and what does not belong to the first two, belongs to the third. But there are executive acts, that is to say, acts to be executed in the Judicial and Legislative Departments, as well as in the Executive Department. An act to be executed in the Judicial Department does not belong to the Executive Department. The question of the right of direction regards not merely the act to be done, but the relation in which it is to be done.

It is again said, that the constitutional power of the President to demand the opinion, in writing, of the officers of the executive departments, touching the duties of their respective offices, shows the dependency of these officers upon the President, and his responsibility for them. This may or may not be so; but it leaves the question, what is an executive department, in this sense, precisely where it found it.

Again: it is said that the President is bound to take care that the laws are faithfully executed. This proves too much for the argument, as, if it proves any thing, it proves that the President may direct the judges as well as other officers during pleasure. The supervisory power cannot interfere with the exercise of discretion in the Secretary, when the law gives it to him, because the faithful execution of the law consists in the exercise of his discretion; and whoever disturbs that exercise violates the law, instead of executing it. It is a power that does not enlarge the President's authority, but rather declares the result of other powers before given to him in the constitution. It is corrective, to put aside, where his power is adequate, both dishonesty and incompetency; but it is not directory nor transcendental, to bring all the officers and operations of the nation under his sway.

Finally, it is said that the power of removal is fairly applied to discharge an officer who does not do his duty; and how can this be, if the President cannot decide what is his duty, and, consequently, direct its performance? Sir, the President is responsible for the use and abuse of his power. If he exercises it fairly, to remove an officer who does not do his duty, it is well. But if the discharge is colorably for this, but really to enforce a direction which he had no right to give, he gains the power he ought not to have by the abuse of the power he has.

These are the remarks, sir, which I have supposed would show the inaccuracy of the Secretary, in that part of his letter which attributes a power over the deposites to the Executive, or to the Secretary as an executive officer. In this matter of the deposites, he is emphatically the minister or agent of Congress. He is to give reasons to Congress; and they are, consequently, to be his own reasons. The reasons of the President are not given, and would not be a justification to the Secretary, if they were. The Secretary is to give them to Congress, his principal, and not to the head of the Executive Department, to whom, in this matter, he does not sustain an official relation. It is a charter authority, and to be pursued as the charter directs. Under this charter the President has several powers, such as to appoint commissioners to receive subscriptions, to appoint directors, and to issue a writ of *scire facias*. The Secretary, also, has powers, as to require transfers of public money, and to remove the deposites, giving his reasons. It is humbly apprehended that these are different powers in relation as well as in action, and that the President cannot assume those which have not a relation to the department of which he is the head.

But how would it follow, sir, if this were otherwise, that Congress cannot remove the deposites in any event, as the Secretary avers? It would seem as if the grant to the Executive was set up as a less startling reason for denying the power to Congress, than a grant to the Secre-

tary would be; but the power is inherent to Congress. It is one of which they could not divest themselves absolutely and unconditionally. They hold it now, as they always must hold it, subject only to the right of the bank; that is to say, except so far as the charter gives the right of possession to the bank. This right of the bank grows out of her covenant to afford safety and to render service. The continuance of her right depends upon the performance of her duty. The covenant of the nation to leave the deposites with the bank, and of the bank to keep them secure, and to perform other duties in regard to them, are mutual and dependant covenants. If the bank commits a breach, the covenant of the nation is either discharged or suspended, and Congress may take care of that which is the property of the nation; and if the acts imputed to the bank were a sufficient cause of removal, Congress were as competent to decide them to be so, at the present session, as the Secretary was before. The technical doctrine of the Secretary is inconsistent with the spirit of the charter, and with the safety of the nation. It strips Congress of all power, and lodges it where there is no responsibility either to the bank or to Congress. It asserts that Congress could not reclaim the control of the deposites, under any circumstances, from either the bank or its own minister. It leads to this extraordinary consequence, that if the bank could have propitiated the Secretary to connive at the most corrupt employment of the public treasure, there would have been no remedy for it. If "offence's gilded hand" could have shoved by the Secretary, we should have seen "the wicked prize itself buy out the law." The proposition is wholly inadmissible in every possible interpretation of it.

Another proposition, sir, and the most alarming, from the great practical mischiefs which must flow from it, comes from the Secretary in the following terms: "That the power reserved to the Secretary of the Treasury does not depend for its exercise merely on the safety of the public money in the hands of the bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposites, and it is his duty to remove them, whenever the public interest or convenience will be promoted by the change." In another part of his letter, the Secretary of the Treasury says that it is his duty to remove the deposites "whenever the change would in any degree promote the public interest." And again he says: "The safety of the deposites, the ability of the bank to meet its engagements, its fidelity in the performance of its obligations, are only a part of the considerations by which his judgment must be guided. The general interest and convenience of the people must regulate his conduct."

The application of this doctrine to the present power of the Secretary over the deposites in the State banks may be seen from another part of the letter. The Secretary says: "The law incorporating the bank has reserved to him, in its fullest extent, the power he before possessed. It does not confer on him a new power, but reserves to him his former authority, without any new limitation." Consequently, it is the Secretary's apprehension that he now has the same power over the deposites in the State banks, which he claims to have had over the deposites in the Bank of the United States; and it is this which makes the subject worthy of the special attention of the House.

Sir, it is an abuse of language to call the charter direction as to the deposites a contract, if this be the Secretary's power. It has none of the features or binding force of a contract. It is wholly dependant on his mere favor, pleasure, opinion; upon any thing short of, and indeed not short of, the most fantastic caprice. The bank has no contract with the nation under this construction; and, sir, when I regard the necessary effects of the asserted power upon the nation at large, the interests of the bank disappear; she ceases to be an object of the least consideration. What are convenience and interests? Where are they defined? What acts promote them? What is any degree of them? What law has made the Secretary of the Treasury a judge of them? This nation and this House are variously divided in regard to almost all the topics of general convenience and interest that are discussed before them; and here is a challenge of the right, by a single officer of the Government, to direct the momentum of the whole revenue of the United States to the support of what he thinks fit to regard as the general interests and convenience of the people; and he challenges it as the power with which his office has been clothed since its creation. A more extravagant proposition has never, in my humble judgment, been asserted; and it is as unsound in reference to the subject to which it is applied by the Secretary, as it is dangerous to the liberty and welfare of the country. The question of general convenience and interest, in regard to the public deposites, was settled by Congress when they agreed that the bank should have them; and it was settled for the whole term of the charter. The Secretary has nothing to do with it. The power of removal was given to him to be exercised for the promotion of a particular interest, or the remedy of a particular mischief, and for nothing else. General convenience and interest are results with which Congress have never trusted him, or meant to trust him, or any body but themselves.

The authority given by the charter to the Secretary of the Treasury is official, and not personal; and, by necessary implication, it is limited by the sphere of his office. His powers and duties are fiscal, and the functions of his office are the index to the reasons for which, and for which alone, he has authority to remove the deposites. His reasons must grow out of his relations to the bank, to the treasure in its custody, and to the collection and disposition of that treasure, which the law confides to him. If the deposites are not safe, his official connexion with the bank will apprize him of it; he has the means of ascertaining it by the returns made to him; and by examination of the general accounts of the bank, if he is not satisfied with the returns. If the bank does not perform its duties to the Government, of paying and transferring the public funds, the Secretary knows it, because he is the officer to direct the service, and to watch over the performance. And, beyond this, what official authority has the Secretary? What official duties does he perform that can instruct him with reasons for the removal of the public deposites? Sir, he must leave his office before he can obtain them, and enter into departments which do not belong to him; he must take charge of interests that have not been confided to his office. I have stated to the House why these reasons have not been explicitly defined in the act, and that it was to continue a control over the treasury, which Congress thought might be impaired if the conditions of its exercise were more explicitly stated. In the eye of a court, there is discretion, regulated by an appeal to Congress. In the contemplation of Congress, there is limited power, regulated by the duties of the Treasury Department, in its relations to the bank. Sir, it is a stain upon the Congress that incorporated this bank—it is a stain upon the first Congress that organized the Treasury Department—to say that they placed in the power of unknown men, for an indefinite period, and for a period of twenty years, without the right of recall, the whole revenue of the United States, to be used as the Secretary should think the general convenience and interest of the public required. Is it so, sir? And will this House affirm this proposition of the Secretary? Let the nation look to it. If it should be the Secretary's opinion that it is for the general convenience and interest of the people that manufactures should decline and die away, he brings a dearth upon the land--he draws the public treas-

ure to another quarter—and they perish. If internal improvements are not to his mind—if Pennsylvania wants a loan—if New Jersey requires funds, to assist them—if there is any proposed rival interest which would be promoted by their decline—his mandate to the State banks, in promotion of general convenience and interest, consummates the design. The currency is his, to regulate at his pleasure, and every thing dependant on it. Sir, if this theory of the Secretary be true, it was the duty of the Bank of the United States, it is the duty of the deposite banks, to submit to his pleasure. If his power is constitutionally and legally what he asserts it to be, it is the duty of the banks to become his slaves. If all this power over the treasury is his lawful power—if he is the arbiter of general convenience and interest—if the Executive is the only head to direct and control him—it is a theory of universal subserviency to the Executive, for the profits that are to spring from the application of the public treasure. It never occurred to me, sir, that men, treading the soil of a republic, would present such a doctrine for the review and sanction of Congress.

It has been said that both Secretary Crawford and Secretary Ingham have asserted a similar doctrine. Sir, without meaning the least disrespect to those officers, I may be permitted to say, that arguments in favor of power are not entitled to most consideration when they come from those who are to exercise it. A Treasury argument, in favor of Treasury power, is not quite as much to be relied on as an argument for the same power even from some other department. But, sir, the authority is not exactly as it is apprehended to be. In regard to Mr. Secretary Ingham, there seems to have occurred one or two animated passages between himself and the president of the bank, in the course of which a menace was let off as to the use of the public deposites, for a certain purpose, or in a certain event; but nothing to the effect threatened occurred. Mr. Secretary Crawford did act, but I do not admit that his action sustains the present Secretary; or, if it does to a small extent, its effect is taken off by the opinion of a commitee of this House, of whose report a part was read the other day by the honorable member from Tennessee. The Secretary of the Treasury was invested, by the joint resolution of 30th April, 1816, with the largest powers, to cause the taxes and other moneys accruing, or becoming payable to the United States, to be collected and paid in the legal currency of the United States. He was required and directed to adopt such measures as he might deem necessary; and there can be no doubt that such an authority gave to that officer a power, which, since the entire and effectual restoration of specie payments, has ceased to exist. The history of the disposition of the public moneys by Mr. Secretary Crawford, who came into office in the fall of that year, is given in the report of the committee upon the memorial or address of Ninian Edwards, made to this House in May, 1824. There appear to have been in the year 1818, and afterwards, two descriptions of acts by Mr. Crawford affecting the public deposites. One of them consisted in using certain State banks to the West as depositories of the public money, for the sake of the revenue itself, and because the Bank of the United States would not receive on deposite, as cash, any thing but the legal currency of the country or its own notes, in which the large receipts of the United States could not at that time be collected. There consequently were cases in which the deposites could not be made in the Bank of the United States, because the bank would not receive them in that form alone in which the Treasury could make them. It was not, as I apprehend, a case of omission to deposite the public moneys in the Bank of the United States, but an omission to deposite in that bank moneys which the bank would not receive, and was not bound to receive as moneys at all, because, although nominally they were the notes of specie-paying banks, substantially they were not such notes as the bank thought it could convert into specie. This was not a case of exercise of power under the 16th section, but a case of necessity, arising from the lawful refusal of the bank to receive the deposites in the only form in which the Treasury could make them. The other acts referred to were of a different kind, and they consisted of such dispositions of the public money as Mr. Crawford, in his letter of 13th February, 1817, cited by the present Secretary of the Treasury, says he has authority to make: that is to say, deposites made with State banks, to sustain their credit. Upon this point, the committee explicitly say that "this is no legal employment of public funds; it is nothing but a gratuitous loan," which, certainly, the Secretary was not authorized to make, whatever was the practice. It was precisely of the same character as the transfer drafts, which appear to have been placed, by direction of the present Secretary, in different hands, during the removal of the public deposites from the Bank of the United States, and which are liable to precisely the same criticism. The authority of Mr. Secretary Crawford, therefore, does not seem competent for the purpose for which it has been cited.

The fourth and last general proposition of the Secretary is that which asserts, that, as the propriety of removing the deposites was evident, it was consequently his duty to select the places of present deposite. Sir, on this point I do not mean to ask any considerable attention of the House; for, although I hold the act of the Secretary to be against the law of Congress, and one from which the most critical consequences may result, it is not altogether, as I learn, without the countenance of a previous Treasury practice, and I mean not to press it to any other purpose than as a caution to be adverted to in the disposition of the general subject. The authority of the Secretary of the Treasury, under the 16th section of the charter, is not to remove the deposites, as his letter supposes, but merely to order and direct that they shall not be made in the Bank of the United States. When the deposite in that bank ceases to be lawful by the order of the Secretary, the general law takes up the subject, and that law gives to the Treasurer the power which the Secretary has undertaken to exercise. The 4th section of the act of 2d September, 1789, is entirely explicit, "that it shall be the duty of the Treasurer to receive and keep the moneys of the United States,"—"to submit to the Secretary of the Treasury, and to the Comptroller, or either of them, the inspection of the moneys in his hands," and to give bond, with sufficient sureties, in the sum of $150,000, payable to the United States, "with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed." It is the Treasurer who is to choose the place of deposite; and he is the best officer in theory, as well as the only officer by the law, to perform the act; because the doctrines of general convenience and interest are not so likely to reach him. His object will be security, and his bond is the motive for obtaining it. If there is a Treasury practice that has displaced the Treasurer, the practice should be made to conform to the law, or the law to the practice. As the case now stands, the money of the United States is not deposited where it is by direction and under the sanction of the law. It is placed in the deposite banks by an officer who has not the authority so to place it; and, in case of controversy, it may possibly be found, not only that the bond of the Treasurer is of no avail, but that remedies for the loss or detention of the deposites are not to be obtained in the name of the United States, or in the courts of the United States, but in private names and in State courts, with all the contingencies incident to litigation in this form. Whatever may be the practice, it is not becoming, sir,

that the treasury of the United States should be in any predicament but that precisely in which the law has given its direction to place it.

These general propositions of the Secretary are, then, I submit to this House, one and all of them, unsound, and without foundation in law; and some of them are pregnant with most alarming consequences to the public safety and welfare. If his particular reasons are dependant on them, as they doubtless are, they fall with their foundation; and they have, moreover, peculiar defects of their own, as will be seen by the details of more interest to which their consideration will give rise.

Sir, the Secretary admits that the public deposites were safe in the Bank of the United States. He admits that the bank has faithfully performed its duty to the Government in every stipulated form. He admits it, by the clearest implication, in various parts of his report to Congress, and places the order of removal upon entirely distinct grounds. The only valid causes of removal are, then, in my humble judgment, wanting; and, if all the particular causes asserted by the Secretary could be sustained in fact and law, they would fall short of a justification. They will, however, be found, one and all, to be without support.

Sir, the first and principal reason for the order of the Secretary is, that the present charter of the bank will expire in March, 1836, and that it is not to be renewed. I do not mean to detain the House with a commentary upon the novel spectacle of a Secretary of the Treasury instructing Congress upon the subject of his constitutional opinions in regard to the charter of the bank, or upon what they will or will not think fit themselves to do in regard to the renewal of the charter. For the purposes of this inquiry, I grant that the charter is not to be renewed. The question is, how does that circumstance justify the present removal?

The manner in which the Secretary develops his reasoning on this head is as striking as it is plain and intelligible. He begins by an averment, that, if the deposites should be left in the bank until the expiration of the charter, it may be doubted whether the bank will have the ability to be prompt in paying them to the Government. He proceeds to suggest that the circulation of the bank, moreover, if it continues out till that time, will become a depreciated currency, not merely by the character of the paper, but by the cessation of the public guarantee; that the bank should be made to reduce her circulation, by reducing her discounts; that the removal of the public deposites will compel her to make this reduction; and that the State bank circulation being pushed out, in its place, by means of these deposites made elsewhere, the notes of the Bank of the United States will be withdrawn, and a currency probably more uniform be substituted in its place.

Sir, whatever may be the merits of this plan, there is no doubt that it is perfectly intelligible. It is an operation we are acquainted with. We know what it means, and what it is to bring to pass. But the question in this place is, what right had the Secretary to take the public moneys from the Bank of the United States, because its charter was to expire in March, 1836? What authority did Congress mean to give him over the deposites, from the simple fact of lapse of time? I confidently assert, none whatever. There was no contingency in the circumstance. It was matter of fatal necessity. It must occur; and the Secretary could not be better informed that it had occurred in 1833, than the Congress which granted the charter in 1816 were then informed that it would occur. Sir, it was just as well known in 1816 as it now is, that the 1st of October, 1833, was separated by two years and five months from the 1st of March, 1836; and if lapse of time had not been deemed an inadequate cause for the removal, Congress would themselves have ordered the deposites to be removed at the time they thought proper, and have made the removal at that time a matter of positive enactment, and not of contingency. Now, Congress have not only not done this, but they have done the contrary. They have chartered the bank for twenty years; they have bound her to perform services for twenty years; and they have ordered the deposites to be made in her vaults, by necessary implication, for the whole period, subject to the contingent exercise of the power of removal. It is a violation of the charter, without reasonable color, for the Secretary to make that removal upon the ground of mere time; and such is the ground his letter occupies, without reference to any contingency whatsoever.

The Secretary has wholly overlooked the provision in the charter which allows two years to the bank for winding up its concerns after the 3d March, 1836. That provision runs: "And notwithstanding the expiration of the term for which the said corporation is created, it shall be lawful to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of their estate, real, personal, and mixed; but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding two years after the expiration of the said term of incorporation."—Sec. 21.

"As the act of Congress," says the Secretary, "which created the corporation, limits its duration to the 3d of March, 1836, it became my duty, as the Secretary of the Treasury, in executing the trust confided to me under the law, to look to that period of time as the termination of its corporate existence." "It was incumbent on me, in discharging my official duties, to act upon the assumption that this corporation would not continue in being after the time above specified." Now, sir, the corporate existence is not so limited as the Secretary has felt it incumbent on him to assume. It is to continue two years more, for the very purpose of enabling it to do that which the Secretary says shall be done before. There is no one operation which he wishes to compel the bank now to perform, that she cannot most appropriately perform in the additional two years. She may diminish or reduce her discounts in any ratio she deems fit, five per cent. or ten per cent. a month, or more or less, as circumstances may require. She may possibly bring in her circulation, in the same proportion; though that depends on the pleasure of the holder. She may do every thing she now does, but expand herself after having closed or liquidated a transaction. She cannot make a new loan, but she may continue in force the existing contracts, or settle and liquidate them, as she may deem expedient. Sir, not only has the bank the right to keep out her circulation, and to keep up her discounts during the whole term of the charter, which right she has purchased and paid for, but it is her duty to do it, unless she is disabled by the act of the Secretary. It was her promise in accepting the charter. Her duty to trade is to assist it; to her stockholders, it is to make an interest upon their capital; and, above all, her duty to the nation is to keep within the limits of safety, by due control and regulation, the very State bank paper which the Secretary desires to augment. For these duties, in addition to the greater design of securing and distributing the public revenue, the bank was created, and is bound to their performance as long as she can perform them with safety to herself and to the country.

Sir, the project of the Secretary of the Treasury astonishes me—it has astonished the country. It is here that we find a pregnant source of the present agony; it is in the clearly avowed design to bring a second time upon this land the curse of an unregulated, uncontrolled, State bank paper currency. We are again to see the drama which already, in the course of the present century, has passed before us, and closed in

ruin. If the project shall be successful, we are again to see these paper missiles shooting in every direction through the country—a derangement of all values—a depreciated circulation—a suspension of specie payments; then a further extension of the same detestable paper—a still greater depreciation—with failures of traders, and failures of banks, in its train—to arrive, at last, at the same point from which we departed in 1817. Suffer me to recall to the recollection of the House a few of the more striking events of that day. The first Bank of the United States expired in March, 1811. Between the 1st of January, 1811, and the close of the year 1814, more than one hundred new banks were established, to supply this more uniform and better currency. For ten millions of capital called in by that bank, twenty millions of capital, so called, were invested in these. In the place of five and a half millions, about the amount of circulation in notes of that bank withdrawn, twenty-two millions were pushed out. Then came a suspension of specie payments, in August and September, 1814. As an immediate consequence of this suspension, the circulation of the country, in the course of fifteen months, increased fifty per cent., or from forty-five to sixty-eight millions of dollars; and the fruit of this more uniform currency was the failure of innumerable traders, mechanics, and even farmers; of one hundred and sixty-five banks, with capitals amounting to thirty millions of dollars; and a loss to the United States alone, in the negotiation of her loans, and in the receipt of bankrupt paper, to an amount exceeding four millions of dollars. I take this summary from the Treatise of Mr. Gallatin on the Currency and Banking System of the United States, one of the most valuable contributions that great sagacity and an enlightened spirit of research have made to the political literature of this country, and which it is one of the sins of the present bank that she has endeavored to diffuse among the people. This may enable us to apprehend what was lost, in the item of property alone, by this better currency. What it cost us in reputation, it is impossible to estimate. Does Kentucky wish to see the return of those days? Does Pennsylvania wish it? Does any man wish it, who has property, or the desire to possess it, and reason to discern the causes of its decay and destruction? I thank the Secretary for the disclosure of this plan. I trust in God it will be defeated; that the Bank of the United States, while it is in existence, may be sustained and strengthened by the public opinion and interests of the people to defeat it; that the sound and sober State banks of the Union may resist it, for it is their cause; that the poor men and laborers in the land may resist it, for it is a scheme to get from every one of them a dollar's worth of labor for fifty cents, and to make fraud the currency of the country as much as paper. Sir, the Bank of the United States, in any other relation than to the currency and property of the country, is as little to me as to any man under heaven; but after the prime and vigor of life are passed, and the power of accumulation is gone, to see the children stripped, by the monstrous imposture of a paper currency, of all that the father's industry had provided for them—this, sir, may well excuse the warmth that denounces this plan as the precursor of universal dismay and ruin.

I have said, sir, that it is the cause of the sound and sober State banks that I am defending. When the evils of such a currency prevail, the people do not discriminate. A bank note is a bank note. Fear gives them all the same look to the apprehensive. If a few banks suspend their specie payments, many will do it; all must do it, unless they see the storm in its approach, and close their doors until its fury be spent. The Bank of the United States herself may well look for that day, if it comes in her time, with fear. Let her not be weakened before the hour of her trial. I should regard that man, sir, as one of the greatest benefactors of his country, who would devise, for the use of this people, some control over the paper currency of the State banks, and relieve us from the perpetual recurrence of constitutional doubts and party contention, to which the career of a Bank of the United States seems necessarily exposed. Control of some kind is essential—it is indispensable; there can be no property, or, what is the same thing, no security or uniformity to its value, without it. Let us have a respite from the evil while the law will give it to us. Let us not be turned off before the warrant of execution calls for it. Let two years more be given to sober reflection by the people, that there may be a *locus penitentiæ* allowed to those who are now proposing this plan, without suggesting the means of control, or appearing to think that they are necessary.

But, sir, the Secretary says that the deposites will not be promptly paid, if they are left in the bank until the charter expires, and it is his duty, therefore, not to leave them there. What is it that it is apprehended will cause this default? Does the Secretary suppose that private deposites will continue in the bank to the same time, and, by their demands, interfere with the payments to the public? If individual deposites do not remain, all will be admitted to be well. The public deposites will be paid then, as they are now paid, promptly. If the private deposites do remain, and the bank notes continue in circulation to their old amount, then, sir, let the Treasury, for once, trust to the instinct of self-interest in the people, and believe that what all concur in doing for themselves, when they have the readiest means of doing otherwise, if they please, cannot be very dangerous to the public. Sound reasoning and experience alike expose this Treasury apprehension. A bank, having the resources that the Bank of the United States is admitted to have, when she arrives at the term of her charter, increases, from that moment, in strength; because her capital is then to be returned to her, and her debtors have been previously admonished that they must then be prepared to return it to her. Other banks may then assist, by their expansion, the liquidation of her debts; and they may do it safely, to a considerable extent, as she cannot have, or, if she has, she cannot exercise, a power to distress them by her demands, without combining a vast force of public opinion against her, that will effectually resist her. To ask of the State banks what it must distress them to give, and what is not necessary to the United States Bank for operations then discontinued, would be as idle in her as the apprehension of it is in others. It cannot occur. There must be a reasonable arrangement between the United States Bank and all the State banks who assist in absorbing her loans, to prevent or to mitigate the distress that the withdrawing of a large capital would otherwise occasion. This, therefore, is the moment when the Bank of the United States will have the greatest power for her own protection, without having it for the annoyance of the State banks; and, unless there is a general crash, which shall make deposites unsafe every where, they will be as safe in the Bank of the United States as they can be any where.

Sir, this is the result of experience, derived from an operation which the Secretary of the Treasury has strangely overlooked.

The honorable member from Tennessee, in the course of his argument, made one remark, which, not being at all necessary in the consideration of the present question, I may be excused for saying was a remark which I regretted. The gentleman took occasion to say, that the first Bank of the United States was charged with having been given over to political abuses and to the aid of the aristocracy, in opposition to the Government of the country; and that, in this respect, the present bank had followed in her steps.

Sir, I owe a debt to the directors of that first bank

which it would ill become me not to endeavor to discharge, in part, on such an occasion as this. I am indebted to those gentlemen for having first held out their hand to me in the path of my profession. With such of them as have passed away, I lived in unbroken friendship and affection till their death, and the few who remain are equally worthy of the sentiment. I should feel it to be an abandonment of my duty if I did not deny the imputation which has been cast upon them, not by the gentleman from Tennessee, but by those whom he quotes. I was a director of that bank during the last years of her charter, when I was too young to govern her councils, though not to understand them; and, as one of those directors, I have assisted in liquidating her concerns. Sir, the directors of the parent bank (I know nothing of the branches) were a body of as honorable men, as impartial, and as faithful to their trust, as any men that ever lived. There was not a politician at their board, nor a man who gave up himself to any thing but the performance of duty to his trust. At their head was a gallant soldier, who, during the war of the revolution, was a prisoner to the enemies of his country, and who, a few years since, descended to his grave, esteemed and respected by all who knew him, most of all for his rectitude as well as fearlessness of purpose, in the execution of every trust he undertook. Sir, I know the bank was charged, as the gentleman states, but the charges were unjust and untrue. From whom or why she received the bad name for which she was hunted down, it does not concern the present question to inquire.

It is the history of the liquidation of this bank that the Secretary has overlooked, and it is the most triumphant answer to his doctrine of default and depreciation. Her charter expired on the 3d March, 1811, when her corporate existence ceased at once and forever.

On the 1st January, 1811, her situation was as follows:

The amount of her notes discounted and loans was		$17,759,001
Public deposites,	$6,474,402	
Private deposites,	3,855,402	
Notes in circulation,	6,070,153	
Specie,		5,317,885

On the 1st March, 1811, it was as follows:

The amount of discounts and loans,		$14,587,134
Public deposites,	$2,874,833	
Private deposites,	3,583,596	
Notes in circulation,	6,552,875	
Specie,		4,835,702

On the 1st September, 1811, it was as follows:

The amount of discounts and loans,		$7,152,786
Public deposites,	$322,349	
Private deposites,	448,112	
Notes in circulation,	2,963,209	
Specie,		4,500,527

And on the 1st March, 1812, it was as follows:

The amount of discounts and loans,		$3,792,975
Public deposites,	$81,517	
Private deposites,	223,442	
Notes in circulation,	1,070,459	
Specie,		6,116,776

Thus, from the 1st March, 1811, two days before the charter expired, to the 1st September, 1811, the bank paid, as the above statements show—

Public deposites,	$2,552,484	
Private deposites,	3,135,484	
Bank notes,	3,589,566	
		$9,277,534

And her specie fell only $335,175.

From the 1st March, 1811, to the 1st March, 1812, she paid—

Public deposites,	$2,793,316	
Private deposites,	3,360,154	
Bank notes,	5,482,416	
		$11,635,886

And her specie increased from $4,835,702 to $6,116,796, being an increase of $1,281,074.

Comparing her capital with that of the present bank, which is three and a half times greater, the present bank might stand with equal safety on the 1st of January, 1836, with the following discounts and liabilities:

Notes and domestic bills,	$62,156,503
Notes in circulation,	21,245,530
Public deposites,	22,660,407
Private deposites,	13,493,907

Whereas, on the 1st of October, 1833, the discounts and liabilities of the present bank were as follows:

Notes and domestic bills,	$60,094,202
Notes in circulation,	19,128,189
Public deposites,	9,868,434
Private deposites,	8,008,862

In one particular, and only in one, was the provision of the first bank better, for the day of trial, than that of the present bank. Her specie, on the 1st of January, 1811, was $5,317,585, being more than equal to one-half of her capital; while that of the present bank, on the 1st of October, 1833, was $10,663,441—a little more than two-sevenths of her capital. The specie of the first bank had been greatly augmented by importations under the royal orders from the Spanish colonies, which the embargo and other restrictions had prevented from going abroad; but it was increased instead of being diminished by the liquidation of her concerns. So much, sir, for the probability of default in paying the public deposites. As to depreciation of her notes, which the Secretary also apprehends: if the notes are to depreciate because they will be paid on presentation, because the quantity in circulation will be daily diminished, because the residue outstanding will be of increased value as exchange, and because, unless Congress shall pass a law to the contrary, the public guarantee will continue, then, but not otherwise, the Secretary's fears may prove true. Sir, the Secretary has erred, even as to the matter of the guarantee. The letter of the Secretary says that "this obligation on the part of the United States will cease on the 3d of March, 1836, when the charter expires; and as soon as this happens, all the outstanding notes will lose the peculiar value they now possess." The fourteenth section of the charter says otherwise. It says "that the bills or notes of the said corporation originally made payable, or which shall have become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by an act of Congress." They will be notes of the said corporation as much after the charter expires as they now are.

But, sir, this apprehension of the non-payment of the public deposites, if left in the bank until March, 1836, will appear, from another paper presented by the same department to this House, to have been changed into an apprehension that, at that time, there would be no deposites any where to be paid. "Judging from the past," the Secretary's letter says, "it is highly probable they will always amount to several millions." But a reference to the past, only, is not the best way of ascertaining what, under our altered revenue system, will be its amount. Accordingly, in his annual report on the state of the finances, made in the last month, the Secretary judges otherwise than by a reference to the past. I ask the attention of the House to a few extracts from this report.

The balance in the treasury on the 31st of December, 1834, is estimated to be $2,981,796 05.

The Secretary, after the statement which he deems necessary to justify this result, proceeds to say:

"In this view of the receipts of 1834, the income of the year will about equal the estimated expenditure; and, with the aid of the balance in the treasury on the 1st of January next, it will be sufficient for all the wants of the Government, including the amount necessary to pay off the residue of the national debt."

He further says: "If the entire amount of appropriations proposed in the estimates for 1834 were also to be required within the year, there would not be money enough in the treasury to meet them, after satisfying the balances above stated, and paying off the public debt."

He says further: "In estimating the balance in the treasury at the close of 1834, I have therefore assumed that a portion of the estimates of expenditures herewith submitted will not be used during the year; and that balances of appropriations, equal to the amount at the close of the present year, will, in like manner, remain in the treasury at the end of the year 1834, and go into the expenses of the succeeding year; and it is not necessary to raise money for the public use sooner than it will probably be needed. But the balance stated at the end of 1834 is not to be considered as a clear surplus. It will still be chargeable with the amount of appropriations estimated to remain unexpended at that time.

"From this state of the finances, and of the proposed appropriations, it is evident that a reduction of the revenue cannot, at this time, be made without injury to the public service. Under the act of the last session, the receipts of 1835 will be less than those of 1834, as a further reduction in the rate of duties will take effect on the 1st of January, 1835; and if the appropriation should be kept up to the amount authorized for the present year, the charge upon the treasury in 1835 would be more than it could probably meet. But the debt will then have been entirely paid; and, if a guarded rule of appropriation is at once commenced, there will be no difficulty in bringing down the expenditure, without injury to the public service.

"If the revenue is not to be reduced more than the existing laws provide for, there seems to be no sufficient reason to open, at this time, the vexed question of the tariff. The manner in which duties are now apportioned on different articles would be liable to insuperable objections, if it were to be considered as a settled and permanent system. But the law is temporary on the face of it, and was intended as a compromise between conflicting interests; and, unless the revenue to arise under it should hereafter be more productive than is anticipated, it will be necessary, in two years from this time, to impose duties on articles that are now free, in order to meet the current expenses of the Government."

The existence of the several millions in the treasury in March, 1836, is therefore to depend on the future action of Congress upon the report of the Committee of Ways and Means; and if the existence of any public money in any bank at that time is to depend on the future action of Congress, how could that constitute a motive for removing the deposites in October, 1833?

The Secretary of the Treasury presents another reason for withdrawing the deposites on the 1st of October, which is very remarkable. If I understand the Secretary, he makes the removal in October a consequence of the reductions by the bank in August and September. The remarkable feature of this reason is, that the very effect he intended to produce by the removal, and which, if the bank did reduce, was produced by the known intention of removal, is preferred as the ground of complaint against the bank, and as the justification of the removal. He complains of the bank, because she acted as if she meant to carry his design into effect; and he removes the deposites because the bank took measures to prevent the removal from distressing her. The amount of reductions in August and September, as the Secretary states them, was $4,066,146, or $2,000,000 per month; and, as her discounts and bills in August were $64,000,000, there is a simple rule in arithmetic by which we may ascertain the monthly reduction necessary to effect the Secretary's object during the thirty-one months of the charter which then remained. It is clear, sir, that the monthly reduction must be more than two millions; and now that the deposites are removed, and we are in the month of January, when the loans and bills stand at about $55,000,000, the monthly reductions of the bank for the twenty-six remaining months of the charter must be more than $2,000,000, or the object which the Secretary meant to effect will not be accomplished. It is remarkable that the apparent coincidence of the bank with the design of the Secretary should be a ground of complaint against the bank.

The Secretary says, and gentlemen concur with him in saying, that the bank has reduced too rapidly. Suppose it to be so; did the Secretary inform the bank what amount of reduction he thought sufficient? Did he tell them of the amounts to be from time to time removed, and the places at which they would be required? No. He says that "the nature of the inquiry at the four principal banks" (of which the bank knew nothing) "showed that the immediate withdrawal, so as to distress the bank, was not contemplated; and that if any apprehensions to the contrary were felt by the bank, an inquiry at the department would, no doubt, have been promptly and satisfactorily answered." What, sir! was the bank to come to the Treasury Department to ask for the suspension of a demand, which she was bound to be in readiness to pay whenever made? Is this to be said while the sound of the honorable member's voice upon the subject of the three per cents is still in our ears?—while this House has in its fresh recollection the charge against the bank, that she asked in March a suspension of the discharge of half the three per cents, from July to October, 1832, "because the bank was not able to pay them?" No, sir; that was sufficient warning to Mr. Biddle not to approach the department upon the subject, even had he been invited; and, if he had approached it, under any circumstances, we should have heard again the same changes rung upon the inability to pay the deposites that we have heard in regard to the three per cents. The master of the removal was in the Treasury. The time and proportions depended upon him; and, if his concern for the country was excited, if the reductions of the bank were too rapid according to the Treasury views, the remedy was in the power of the Treasury, and should have been applied.

Sir, the Bank of the United States acted wisely and warily in August and September. Although the removal of the deposites did not take place until the 1st of October, the intention to remove was fully known in July. The agency to negotiate with the State banks was announced in the Globe on the 25th of July; and, whatever the public might think, it was not for the bank to act in any other faith than that the purpose would be immediately and relentlessly executed. It was the clear duty of the board to prepare itself without a moment's delay. The position of the bank was every where known to the Treasury Department by the weekly statements. Her widely dispersed branches were to be strengthened wherever they required it. Her circulation was large, and she was in the practice of assisting it by an almost universal payment at all points, without regard to the tenor of the notes. The House may judge of the extent of accommodation which the bank was in the practice of giving, by the thirty-nine millions of these notes paid out of place in the year 1832. They may know it further by the fact, that, of these branch notes, $1,540,000 were paid at the Bank of the United States in Philadelphia, during the very months of August and September, 1833.

This circulation was to be sustained and increased, to be still more facilitated, as it since has been, to keep the people and the bank from feeling the consequences of the measure. All this required that the bank should not sleep upon her post. The least dishonor suffered by that bank would have produced universal disorder in the country.

I understand the honorable member from Tennessee to say that the reductions by the bank, in August and September last, were greater than they ever had been in any other two months since her institution. I join issue upon this allegation. They have been greater in other months, and they were greater in the very same months of the preceding year.

In August and September, 1833, the amount reduced was, - - - - - -	$4,066,146
In August and September, 1832, it was	4,315,678

being the difference between $68,008,988, the discounts and domestic bills in August, 1832, and $63,693,310, their amount in October; and yet there was no alarm whatever in 1832. There was, moreover, a greater reduction, by a million and a half, from July to October, 1832, than there was between the same months in the present year, and without any distress or alarm.

The discounts and bills in July, 1833, were	$63,369,897
The discounts and bills in Oct. 1833, were	60,094,202
Reduction, - - -	$3,275,695
The amount in July, 1832, was -	$68,416,081
The amount in October, 1832, was -	63,693,310
Reduction, - - -	$4,722,771

There was a greater State bank debt in October, 1832, than in the same month, 1833; and yet there was no alarm. In October, 1833, it was $2,285,573, and in October, 1832, it was $2,820,114. The reason of the difference may possibly show to gentlemen that mere reduction is an insufficient element for determining the pressure in the market. In October, 1832, the payment of the three per cents was to restore to the community a portion of the sums called in by the bank. In October, 1833, the deposites were to go where individuals must have a less beneficial use of them, and where they could have no use of them, except as the State banks should choose to lend upon them.

Nor did the whole reduction, from October to December, 1833, cause the existing distress. It is well, sir, to present these details, that the House may reflect upon them, and learn how far the Secretary is responsible for the condition of the country. The bank paid out, in the two months of October and December, $246,766 more than she received from the community.

Receipts.

In October, 1833, her discounts and bills were - - -	$60,094,202	
In December, they were -	54,453,104	
		$5,641,098

Payments.

In October the public deposites were -	$9,868,434	
In Dec. they were,	5,162,259	
		$4,706,175
In October the private deposites were -	$8,008,862	
In Dec. they were	6,827,173	
		1,181,689
		5,887,864
Excess of payments over receipts, -		$246,766

Nor was the reduction by the Bank of the United States, in the month of December, the cause of the distress.

In Dec. 1833, the discounts and bills were	$54,453,104
In January, 1834, they are - -	54,911,461
Showing an actual increase of -	$458,357

Yet, in that month, the public and private deposites were paid to the extent of $1,024,058. Yes, sir, in this very month, when it has been said that the bank had grasped the debtor's throat, to compel an outcry to Congress for the return of the deposites, the bank extended her loans nearly half a million of dollars, while she paid more than a million of her deposites.

Nor was the entire reduction in the four commercial cities, from October, 1833, to January, 1834, the cause of the prevailing distress.

In October, 1833, the loans and bills in those places were as follows:

Philadelphia, - - - -	$7,156,487
New York, - - - -	6,180,883
Boston, - - - -	3,965,283
Baltimore, - - - -	2,033,318
	$19,335,971

In January, 1834, they are as follows:

Philadelphia, - - - -	$7,979,233
New York, - - - -	5,970,055
Boston, - - - -	2,316,034
Baltimore, - - - -	1,954,045
	$18,219,367

making $1,116,604 reduction in the four cities during the three preceding months.

The causes of the alarm and general paralysis are not to be found, then, in the conduct of the Bank of the United States. They are to be sought for and found in the removal of the deposites; in the universal derangement of the money system of the country by that means; in the just refusal of the United States Bank to extend herself to her own undoing, or to keep herself unprepared for the coming storm, by remaining as extended as she was; in the inability of the State banks to use the deposites as beneficially as they were used before; and in the refusal of capitalists to lend their money and adventure their property in the face of a project to overwhelm the country with an uncontrollable State bank paper currency.

What, sir, does the Secretary of the Treasury expect of the bank? What measure of justice does he render to her? He says, the design of removing the deposites was to compel reduction, and he censures her because she reduces. He complains that she increased her discounts and domestic bills, from December, 1832, to August, 1833, more than two millions and a half, when this was the very season in which trade requires the increase, and it was wholly in the purchase of domestic bills. He complains that she reduced her discounts, in August and September, 1833, four millions of dollars, when this is the very season of payment, when trade does not require the means, and three millions of the amount was by the payment of domestic bills which had arrived at maturity. He complains of the increase of loans in December, 1830, when they were $42,402,304; and he complains of reductions in August, 1833, when they were twenty-two millions more, viz: $64,160,349. He complains of reductions in 1833, when, in the whole, from June to December, they have been but $610,508 more than they were in 1832; and the bank has had also to pay the public deposites.*

*The statements which verify these positions may be more intelligibly placed in a note, than in the body of the argument, as they were stated to the House.

Sir, it is clear that the bank must abide the reproaches of the Secretary, whatever she does. But what has she not a right to expect from this House; from the people, from the solid State banks, from all who are concerned in the currency, and the property it circulates? Their safety depends on her pursuing the course she has traced out, from which neither the reproaches of enemies nor the entreaties of friends should divert her. For the former, I have no apprehension; and for the latter, although I entertain some fears, I trust that an answer will always be found by the able board which administers the concerns of the bank in the superior claims of public duty.

The Secretary asserts, sir—and it seems to be a favorite assertion, as it is to be found in more than one place in the letter—he asserts that the bank has violated the charter. He says that, "instead of a board constituted of at least seven directors, according to the charter, at which those appointed by the United States have a right to be present, many of the most important money transactions of the bank have been, and still are, placed under the control of a committee, denominated the exchange committee, of which no one of the public directors has been allowed to be a member since the commencement of the present year. This committee is not even elected by the board, and the public directors have no voice in their appointment. They are chosen by the president of the bank; and the business of the institution, which ought to be decided on by the board of directors, is, in many instances, transacted by this committee; and no one has a right to be present at their proceedings but the president, and those whom he shall please to name as members of this committee. Thus loans are made, unknown at the time to a majority of the board, and paper discounted which might probably be rejected at a regular meeting of the directors. The most important operations of the bank are sometimes resolved on and executed by this committee; and its measures are, it appears, designedly, and by regular system, so arranged as to conceal from the officers of the Government transactions in which the public interests are deeply involved. And this fact alone furnishes evidence too strong to be resisted, that the concealment of certain important operations of the corporation from the officers of the Government is one of the objects which is intended to be accomplished by means of this committee. The plain words of the charter are violated, in order to deprive the people of the United States of one of the principal securities which the law had provided to guard their interest, and to render more safe the public money intrusted to the care of the bank."

Now, sir, the Secretary cannot have examined this matter, or he would have entertained a different opinion.

The variations in the increase and diminution of discounts and domestic bills through the years 1832 and 1833, are shown by the following statement:

	Domestic bills.	*Discounts.*	*Total.*
January, 1832,	$16,691,129	49,602,577	66,293,707
June, -	22,850,769	46,712,040	69,562,809
December, -	16,647,507	44,924,118	61,571,625
January, 1833,	18,069,043	43,626,870	61,695,913
June, -	22,427,702	40,627,094	63,054,796
December, -	15,672,537	38,780,567	54,453,104

Total reduction from June to December, 1832, 7,591,184
Total reduction from June to December, 1833, 8,601,692

2. The increase of two millions and a half, from January to August, 1833, was wholly in domestic bills, while the discounts were reduced.

	Domestic bills.	*Discounts.*
January, 1833,	$18,069,043	$43,626,870
August, 1833,	20,923,243	43,237,106
Increase, -	2,854,200	389,764 diminution.

There is no violation whatever of the charter in giving the president authority to appoint the committee of exchange, or in authorizing that committee to transact the business of exchange, or even to discount, if such a power should be deemed expedient.

The Secretary appears to rely on the fourth fundamental law of the corporation, which enacts that "not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence; in which case, his place may be supplied by any other director whom he, by writing under his hand, shall depute for that purpose. And the director so deputed may do and transact all necessary business belonging to the office of the president of the said corporation, during the continuance of the sickness or necessary absence of the president." By "transaction of business," the Secretary would seem to understand exclusively the execution of business; the carrying of a direction, order, or law, into act and effect. But this is not the restricted meaning of the word in this place, for several satisfactory reasons. 1. Such a restriction upon the execution of the various business of the bank, as that not less than seven directors should form a quorum to do it, would render the execution of business impossible. Not a deposite could be received or paid, or the simplest operation of business performed, without the presence of such a quorum. 2. Accordingly, the charter, by the use of a different term, in a different place, shows that this is not the meaning of the words "transaction of business." The tenth section gives to the directors for the time being "power to appoint such officers, clerks, and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services, respectively, as shall be reasonable." 3. The word, in its proper sense, includes both execution and direction. 4. The authority of the board, as would naturally occur to most people, is legislative; and although they can also execute and perform definitively any business they please, it must depend upon the law which they prescribe to themselves, or which is prescribed for them by the charter and by-laws, what part they will perform in person, and what they will commit to others. The quorum is appointed for the exercise of authority as a board—for legislation, and not for the execution of the laws or directions of the board. The body is, by the very name of its office, directive, and not executive. 5. This is clearly implied from the provision which gives to a substituted director the power to transact all the necessary business belonging to the office of president, during the continuance of the president's sickness or necessary absence. What is the necessary business belonging to the office of president? The charter does not declare it. Perhaps the only business which it allots to him, expressly, is that of signing notes of a certain description to give them a certain effect. Whence, then, can he get it, except from he board of directors, or the by-laws and regulations of he bank? And if he gets it from the board, they must have power to authorize and direct, and the president, by virtue thereof, must have power to execute.

Sir, the power of making by-laws and regulations for the government of the bank has been wholly overlooked by the Secretary. The seventh section of the charter gives to the whole corporation, the stockholders, the power to "ordain, establish, and put in execution such by-laws, ordinances, and regulations, as they shall deem necessary and convenient for the government of the said corporation, not being contrary to the constitution thereof, or to the laws of the United States;" and the present situation of this power is thus: It has been settled for a century, that where a charter commits the power of making by-laws to the whole body of the corporation, the general mass of corporators, they may delegate the power to a

select body, who then represent the whole body in their acts of legislation. The contrary of this is held to be the law when the power is given by charter to a select body, for they cannot delegate their power to any other body. Now, sir, the whole body of the corporation of the Bank of the United States, the stockholders, at a general meeting held on the 6th January, 1817, did delegate their power of making by-laws and regulations to the board of directors, after passing a few by-laws not affecting the present inquiry. The act by which this was done declares "that the directors shall have power to make such rules, regulations, and by-laws, as they shall deem necessary and convenient for the government of the Bank of the United States, not contrary to these ordinances, nor to the act of incorporation, nor to the laws of the United States." Consequently, the directors have, since that time, possessed and exercised, and do now possess and exercise, the legislative power of the corporation, by the gift and delegation of the stockholders; and the laws and regulations made by the board of directors, whether for the government of their own body, or of the business of the bank, not being contrary to the constitution, the laws of the United States, or the by-laws made by the stockholders, are good and valid, either by virtue of their own charter authority as directors, or the authority delegated to them by the whole corporation.

Upon what principle is it, then, that a regulation of the board authorizing the president to appoint committees, (a necessary power in every legislative body,) or that authorizing a committee to take order upon the purchase and sale of exchange, or to perform any other act of banking which the charter does not require to be done by somebody else, is denounced as a violation of the charter, and of the plain words of the charter? Sir, the power exercised by the committee of exchange is known by all who know any thing of practical banking, as it is now conducted in our cities, to be not only usual, but almost indispensable; and, to the due management of the parent bank, entirely so. To require a quorum of seven to be present at every such operation, occurring as they do every day, would be to say that the Bank of the United States should not give the facilities to exchanges which the interests of trade require. The question of expediency is, however, for the board, when its legal quorum is present, to decide; and they have decided it, and the stockholders have never questioned the decision. As to the right: though from convenience, as well as from the regular recurrence and magnitude of the operations, the discounts of promissory notes are directed by the board of directors in person, there is no legal difference between discounts and exchanges, or any other branch of banking business, which makes them necessarily subject to different rules. The board may regulate the whole as it deems best for the bank.

But, sir, this alleged violation of the charter is connected, in the mind of the Secretary, with a design to "conceal certain important operations of the corporation from the officers of the Government." The particular operations concealed are not suggested, but the concealment is alleged as an inference from the mode of appointing and instructing the committees in violation of the charter.

There are some points of fact adverted to in the Secretary's letter, and in the argument of the honorable member from Tennessee, which it is my intention to leave to those who think that they are still worthy of additional notice. I am not of that opinion. These matters regard the particular items of expense for printing and publication by the bank, and the old affair of the three per cents, both as to the suspended payment from July to October, and the contract by the bank with certain holders of that stock. If, after the volumes printed by order of this House at the last session of Congress, upon these and other kindred questions, something more is required to be said, I am sure it may be said more profitably by others than by myself. So, also, sir, as to the discovery which the honorable member from Tennessee thinks he has made, of a contradiction between the amount of printing expenses of the bank in 1831, returned by the bank to the Senate under a resolution of that body, and the amount for the same year stated in the pamphlet which he is pleased to term the manifesto of the bank—the former being, as I understand, the sum of $9,775, and the latter the sum of $21,708 53. That discovery may not prove to be as important as it is supposed to be, if gentlemen will advert to the fact that the call of the Senate embraces only the expenses paid by the bank for printing and to editors; and the expenses in the pamphlet are the whole amount paid by the bank for publications of every kind, by whomever printed, and not merely the portion paid by the bank to printers employed by itself, and to editors of newspapers.

These, sir, are minor points; but the question of concealment involves great considerations. It would appear that the charge implies a general concealment, from the omission to appoint any one of the Government directors upon the committee of exchange; and particular concealment, from giving to the committee on the offices a power to modify the resolutions of the board for reducing the business of the institution as they should deem expedient, and refusing to order them to make a report to the board; and, also, from refusing to the Government directors a copy of the resolution indicating the course of policy proper for the bank to pursue under present circumstances, and which the Government directors thought should be transmitted to the Secretary of the Treasury. In regard to the committee on the offices, I find it difficult to comprehend that branch of the alleged concealment, as by their letter of the 22d April, 1833, to the President, it appears that one of the Government directors was at that time a member of that committee. Possibly, however, there may have been a change, and I shall so consider it.

Sir, these questions are of great importance to all banks, and to the Bank of the United States in particular. The right of the Government directors to the station they aspire to, or to demand that the board should make the orders which the board have refused to make, has not the least foundation. Their right to be members of any committee has no more legal support than the right of a member of this House to be upon a committee appointed by this House. It depends, in this House, upon the good pleasure of the House; or, what is constructively the same thing, upon the pleasure of the Speaker, chosen by the House. In the board of directors, it depends on the pleasure of the board, either directly or indirectly, as they make the appointment themselves, or give the power of appointment to the president of the board. The right to require that a committee shall make a report to the board, is the right of the board, and not of any member of it. The right to take a copy of the minutes, for any purpose, depends on the will of the board by whom they are made, or ordered to be made, as the charter does not contain any direction upon the subject. It would be the same in this House, if the constitution did not require a journal to be kept by each House, and to be published from time to time; though even this is subject to an exception, depending on the will of the House.

The questions of right being thus, let us examine, sir, the questions of expediency and propriety.

Heretofore, in the history of the bank, the directors appointed by the President of the United States have mingled in all the transactions of the bank, mutually giving and enjoying unreserved confidence, and being in no respect whatever distinguished from the other directors. Mr. Biddle himself was a director appointed by the President, for many years, and particularly in the important years of 1829, 1830, 1831, and 1832, as the reports of

the last session show; and other Government directors have, from time to time, acted upon all the important committees, including the committee of exchange, so as to give to the bank the benefit of their peculiar qualifications—for it must always have been a question of qualification; and, if a director was not qualified for a particular post, it is not probable, whatever was the source of his appointment, that he would be placed in it. But, sir, in the time of the present Government directors, a change has come upon us and upon the bank, of a very important kind, and it is not surprising that it has affected those directors also.

It was vehemently suspected, sir, at the time of their appointment, that their notions of duty and right were peculiar; that they deemed themselves bound or entitled to use their posts for the purpose of making representations to the President of the United States, tending to excite odium against their co-directors, by impeaching their motives and acts, and thus to impair the credit of the bank; that they deemed themselves at liberty, in the performance of this duty, or in the exercise of this right, to pursue objects which they did not care to avow, and which they were not permitted to avow; and, finally, sir, that, in some way, by some unexplained theory of their appointment, they had come to the opinion that they possessed political powers in the institution, which they were authorized to use for political purposes. All this, sir, was, as I have said, most vehemently suspected; and if the suspicions were just, the propriety of placing them in posts of trust and confidence in the bank was not so clear, particularly as, if they were so placed, it might have been difficult to persuade other gentlemen to sit beside them in the occupation of those posts. I say, sir, it might have been extremely difficult to persuade gentlemen of character, having some feelings and reputation of their own, to sit in a post of trust and confidence by the side of directors holding such notions of duty and right, and carrying them out, without avowing their objects, into measures of extreme personal annoyance, as well as of discredit to the bank.

Sir, what was at that time, perhaps, no more than vehement suspicion, is now, and, for some time past, has been, matter of unquestionable certainty; and the certainty is derived from the best possible authority—the confession of the very party.

Sir, I beg to call the attention of the House to a part of a letter addressed by three of the Government directors to the President of the United States on the 22d of April, 1833, which is annexed to the letter of the Secretary. It is the first that has been exhibited to this House, but not the first in the correspondence of which it forms a part, and which has not been communicated. We know, even now, but in part. The three directors say:

"Without considering any portion of our remarks as falling within the limits of those private accounts which, as you state, the charter has so carefully guarded, since the whole relate to the action of the board upon matters fully open, and discussed before them, and extend in no instance to the private debtor and creditor accounts of individuals, yet we may be excused for expressing much gratification at your assurance that the information requested is for your own satisfaction, and that you do not wish it extended beyond our personal knowledge. We may be permitted also to add, that the wishes and opinions which we took the liberty of expressing in our former letter have been since more strongly confirmed, and that we should not only feel more satisfaction ourselves, but be enabled to convey to you more full and correct information, were we to proceed in an investigation whose object was avowed, and if we were strengthened by that official sanction which we suggested."

Then, sir, they were not altogether comfortable in their new position; and I do not wonder at it. Then their object was not avowed, and they were not permitted to avow it, but were compelled, by their own sense of distress, to ask for an official sanction, under which they might avow it; then, further, they were practising concealment themselves, and trying to prosecute an investigation, without avowing its object, when that object is now known to have been to inculpate the board, and particularly the gentleman at the head of it, and, by means of the odium thus excited, to justify to public prejudice an act of deadly hatred to the bank of which they were directors—the removal of the public deposites; and then, sir, I say, in conclusion, that there is not an honorable man in this House, or in this country, who will not respond to the sentiment, that they were treated at least as well as they deserved to be, by not being assisted in the performance of these remarkable labors. With this confession of concealment by the Government directors, to which they were coerced by the Executive, the Secretary of the Treasury arraigns the board for concealing its operations from them. He charges the board with concealment, in violation of their charter, and in contempt of the Government; when the head and front of their offence is this only—that they would not consent to be the dupes of concealment that was practised by others.

But, sir, this is not all. The memorial of the Government directors to this House, for the doctrines of which we are, I presume, indebted to the professional gentleman whose name is at the head, cannot be too much adverted to, in connexion with both the charge of concealment by the board, and another charge, hereafter to be noticed, of a graver description. It is a document that may be considered as a sort of small martyrology—a history of the sufferings incident to disappointed efforts and mortified pretensions; and it contains, as is natural, a confession of the faith by which the sufferers have been sustained at the stake where they have placed themselves. I beg permission to exhibit it to the House. "It has pleased the majority of the board of directors," says the memorial, "in the document to which we refer, in order, we suppose, in some degree to extenuate their conduct in systematically nullifying the representatives of the Government and the people," [doubtless meaning themselves,] "to deny that the public directors are seated at the board in any other relation than themselves; to deny the existence of any difference in the official character and duty of themselves and us. This extraordinary denial, in the face of all experience of the familiar history of the country, and of palpable reasoning, must rather be ascribed to the presumption which moneyed power is apt to inspire, than to the ignorance of wilful misrepresentation of those who make it. Nothing can be plainer than that the public directors were devised as instruments"—[I beg the House to advert to the felicity of the language—"were devised as instruments."] "Nothing can be plainer than that the public directors were devised as instruments for the attainment of public objects; that their being insisted upon in the charter itself was in obedience to the will of those who elected the legislative body by which it was passed; and that their appointment was given to the President, with the advice and consent of the Senate of the United States, (not to the mere fiscal representative,) in order to clothe them with all the character of official representation, and to exact from them a discharge of all the duties, public, political, and patriotic, incident to a trust so conferred. If we are mistaken in this, we acknowledge that our solicitude about the rights and morals, the practical purity and freedom of our countrymen, has misled us. But we know that we are not."

Devised as instruments! and given to the President, to exact from them a discharge of all the duties, public, political, and patriotic, incident to a trust so conferred! The sense would not have been more complete, sir,

though the alliteration would have been more perfect, if they had described their functions as extending to all duties, public, political, patriotic, and party, incident to a trust so conferred.

Now, sir, without at present saying whether this theory was true, the other directors had a right to a counteracting theory for themselves; and if it is true that the Government directors were devised as instruments, and that they are, by their creation, political directors, the other directors, who have not been so devised, are entitled to consider themselves as anti-political directors, and not bound to assist the political operations of the other branch, but rather, by the momentum of their greater numbers, to keep them from moving the bank out of place. But, sir, the heads of the memorialists have been made dizzy by their elevation. Their theory has no foundation in reason or in the charter. I deny that they were devised as instruments, whatever they may have made of themselves. There is not a shadow of difference between the rights and duties, the powers, or the obligations of any of the directors: they are all directors, neither more nor less, and owing the same duties to all the interests confided to them. The directors appointed by the President owe a duty to the nation, and so do the others; and, in my poor judgment, they have performed it. The directors elected by the stockholders owe a duty to the bank, and so do the directors appointed by the President; but they have neither performed nor acknowledged it. They are not placed there to make inquiries for the President. The President has no authority to direct inquiries to be made by them. This is a question of charter power, of power over a corporation, all of whose privileges are rights of property. The charter gives to the President no such right. It expressly gives to the Secretary of the Treasury a right of limited inquiry, by investigating such general accounts in the books of the bank as relate to the statements which the bank is bound to furnish to the Treasury Department, but no further. Congress have the power to inspect the books of the bank, and the proceedings of the corporation generally. These powers have been expressly given, and they have been so given because they would not have been derived by implication from the charter. But here is a power to be implied greater than all, and worse than all—a power to be exercised secretly, and without avowal, *ex parte*, without notice, without opportunity of reply or explanation being given to those whom it affects, and by persons who are holding, to all appearance, the relations of amity with their co-directors, sitting on the same seats, and professing the same general objects. Sir, the board did right not to aid them; it would have done right to resist them; and I inquire of the members of this House, and ask them to follow out their honorable feelings into the reply—would they consent to sit in committee by the side of men who professed principles like these, and submitted themselves to the direction of another as to the manner in which they should carry them into execution? This question concerns all banks, and this bank most intimately. A hue and cry is raised against the directors of this bank, because the bank will not tell the Government directors, that they may tell the Secretary, precisely how they mean to wind up, if they do mean it; and here is a new theory of banking, to place by the side of the new theory of political power—that all which the bank intends to do for its own defence is to be told to an enemy, that, if he thinks fit, he may defeat the measure; that it is not sufficient for him to continue to know the precise condition of the bank, in point of fact, as it actually is, and as he must perceive it to be by the weekly statements, but that he must also know what is going to be by the operation of measures of defence, that if it is in his power, and he also thinks fit, he may frustrate the purpose. The private directors of this bank have upon them the responsibility of taking care of all the stockholders—the nation, for its seven millions, included. If others forget this duty, they will not. This House, I hope, will not; nor will they join in censuring these faithful men for refusing, under the challenge of political power, to give up the direction of the bank, by allowing to any department an inquisition into their concerns which the charter does not warrant.

Mr. Speaker, it is in connexion with this asserted right of inquiry into the affairs of the bank, that the contracts made by the Secretary with the new deposite banks become an object of the deepest interest. The 15th fundamental law of the bank charter enables the Secretary to require of the bank a weekly statement of the capital stock of the corporation, debts due to the same, moneys deposited therein, notes in circulation, and the specie in hand; and gives him a right to inspect the general accounts relating to it in the books of the bank, but not the right of inspecting the account of any private individual. This ought to have been sufficient for the Secretary, as, in the judgment of Congress, it was sufficient for the safe-keeping of the public moneys. It was enough for safety, which Congress wanted, but not enough for interference and control of the bank, which Congress did not want. The contracts which the Secretary has made with the deposite banks hold a very different language, as may be seen by that with the Girard Bank. The bank is bound, not only to make weekly returns of its entire condition, and to submit its books and transactions to a critical examination by the Secretary, or an agent duly authorized by him, but it is expressly provided that this examination may extend to all the books and accounts, to the cash on hand, and to all the acts and concerns of the bank, except the current accounts of individuals. Sir, I am happy to learn that the stockholders of the Bank of Virginia have disavowed the act of their directors, in giving this power to the Secretary. It is a fearful power, and, with the Treasury interpretation of current accounts, (which is not the language of the charter, but accounts generally of any private individual,) we may see the extent of control which, with the aid of the deposites, this clause of the contract will give. It is an authority for universal supervision of all the operations of the bank, including its discounts, and for granting and withholding accommodations at the pleasure of the Secretary. I humbly submit to all who feel any kindred sympathies with honorable men, whether, in the absence of the mandate of a judicial decision, in a case in which such a decision has been avoided by the power that has a right to invoke it—whether this is a fit occasion to justify the removal of the deposites for violation of charter, because the directors have not adopted or assisted such principles, interpretations, and aims, as these?

The affair of the French bill I shall briefly notice, as I pass to the remaining topic of the Secretary's answer. I will take the history of that bill, as it is given by the honorable member from Tennessee—that it was a bill bought by the bank, refused payment by the French Government, and, upon protest, the amount was paid by the agent, for the honor of the bank, to the foreign holder; that the money was not used by the Treasury here, and that the bank suffered nothing but a few expenses, which the Secretary is willing to refund. I will agree that there is nothing but an old statute of Maryland to give damages on the protest, and that it does not include the sovereign of the country. I cannot argue the case, because the honorable member assumes all the law and all the facts, and the Secretary's letter gives us none. I must, therefore, agree to the case as he presents it. But the thing which passes my comprehension is, that a mere claim by the bank—a claim without suit or other act—a claim which it is the privilege of the lowest and poorest to make upon the highest and richest in the land, without incurring either forfeiture or damage—that this should be

gravely put forth as a brand of faithlessness upon the bank, and a forfeiture of her right to the public deposites. Sir, there must be a strange perversion of mind in myself, or in the honorable Secretary, in regard to this conclusion. It would have been the occasion of infinite surprise to me, if the faculty of being surprised had not been recently so much impaired by use, that I am no longer conscious of its existence.

The last reason of the Secretary for removing the deposites is, that the bank had employed her means with the view of obtaining political power.

I beg permission of the House to say a word concerning the humble individual who has the honor of addressing it. Had I been a director of the Bank of the United States during the years in which it has been its misfortune not to have received the approbation of the Secretary, I should have been associated with men who are an ornament to the city in which they live, and an honor to their country—men who, from earliest youth to their present mature age, have been beloved, respected, and honored by all around them, and who are as much the standard of all the virtues, private, social, and patriotic, as the coins of your mint are the standard of your currency, and without any of the base alloy which you mingle in your coins to make them fit for the use and abuse of the world. If I had been called upon to act with such men as these, in regard to measures of any kind, and had differed from them in my judgment, I should have deemed it almost an act of treason against the authority of superior intelligence, or of arrogance, exposing myself to reprehension or contempt. I should have followed them fearlessly wherever they led, and with unshaken confidence that they could not lead me where either wisdom or virtue would be exposed to reproach. But, sir, I had not this honor. I was not a director of the bank in 1829, nor in 1830, nor in 1831; and, though chosen a director in 1832, I left Philadelphia in January, to pass my winter here, and met the board but once after my return, to show respect to the committee of inquiry appointed by this House. Of the measures now to be adverted to, I was not informed, except as the public and this House have been informed. I can speak of them, therefore, without the influence arising from either participation or privity. As to my professional relations to the bank, I am proud to belong to a profession which has many distinguished members in both Houses of this Congress—a profession which the confidence and affection of this people have raised, in more than one instance, to the highest office in their gift. I will not degrade this honorable profession. I will not degrade my own rank it it, however humble, by condescending to inquire what extent of compensation would induce an honorable man to sell his conscience and his principles, as slaves, to his client!

Sir, the great accusation against the bank is, that she has endeavored to obtain political power, and interfered with the election of the President of the United States. Grant the design of the bank, sir; and what then? It has not succeeded. The letter of the Secretary is an argument to show that it has not succeeded, and that the question of recharter is settled against the bank by the voice of the people at the last election. The election of the President, the appointment of the Secretary, the elections for this House, were all completed before the deposites were removed; and these are held up to show that the design imputed to the bank has failed and fallen to the ground. Then I ask, sir, what is the character of that act which has removed the deposites? Is it preventive, or is it vindictive? It is vindictive, sir. It is punishment directed against the bank for an imputed design that has wholly failed in its execution; and the victim of the infliction is not the bank, but the country. If it is a matter of grave belief that the purpose of the bank was that which is imputed, and that the elections have given out the answer of the people to it, what more triumphant refutation can be adduced of the reasons that find either a ground of apprehension, or a motive of punishment, in acts which have thus failed of effect? If the premises belong to the case, the true conclusion is, that the people are in no danger from attempts to gain political power by the devices of the bank, and that she may go on to the conclusion of her charter, performing her constitutional duties to the country, as she has always done, with fidelity and success; leaving the question of renewing the charter to settle the extent of her punishment.

But, sir, I deny the charge. I say the design was not entertained, and that not a particle of evidence has been produced to infer the contrary. The board have printed and published, and have assisted in printing and publishing, "for the purpose of communicating to the people information in regard to the nature and operations of the bank, and to remove unfounded prejudices, or repel injurious calumnies on the institution intrusted to their care." This is the declared purpose of all they have done, and they stand upon the sacred principle of self-defence in asserting their right to do it. That there was nothing in the veto message to justify the circulation of the review which the gentleman from Tennessee has noticed, is more than I admit; and when the gentleman shall assert, upon his own authority, that the board have given currency to a scurrilous pamphlet against any one, he will find me ready either to deny the fact, or to admit its impropriety. The constitution secures to every person, natural and political, the right of printing and publishing, being responsible for the abuse of it. It prohibits Congress from passing any law abridging the freedom of the press. If the charter had inserted a provision to restrain the board of directors from printing or publishing, it would have been null and void. An interpretation of the charter to restrain it is equally so. They have the universal right, subject to the constitutional corrective, through the judicial tribunals of the country; but to condemn, and then to try them—to punish, and then to hear--belongs not to the tribunals of this earth, nor to the constitution of this country.

Sir, the change of the deposites is an extraordinary mode of preventing their application to the purposes of political power. Before their removal, they were in a bank not possessing political power, nor capable of using it. They are now wielded by those who possess it, and who are more or less than men if they do not wish to keep it. Then, they were in one bank, under one direction; now, they will be in fifty. Then, they were in a bank which political power could not lay open to its inquiries and control; now, they are in banks that have given a stipulation for submitting all their acts and concerns to review. Then, if these deposites sustained any action at all, it was in the safest form for the people—action against power in office; now, its action is in support of that power, and tends to the augmentation of what is already great enough.

I say, in conclusion upon this point, if these publications are deemed by this House to have been unlawful, return the deposites till the bank has been heard. Go to the *scire facias*—give to the bank that trial by jury which is secured by its charter, and is the birthright of all. Ask the unspotted and unsuspected tribunals of the country for their instruction. Arraign the bank upon the ground either of sedition, or grasping at political power. There was ample time for it, and still is; and there is a great precedent for it, which I commend to the consideration of this House.

Sir, in the worst days of one of the worst princes of England, (I mean Charles the 2d,) the love of absolute rule induced him to make an attempt upon the liberties of the city of London, whose charter he desired to overthrow. He complained that the common council had

taxed him with a delay of justice, and had possessed the people with an ill opinion of him; and, by means of his ministers of the law, and by infamously packing the bench, having promoted one judge who was not satisfied on the point, and turned out another who was not clear, he succeeded in obtaining a judgment, under which the liberties of that ancient city were seized by the Crown. But, when the revolution expelled his successor, and the principles of the British constitution came in with the House of Orange, an early statute of William and Mary reversed the judgment as illegal and arbitrary; and from that time it has been the opprobium of the bench, and the scorn of the profession.

The account of it which is given by Burnet is thus: "The court, finding that the city of London could not be wrought on to surrender their charter, resolved to have it condemned by a judgment in the King's Bench. Jones had died in May; so now Pollexfen and Treby were chiefly relied on by the city in this matter. Sawyer was the Attorney General, a dull, hot man, and forward to serve all the designs of the court. He undertook, by the advice of Sanders, a learned, but very immoral man, to overthrow the charter. The two points upon which they rested the cause were, that the common council had petitioned the King upon a prorogation of Parliament, that it might meet on the day to which it was prorogued, and had taxed the prorogation as that which had occasioned a delay of justice: this was construed to be the raising of sedition, and the possessing the people with an ill opinion of the King."—"When the matter was brought near judgment, Sanders, who had laid the whole thing, was made chief justice; Pemberton, who was not satisfied on the point, being removed to the Common Pleas, on North's advancement. Dolbin, a judge of the King's Bench, was found not to be clear; so he was turned out, and Wilkins came in his room. When sentence was to be given, Sanders was struck with an apoplexy, upon which great reflections were made; but he sent his judgment in writing, and died a few days after." As the only precedent which the books present to us of forfeiture of charter for sedition, or an interference with political power, it is not without instruction.

Sir, these reasons of the Secretary being one and all insufficient to justify the removal of the deposites, the question of remedy is the only one that remains. The state of the country requires the return; but the question of return has nothing to do with the renewal of the charter. If renewal were the object, I should say, Do not put them back; leave them as they are; make no provision for the future, and see, at the end of two years, to what relief the people will fly. But, sir, let us save the country from this unnecessary suffering. Return them, and the mists will clear off from the horizon, and the face of nature smile as it did before. Return them, and make some provision for the day when the capital of this bank is to be withdrawn from the country, if it is to be withdrawn. Provide some control, some regulation of your currency. The time is still sufficient for it, and the country requires it. If, indeed, this bank is not to be continued, nor another to be supplied, nor a control devised to prevent the State banks from shooting out of their orbits, and bringing on confusion and ruin, then I confess that I see no benefit in putting off the evil for two years longer. The storm must come, in which every one must seize such plank of safety as he may out of the common wreck; and it is not the part either of true courage or of provident caution to wish it deferred for a little time longer.

Sir, I have done. I have now closed my remarks upon the question of the public deposites, second in importance to none that has occurred in the course of the present administration, whether we regard its relations to the public faith, to the currency, or to the equipoise of the different departments of our Government. It is with unfeigned satisfaction that I have raised my feeble voice in behalf of the amendment offered by the gentleman from South Carolina, whose enlightened labors in this great cause, through a course of years, have inseparably connected his name with those principles upon which the security, the value, and the enjoyment of property depend; and it will be sufficient reward for me if I shall be thought not to have impaired the effect of his efforts, nor to have retarded the progress of those principles to their ultimate establishment. For myself, I claim the advantage of saying that, as I have not consciously uttered a sentiment in the spirit of mere party politics, so I trust that my answers to the Secretary will not be encountered in that spirit. If the great and permanent interests of the country should be above the influence of party, so should be the discussions which involve them. It ought not to be, it cannot be, that such questions shall be decided in this House as party questions. The question of the bank is one of public faith; that of the currency is a question of national prosperity; that of the constitutional control of the treasury is a question of national existence. It is impossible that such momentous interests shall be tried and determined by those rules and standards which, in things indifferent in themselves, parties usually resort to. They concern our country at home and abroad, now, and to all future time; they concern the cause of freedom every where; and, if they shall be settled under the influence of any considerations but justice and patriotism--sacred justice and enlightened patriotism—the dejected friends of freedom dispersed throughout the earth, the patriots of this land, and the patriots of all lands, must finally surrender their extinguished hopes to the bitter conviction that the spirit of party is a more deadly foe to free institutions than the spirit of despotism.

[Mr. B. continued his speech from day to day, till he had concluded. The parts, however, have been consolidated, and given entire above.]

WEDNESDAY, JANUARY 8.

The following letter was received by the Speaker of the House, read, and ordered to lie on the table:

HOUSE OF REPRESENTATIVES, *January* 8, 1834.

SIR: I have the honor to inform you that my seat in the House of Representatives of the United States, over which you preside, has become vacant by resignation, addressed to the Executive of the State of Louisiana.

I have the honor to be, very respectfully,

Your obedient servant,

H. A. BULLARD.

To the Hon. ANDREW STEVENSON,

Speaker of the House of Representatives.

After going through with the usual business, the House took up the subject of

THE PUBLIC DEPOSITES.

Mr. BINNEY then resumed and continued the speech which he commenced the day before. He had not concluded what he had to say, when, being requested to do so, he gave way for a motion to adjourn; and

The House adjourned.

THURSDAY, JANUARY 9.

The bank question coming up,

Mr. BINNEY resumed and concluded his remarks in support of Mr. MCDUFFIE's motion for instructions, which direct the committee to report a bill ordering the deposites hereafter to be placed in the Bank of the United States. The whole of Mr. B's speech will be found entire in preceding pages. When he had concluded,

Mr. CAMBRELENG rose, and, after expressing the embarrassment he felt in following the distinguished gentleman from Pennsylvania, and stating, in apology for

placing himself before the House, his relation to one of the largest and most important portions of the commercial community, said that, with all his respect, however, for the gentleman from Pennsylvania, [Mr. BINNEY,] and the directors of the United States Bank, he must still believe them to be but men, actuated by the feelings and passions of men, and that, to secure the recharter of that bank, they would ruin their country. He afterwards softened this expression, by admitting that such was not their intention, but that they honestly believed such recharter would be the salvation of the country. He then adverted to the general wish that the present discussion should be speedily closed. Let it be continued as long as it would, the House would have a continued change of battery, now in the North, then in the South: by the immense funds of the United States Bank, every other bank in the community would be pressed, &c. He was about to make a motion, which was, in the eyes of some gentlemen, very obnoxious; but duty to his constituents required him to do so. They were now in distress, which must continue so long as the bank should continue to struggle. Mr. C. continued some further remarks, when he was admonished by the Chair that he must either make his motion, or debate the subject before the House.

Mr. C. then moved the previous question.

Mr. JONES, of Georgia, moved an adjournment; which was negatived.

The CHAIR then inquired whether the call for the previous question was seconded?

In answer to this, the members passed between tellers, and, being counted, the ayes were 89, the noes 108. So the House refused to second the previous question.

Mr. CAMBRELENG then expressed his desire that this subject should be considered as the order of the day for 1 o'clock to-morrow, (instead of private bills, under the rule.)

After some conversation, Mr. C. consented to waive his right to proceed at this time, and gave notice that, at 1 o'clock to-morrow, he should move to suspend the rule which appropriates Friday and Saturday to private bills.

Several bills from the Senate were then twice read, and referred to appropriate committees.

APPROPRIATION BILL.

On motion of Mr. POLK, the House went into Committee of the Whole on the state of the Union, and took up the naval and Indian appropriation bills, and the Senate's amendment to the general appropriation bill, in part.

On this latter bill a desultory debate arose on disagreeing to the Senate's amendment, striking out a proviso which restricts the printing for both Houses to such purposes as are "connected with the ordinary business of Congress."

In this debate, Messrs. McDUFFIE, POLK, WHITTLESEY, of Ohio, EVERETT, of Mass., ADAMS, of Mass., GORHAM, and CLAY, took part.

The question being put, the committee refused to disagree to the amendment. [So the amendment remained, *i. e.* that the proviso be stricken out.]

The committee then rose, and the bills were reported with amendments; and the naval and Indian appropriation bills were ordered to be engrossed for a third reading.

Before any final question was taken on the amendments to the general appropriation bill,

The House adjourned.

FRIDAY, JANUARY 10.

THE DEPOSITE QUESTION.

The bank question coming up as the unfinished business of yesterday, and Mr. CAMBRELENG being entitled to the floor,

He said that he had understood from the chairman of the Committee of Ways and Means that it was his intention to press the consideration of the appropriation bills; and from the chairman of the Committee of Claims, that he wished the private bills before the House to be disposed of. Under these circumstances, Mr. C. presumed the House would not desire that he should proceed at this time to discuss the subject.

Mr. WHITTLESEY said that as there now remained but forty or fifty minutes of the hour unexpired, before private bills must be taken up, he took it for granted the House would not take up the subject of the bank resolution.

The subject was thereupon, by general agreement, postponed.

THE FIVE PER CENTS.

Mr. SELDEN's resolution on the subject of the five per cents next came up as the unfinished business.

The resolution is in the following words:

"*Resolved*, That the Committee of Ways and Means be instructed to report a bill, requiring the commissioners of the sinking fund forthwith to purchase, or otherwise redeem the five per cent. stocks of the United States, and directing the Secretary of the Treasury, from time to time, to place under the control of said commissioners such funds not otherwise required for the purpose of the Government as shall be necessary for that object, and, in case of deficiency, to sell so much of the stock of the Bank of the United States, belonging to the Government, as will enable them to complete the purchase."

Mr. LANE, who had the floor on this resolution, being absent,

Mr. STEWART, of Pennsylvania, observed that he could see no occasion for the adoption of such a resolution. The powers of the commissioners of the sinking fund were already ample; and there would be, he thought, an obvious impropriety in passing a positive direction to them to redeem this description of stock. Such a direction must have the effect stated by the gentleman from New York, [Mr. CAMBRELENG,] of raising the price of the stock in market; and besides, there were no funds in the treasury to apply to this purpose, unless injustice should be done to other interests of the country. There was no pressing necessity for extinguishing at this moment this little remnant of the public debt, consisting of a fraction over four millions. He should therefore move to lay the resolution on the table.

At the request of Mr. SELDEN,

Mr. STEWART withdrew his motion.

Mr. SELDEN then said that he had but a few remarks to offer to the House. If he understood the annual report of the Secretary of the Treasury as the gentleman from Pennsylvania seemed to do, he should agree with that gentleman; but as he understood the report, if it afforded an accurate statement of facts, there was money in the treasury fully sufficient to pay the outstanding debt of the nation. If the Secretary was correct, there remained on the 1st of January, 1834, in the treasury, the sum of $9,383,000. Out of this sum, there were appropriations to the amount of $5,000,000, (including $1,400,000 of what might be denominated "unavailable funds!") leaving upwards of four millions capable of being applied to the public debt. The question, then, for the House was, whether they would leave these four millions idle in the treasury, and at the same time leave the public debt unpaid? He was willing to admit that, if the consequence apprehended by the member of the Committee of Ways and Means [Mr. CAMBRELENG] would follow, it formed a valid objection to the measure, viz: that, by enforcing the redemption of this stock, you would raise the price of the article in the market. But the fact was otherwise. There was no such thing as raising the price of stock of this kind—stock of a fixed settled value. It

never could rise but a shade beyond the actual value. It was impossible to give it a fictitious value. It would be as unreasonable to expect that the price of bank bills might be raised in the money market by an order to the bank who issued to redeem them. Bank stocks might, no doubt, be thus raised in price; but not Government stock, so soon redeemable as this is, which never could bring the holder beyond the principal and five per cent. interest. Was it to be told that the people of this nation, having means to pay their debts, left the money in their chest, and left their debt unpaid? Yet that was the position which, in substance, had been advocated by his associate from New York. Was that the policy to be pursued by the American Government in the management of her finances—to place its money in banks where it drew no interest, and leave debts unpaid which were drawing interest? But it had been said that, by leaving the money in the banks, it was of advantage to the trading community. Indeed! and was it the doctrine of gentlemen on this floor that money was to be raised by taxation from the whole country, that it might be lent out to banks who charged interest for the use of it? To such doctrine he could never subscribe.

His object in referring the subject to the Committee of Ways and Means was, that that committee might bring in a law in such a form as would guard against the raising of the price of this stock, if such a result should be supposed possible. The law might provide that the commissioners should pay, for stock surrendered previous to an early given day, two per cent. in advance, or some other reasonable premium, and beyond that day a diminished premium. Mr. S. said, in explanation, that he had not distinctly heard the amendment proposed by the chairman of the Committee of Ways and Means, [Mr. POLK,] when he accepted it; but as he had accepted it, he should abide by what he had done, especially as he understood, from conversation with that gentleman, that he was as desirous of relieving the country from the public debt as he himself was. Believing, therefore, that that committee would use their best exertions to further the object of the resolution, he should wait for their action upon the subject. If, however, after waiting the requisite time, he found that nothing was done, he should take the liberty of apprizing them, from time to time, of what was the state of the public funds, and should continue occasionally to inquire why they had not acted on the resolution.

Mr. LANE, of Indiana, having now returned to his seat, said, that he had endeavored, on a former day, to get the floor; and now rose, not that he might discuss the subject of this resolution, but to congratulate the House and the nation on the glad tidings of the recovery of the lost treasury of the United States! He had lately heard from that quarter of the House the loud inquiry "What has become of the treasury of the United States? Where is the treasury? The President has stolen the treasure of the nation—has seized and borne it off." Ay! What glad tidings, then, that the treasury was not only found, but was enriched with a treasure of nine millions of dollars! Heaven send that old Hickory should seize it every day, if such was to be the issue. What was the complaint of gentlemen now? That there were nine millions in the treasury, and that the Treasurer had it locked up, and would not let a dollar of it out of his hands! He had risen only that the glad tidings should be proclaimed from Georgia to Maine, that the treasury is found, and that it has come back richly replenished.

Mr. STEWART had but a remark to make. The object of the resolution was to compel the commissioners to extinguish the remnant of the four and three-quarters millions of the public debt, whether there should be money to do it or not. That was the amount of the resolution. The commissioners had all power in the case now, provided there was money with which to pay. That they would faithfully apply any surplus to this object, none could doubt. Did not the gentleman see that the Secretary, in his report, had stated to the House, that if the money appropriated should be paid, and the appropriations recommended should be adopted, there would not be money enough left in the treasury? With such a resolution before them, the House were called to compel the commissioners to redeem the five per cents! Suppose the resolution should be adopted, and that the commissioners should pay the debt, and that, in consequence, there should be no money in the treasury to meet the necessities of the Government; the public service must then be injured, and what good would be gained? He renewed his motion to lay the resolution on the table.

The motion of Mr. STEWART was put and lost—Ayes 75, noes 80.

Mr. SELDEN explained. His resolution provided that, if there should be a deficit in the treasury, it was to be met by a sale of a small portion of the United States Bank stock.

Mr. STEWART then replied that the result would be to sell stock bringing seven per cent. to pay a debt bearing only five per cent. That was the economy of the measure.

Mr. SELDEN asked the yeas and nays on the resolution.

Mr. MERCER briefly opposed the resolution as being unnecessary, so far as the power of the commissioners was concerned; and worse than unnecessary, as it would exchange seven per cent. for five.

Mr. POLK expressed his hope that the resolution would be committed to the Committee of Ways and Means; the whole question would be open before that committee.

The yeas and nays being taken, stood as follows:—Yeas 126, nays 81.

So the resolution was adopted.

The House then proceeded to the consideration of private bills; in the course of which some animated discussion took place in reference to several of the bills for granting pensions. The remainder of the day's sitting was spent in this business; and then

The House adjourned to Monday.

MONDAY, JANUARY 13.

CASE OF NOAH FLETCHER.

The petition of Noah Fletcher coming up in its order,

Mr. DAVIS, of Massachusetts, rose, and after referring to the postponement of any action on the petition when first presented by him, said that, although he did not agree that the rules of the House, under which it was postponed, had been always uniform, yet that he had acceded to it because he had every desire to accommodate the House, and not entangle it with a contention about the rules of their proceedings. He would not, now, go into an elaborate view of the subject, and had nearly closed what he had to say upon it, when, on the former occasion, the member from Alabama [Mr. CLAY] had interposed, by his objections, that, under the rule of the House, the subject could not be then discussed; but he would merely remark now, as he did then, that the petitioner was a person in an humble situation of life: he had been a laborer in the service of the Government for nearly the whole of his life, and of which fourteen or fifteen years had been passed as a subordinate officer of the House; that he had discharged his duty so far, as he had reason to believe, in a satisfactory manner, for no complaint had been preferred against him. Under such circumstances, it however appeared that he had been removed from the office which he so filled, by the fiat of power; he had been removed by virtue of an instrument with which they had become latterly somewhat familiar—an instrument in writing, a little paper, unceremoniously

addressed to the object, beginning "I," not the House, "have no further occasion for your services." This, then, being the mode in which one of their agents for the transaction of their business had been dismissed, and without previous admonition, he thought it was a duty incumbent upon the human character, wherever an exercise of power had been made, in either an offensive manner, or in a way to prove injurious to our fellow-creatures, that the party was called upon to lay before the world some justification for such injurious or offensive exercise—some plausible apology for the conduct pursued. But, was such the case here? No, it was not pretended that there was any charge against the petitioner, and nothing but this brief notice of dismissal was sent to him; being thus dismissed, his plans in life were altogether broken up. This act, too, being done by an officer who holds and exercises that power from the House, it became their duty to see by what authority the act had been done. Whether the power was legally or illegally exercised, was not so material; it was enough for them, if the power was exercised unjustly, or improperly, to entitle them to call upon the individual thus exercising it. The House, he contended, had this power in their hands, and they could not go forth to their constituents, and say they witnessed such an exercise of power as was displayed in this instance, without affording redress. No apology having been made for it, the natural inference was, that the power had been exercised in a proscriptive manner. And here he was induced to consider what was proscription. It was the power of a tyrant; it was the power which said, "Think as I think," "Do as I bid you do." Does the Autocrat of all the Russias demand from his humblest serf more than this? What more could the Sublime Porte itself require of the humblest slave within his realms than Think as I think, act as I wish? This was the very essence of tyranny. This spirit it was which, with powerful arm, grapples, and regulates, and guides every thing as it pleased; which made the man for the place, and not the place for the man. This was proscription; this was the spirit which addressed itself to the ambitious man, and says, Give up your independence, or your place shall be the forfeit; to the avaricious it says, You must barter your conscience for gold; and this it was, which addressed itself to the hungry and to the naked, saying, Be ye warm, be ye fed, be ye clothed, but be ye also of my faith. This was the true character of proscription; to avoid which, it would seem that every man upon entering into office must crawl to the footstool of its known disposer, and first undersign and seal the bond by which he will engage to become the slave of that power. This was one effect of proscription, but not the worst. If they wanted to see its effect upon the proscribed, they need not travel out of the present case, the case of an humble individual, who could not be permitted to sit in a private chamber of the capitol, there to enjoy even the privilege of neutrality, but he must be bound to bark and to hunt for the power which employed him. There was another view of all this, which seemed to him to be still more offensive and more obnoxious to public justice. He was led to consider who was this "I," who said "I have no occasion for your services?" The gentleman in the office of chief clerk need not suppose that these remarks were intended to be personal, for they were not so. Mr. D. would not apply them so, as he now believed that this officer had acted inconsiderately, rather than from any other motive in the matter. But, in considering the effects of the system, and who the personage was who thus claimed this power, they would find that it was one whom they had elevated into an office, connected with which was the power to use all the money of the House, and all the vast patronage which that money could give, as a capital to trade upon; and if this was so, in truth and in fact, was it not time that such a power was taken out of the hands of their chief officer? The salaries at his disposal amounted to some twelve or fifteen thousand dollars, and, being so large, it was in the power of any band of men to conspire together to elevate whom they pleased to the office, and then have the patronage to trade upon; but he trusted that the House would not tolerate such a system. He knew the character of the petitioner to have been without spot or blemish; and as he claimed it as his right to have his petition presented, he (Mr. D.) had presented it, as a duty due, not only to him, but, under the circumstances, to the whole country, and in a manner as little offensive as possible.

Mr. CLAY, of Alabama, said he must claim the attention of the House for a few moments on this all-important question, (as the gentleman from Massachusetts seemed to consider it,) particularly as he had been referred to in the course of the remarks which had just been made. He ought to do so, (Mr. C. said,) if it were only for the mere purpose of rendering some suitable apology for having called the gentleman from Massachusetts to order, when he presented the memorial the other day. Mr. C. said, the gentleman had not been satisfied to accompany the presentment of the memorial with "a brief statement of the contents thereof," as the rule of the House required, but was going on to declaim at large upon the freedom of the people, and the safety of the citizen. He (Mr. C.) had thought this course a departure from the rule of practice in such cases, and an unnecessary consumption of time, and had, therefore, called upon the Chair to interpose. To require a member to conform to rules adopted for our government and the orderly transaction of business, certainly demanded an apology!

I had supposed, Mr. Speaker, the House had sufficient business to occupy its time and attention, and sufficient matter for excitement too, at least for the present, without the introduction of this most unnecessary, if not unprecedented question. It seems to me, sir, that any one will be satisfied, on the least examination, or the slightest reflection, that the memorialist has no claim to the interposition of the House, founded either upon its practice, or the law of the country. It may serve to occupy the time of the House, which all must agree to be so precious, and so much demanded by legitimate subjects for its consideration; and it may serve to produce some excitement, which may be desirable in these calm and quiet times.

But the gentleman from Massachusetts, [Mr. DAVIS,] who introduced the memorial with so much pure benevolence and deep pathos, disclaimed any intention to excite the feelings of gentlemen, by any remarks he had made. Far from him! He only wished to do justice to an injured individual, an oppressed American citizen! No, sir, it was not his purpose

"To stir men's blood."

He only showed the supposed wrongs of Mr. Fletcher—

——— "poor, poor dumb mouths,
"And bid *them* speak for him."

But, notwithstanding the gentleman's disclaimer, if it had so happened that the eloquence of those "dumb mouths" had roused a general feeling of indignation, likely to overwhelm the object of his assault, he would doubtless have been ready to exclaim with his great prototope,

——— "Mischief, thou art a fool,
"Take thou what course thou wilt."

But, sir, what is the ground assumed and set forth by the memorialist, upon which he claims the interposition of this House? It consists in his having been appointed about fourteen or fifteen years ago, and having ever since quietly held the office, and enjoyed its emoluments; ergo, he is entitled to it the remainder of his life. This, sir, is the sum and substance of Mr. Fletcher's claim: he has held the office so long, that he now believes his title in-

defeisible. The claimant, in this instance, however, is not the only one who has arrived at the conclusion that once getting into office in this District gives a freehold title. That notion, Mr. C. believed, prevailed extensively, not only in reference to the clerkships and other offices in the House of Representatives, but to all the officers in the several departments. It remains to be seen whether the House will give sanction to the claims of such tenants.

The gentleman from Massachusetts, [Mr. DAVIS,] however, was not satisfied to rest the claim of Mr. Fletcher upon the ground set forth in his petition. He urges the additional consideration of the petitioner's long residence here, during which he has made investments in property in this District; and that he has here contracted the private relations of husband and father. For all this good fortune, the gentleman would seem to conclude that the petitioner should hold his office for life. If a man has held an office many years, it is a good claim, according to this new doctrine; but if he shall have had the good fortune, in the mean time, to get married, and to get rich, forsooth, it is much better--it is an indefeisible freehold, at least. Why, sir, acquiesce in this doctrine for a few years more, and we shall have office claimed here by inheritance. The son of Noah Fletcher, or some one else, who has settled here, obtained a good office, got married, been blessed with children, and has realized a fortune, will come forward and claim the place which was held by his father. And could he not sustain his claim? Yes, sir, with as much plausibility as the gentleman from Massachusetts sustains that of the father. He would only have to add to the family history, with which we have already been favored, by saying he had been born here, raised and educated here; perhaps brought up in his father's office, and accustomed to its duties, unaccustomed to any other business, and unacquainted with the manners and habits of any other place. He might add to all this, by urging the conclusive objection to his emigration which is said to have been made by a starving washerwoman of this or some other city—that she could not go to a remote part of the country (the west, perhaps,) because there is no society there.

To enhance the importance of this grave matter, the gentleman from Massachusetts told you, upon introducing it, that it was "intimately connected with the freedom and safety of the people." The removal, or rather the failure to reappoint a clerk—a subordinate clerk--endangers the safety of the people! This is truly touching. What a lively sensibility the gentleman from Massachusetts has to the "freedom and safety of the people!" It certainly ought to enrol him, not only with the patriots, but the philanthropists of the age. But, sir, has he satisfied you of the truth of the fact he assumes? The time was, (and yet is, in some parts of the country,) when rotation in office was supposed to be intimately connected with the freedom and safety of the people; when the power and emoluments of office were supposed to be corrupting in their tendency; and when frequent changes were deemed indispensable to the purity of our institutions. It is true that the party to which the gentleman belongs—once called federal, now ycleped national republican—did, in the early history of the country, insist that some of the higher officers of the Government should be appointed for life; but they did not then insist, so far as I am informed, that clerks, or any other class of subordinate officers, should be so appointed. That, I suppose, has been left for one of the improvements of this more enlightened age. We must now sanction the doctrine that, when a man once gets into office, he is to hold it for life, or during his own will and pleasure.

But, sir, how long has this been a favorite principle with the gentleman from Massachusetts, or his political friends? Did they entertain it during the late administration? Did they raise the cry then, that "the freedom and safety of the people" were in danger? The Secretary of State of that administration thought proper to change the publishers of the laws throughout most parts of the Union, as well as I recollect. Did the gentleman, or his friends, then consider the "freedom and safety of the people" in danger? Did they then tell you that the liberty of the press had been assailed; that the freedom of the people was identified with that great palladium of their liberties; and that, if one were cloven down, the other must fall likewise? No, sir. Not one of those watchful sentinels of liberty then sounded the tocsin—"it was the fairest thing in all the world." Why, sir, the principle of rotation in office has been carried to the utmost extremity by the party to which the gentleman belongs. When did they ever have power, and not exercise it? When did they ever have patronage, and bestow it on those who were guilty of differing with them in opinion? If newspaper authority can be relied on, it was but the other day that no less than fifty-eight watchmen of Philadelphia were dismissed, because they were not of the true political faith. If I am correctly informed, the city administration has lately changed hands. A new mayor, friendly to the bank, and a believer in its claims to perpetuity, has been elected—and this is among the first-fruits of his administration. Where was the sympathy of the gentleman's friends when this was done?

The late printer to this House had been in office four years, and, so far as regarded the discharge of his mechanical duty, I am not aware that there was any well-grounded complaint. Other considerations than the mere business of printing for the House operated upon his re-election; and, I believe, justly operated. Did the gentleman, or his then political friends, vote for him? I presume he will answer—no. But, sir, it is useless to waste time in enumerating instances in which similar acts have been done, even by those who belong to the orthodox school of national republicanism. The omissions to exercise power, when they have it, will be found to be mere exceptions from their general rule of action. Their whole history proves that they act upon the assumption that no man is qualified for office, no man is worthy of trust or confidence, unless he is of the true faith, according to their creed: it is immaterial what may be the grade or character of the station, from the Chief Magistracy down to a watchman.

But, sir, looking to the real object of the resolution rather than to the question properly involved, I had nearly omitted it. The 2d section of the first article of the constitution declares that each House of Representatives shall have the power to "choose their Speaker and other officers." That the Clerk of the late House was not Clerk of this, has been demonstrated by the election of our present Clerk as his successor. Can it be maintained that a subordinate clerk, who derives his appointment and his powers from his principal, has a better tenure? Who directs his labors? Who superintends the performance of his duty? Who is responsible to the House for the performance of them? All must agree that the principal Clerk is the source of his power and authority, the superintendent of his performance, and responsible to the House. It will be found, by an examination of all the laws and resolutions of the House in relation to the subordinate clerks, that every one of them, by the authority of the House, has been employed by the principal Clerk. The House has never appointed one of them. I intended to have gone into a more minute examination of the subject; but, as the gentleman has not thought proper to say any thing upon what would seem to be properly the main ground of his motion, I deem it unnecessary.

Mr. C. concluded by saying that he hoped the House was satisfied that the removal, or, more properly, the failure to re-appoint Mr. Fletcher, was not fraught with

such awful consequences to the freedom of the people, and the safety of the country, as the gentleman from Massachusetts had supposed; and, consequently, they would not adopt the resolution he had proposed.

Mr. MANN moved to lay the resolution on the table, but subsequently withdrew the motion.

Mr. CHILTON then advocated the necessity of inquiry, as a means of justifying the Clerk; for, if there could be any cause shown that the petitioner had neglected his duty, no person, whatever was his political creed, would pronounce that he had done wrong in removing him. It would appear that the whole sympathy of the member from Alabama had been swallowed up for the Philadelphia watchmen, and in apprehension that their removal had been caused by that ten-headed monster the Bank of the United States. But no matter where proscription might be found to exist or to originate, it was important to the House and to the nation that it should be put down, and he expected to have the co-operation of that gentleman to put it down. Had they forgotten the scenes that occurred in 1827 and 1828, before the last presidential election, upon this very subject? Did they not all recollect the hue and cry that was then raised, when Mrs. Bailey was removed from an office connected with the public printing? His (Mr. C.'s) sentiments were the same now, as then. Although charged with deviation, he was determined to maintain the principles for which he had at that period contended.

Mr. C. went on to say that this was the first occasion on which the principles of proscription had been introduced and practised upon in this House, and he considered it as a proof that the reign of terror was restored. Beginning in high places, the stream branched off into every place, however small. He saw distinctly, in the course of this administration, in its large and small operations, a strong tendency to despotism, &c. If it should be found, after giving the Clerk of the House a fair opportunity to explain, that he has turned out able and faithful officers to put in political friends, I, said Mr. C., will be in favor of teaching him a lesson which shall operate upon public officers beneficially hereafter. He would have a committee to inquire into the facts of the case, and he submitted the following motion as an amendment:

Mr. C. then moved to refer the resolution of Mr. DAVIS, on the memorial of Noah Fletcher, to a select committee, with instructions to inquire into and report to this House the causes which have led to the removal of the memorialist; and whether it was for neglect of his duty as an officer, or from political considerations, that he has been removed; and that said committee have leave to send for persons and papers, and to report by resolution or otherwise.

Mr. MILLER remarked that very little remained to be said in reply to the gentleman from Massachusetts, without travelling over the same ground taken by the gentleman from Alabama. He had, himself, for a long series of years, enjoyed an intimate acquaintance with the gentleman who now fills the station of Clerk of this House; and he knew that there was not any where to be found a more high-minded and honorable man. He possessed the confidence of his fellow-citizens in Pennsylvania to a very high degree, and he enjoyed the confidence of his political opponents to as great an extent as any man in that State. I can, therefore, vouch (said Mr. M.) that he is incapable of a dishonorable act. But what is the question which we are now discussing? Has it not been usual for the Clerk of the House to appoint his assistants? Has the right ever been denied to him? How can we make a question of his right to employ such assistants in the discharge of his duties as he himself sees fit to select? As well might the late Clerk, Mr. Clarke, come before us with a memorial for redress, as any one of the assistant clerks. He had never heard Mr. Clarke had been neglectful of his duties; on the contrary, he had always heard him spoken of as a very competent and efficient officer, and an amiable and agreeable man. But still we chose to elect another Clerk. We did not recognise his right to remain in office because he had held it ten or eleven years. If this was the democracy of the gentleman from Kentucky, he could not accede to it, when predicated on the principle of right. It was not the democracy of the people of Pennsylvania, nor did he believe it was of Kentucky. Rotation in office had always been a favorite doctrine with the democratic party, and very properly. It was the nature of man to misuse powers and privileges long remaining in his hands. He did not apply this to the case of the memorialist, who was, as he had been informed, a respectable man, and had discharged his duties well. Maintaining, as he did, that the Clerk of the House, being responsible to the House for the discharge of his trust, had the right of choosing his assistants, he saw no reason for an inquiry into the motives of the removal of the memorialist. He knew very well that all this talk about proscription was meant to operate upon the people. But gentlemen wholly misapprehended the sentiments of the people if they supposed that the people were in favor of rendering every civil office permanent, during the good behavior of the incumbent. The cry of the minority about proscription he had always regarded as a dishonorable mode of party warfare. Were he in the minority, he would be the last man to ask political favor from adversaries whose election he had opposed. He appealed to the candor and good sense of the gentleman from Massachusetts for the acknowledgment that it is usual for every majority to appoint its own friends to office in preference to its opponents. Was not this the case in the gentleman's own State? Were the offices of trust and profit in the gift of the majority there conferred upon individuals belonging to the minority? Would the gentleman himself, as Governor of Massachusetts, appoint an opponent to office; or would he permit one to remain in office to the exclusion of a political friend? Let him answer this, and then say what becomes of his doctrine of proscription. He was of opinion that this subject ought not to have been introduced into the House, and he was willing to believe that the gentleman from Massachusetts had acted under a momentary excitement, and without mature reflection; and that, upon reflection, he will come to the conclusion that his proposition is unwise and inexpedient.

Mr. SPEIGHT moved to lay the whole subject on the table.

Mr. PINCKNEY rose, and asked permission to address the House; but the SPEAKER remarked that no discussion was in order, the motion being to lay the subject on the table.

Mr. WHITTLESEY, of Ohio, requested the member from North Carolina [Mr. SPEIGHT] to withdraw his motion. There were, he said, in his possession, some important facts bearing on this subject, which the House should be acquainted with before the subject was disposed of.

The motion not being withdrawn, Mr. W. called for the yeas and nays upon it, and they were ordered.

Mr. WILLIAMS moved that the member from Ohio have leave to submit his information to the House.

The CHAIR said the motion was not in order.

Mr. WILLIAMS then moved a call of the House. Agreed to—83 to 76.

The Clerk called the roll, and 210 members having answered to their names,

On motion of Mr. WILLIAMS, the continuance of the call was dispensed with.

Mr. MERCER desired that the first article of the amendment of the constitution of the United States be read before the question was taken.

The Clerk read it as follows:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the Government for a redress of grievances."

Mr. WHITTLESEY called for the reading of the resolution under which the memorialist (Noah Fletcher) was appointed to office, and it was read by the Clerk.

The question then being taken on the motion to lay the whole subject on the table, it was decided in the affirmative, as follows:

YEAS.—Messrs. John Adams, William Allen, Anthony, Barnitz, Baylies, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burd, Burns, Bynum, Cage, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Claiborne, Samuel Clark, Clay, Coffee, Connor, Coulter, Cramer, Day, Dickerson, Dickinson, Dunlap, Fowler, William K. Fuller, Gillet, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Henderson, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, Lay, Luke Lea, Thomas Lee, Leavitt, Loyall, Lyon, Lytle, Abijah Mann, jr., Joel K. Mann, Mardis, M. Mason, McIntire, McKay, McKim, McKinley, McLene, McVean, Miller, Robert Mitchell, Muhlenberg, Osgood, Page, Parks, Parker, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Ramsay, Schenck, Schley, Selden, Shinn, Speight, Standifer, Sutherland, William Taylor, Francis Thomas, Thompson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Webster, Whallon, C. P. White.—120.

NAYS.—Messrs. John Quincy Adams, Heman Allen, Chilton Allan, Ashley, Banks, Barber, Barringer, Bates, Beaty, Bouldin, Briggs, Burges, Chambers, Chilton, Choate, William Clark, Clowney, Crane, Crockett, Darlington, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Evans, Edward Everett, Horace Everett, Ewing, Filmore, Foot, Foster, Philo C. Fuller, Fulton, Gamble, Gordon, Gorham, Grayson, Grennell, jr., Hiland Hall, Hard, Hardin, James Harper, Hazletine, Hiester, Jabez W. Huntington, Seaborn Jones, Lewis, Love, Martindale, Marshall, McCarty, McKennan, Mercer, Milligan, Moore, Murphy, Patton, Pinckney, Potts, jr., Reed, Rencher, William B. Shepard, Augustine H. Shepperd, Slade, Sloane, Spangler, William P. Taylor, Philemon Thomas, Tompkins, Tweedy, Vinton, Watmough, Edward D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wise, Young.—83.

ELLIOT'S DEBATES.

Mr. McKENNAN, with consent of the House, move that it be

Resolved, That the Clerk of the House be directed to procure 300 copies of Elliot's Debates on the adoption of the Federal Constitution, for the use of the new members, and the residue for the future disposition of the House.

Mr. PINCKNEY warmly opposed the adoption of such a resolution, as being contrary to law, for the House alone, without the sanction of the other two branches of the Government, to make any appropriation for any purpose. He could see no reason why gentlemen who wish to furnish their libraries with any particular book should do so at the expense of the nation. If for their own particular use, then why not themselves purchase desired works? He was so determined against all appropriations made for books in the manner proposed by the resolution, that he would move it should be laid on the table. He, however, waived pressing his motion, to permit

Mr. CLAY to speak on the subject. This gentleman said that such a resolution was directly against an act of the last session, allotting provisional funds for contingent expenses. That act appropriated a sum for either House; that for the House of Representatives was $100,000 for contingent expenses, including printing, &c. among the contingencies. He said, therefore, that the House had no power to act upon the resolution proposed.

Mr. HAWES considered that the new members of the House had equal right to obtain copies of the work as had the old. He would ask one question, Did Mr. CLAY receive or return the copy presented to him, which had been ordered by act of Congress?

Mr. WAYNE moved that the resolution be referred to the Library Committee.

Mr. ELLSWORTH did not wish to renew the agitation of a topic so often debated before, and which always produced the same results. He wished that the resolution should be so modified as to call for only as many copies as would be necessary to furnish each new member with a copy.

Mr. PINCKNEY again pressed his motion to have the resolution laid on the table; which was lost by a large majority.

The debate was then resumed by Messrs. COULTER, SUTHERLAND, J. Q. ADAMS, &c.; after which the resolution was amended, so as to embrace sufficient copies, not only of Elliot's Debates, but also of the volume on the Land Laws and of the Journals till the end of the 13th Congress, formerly published by order of Congress.

After the presentation of sundry petitions concerning different individuals, or for purposes merely local, from the members representing the various States, in their customary order,

The House adjourned about 4 o'clock.

TUESDAY, JANUARY 14.

Mr. JOHN Q. ADAMS obtained leave to offer the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to this House copies of such instructions as have been given to the collectors of the customs since the 26th of December last, regulating their duty under the act passed at the last session of Congress, entitled "An act to modify the act of the 14th of July, 1832, and all other acts imposing duties on imports."

Mr. A. said his object was merely to obtain the Treasury instructions given since the 26th of December, that being the day on which the erroneous instructions were issued by the Comptroller, and had greatly agitated the public mind. The information which would be elicited by the call would satisfy the public mind on the subject.

The resolution was agreed to.

HEIRS OF GENERAL NELSON, OF VIRGINIA.

Mr. MUHLENBERG, from the Committee on Revolutionary Claims, moved that the committee be discharged from the further consideration of the memorial of the heirs of General Thomas Nelson, of Virginia. He pronounced a very high eulogium on the character and services of General Nelson, but stated that the claim did not fall within the rules by which the committee were governed. He suggested the appointment of a select committee to consider the case.

Mr. WISE, referring to the great and meritorious sacrifices made by the deceased, moved the reference of the memorial to a select committee of seven members.

Mr. WHITTLESEY, of Ohio, demanded a division of

the question. It was divided accordingly; and being put first on discharging the Revolutionary Committee, it was agreed to. The question then recurring on the appointment of a select committee,

Mr. WHITTLESEY, admitting the merits of General Nelson, argued to show that it would be setting a very dangerous precedent to refer such a claim to a select committee. If such a course was to be pursued in reference to this claim, it might with equal propriety be pursued towards all claims presented, and there was no longer any use in the appointment of standing committees.

Mr. WISE, in reply, said, the remarks of the gentleman from Ohio appear to me to pertain more to the question of discharging the Committee on Revolutionary Claims from the consideration of this memorial, which has already been decided, than to the appointment of a select committee. If this memorial ought not to have been referred to the Committee on Revolutionary Claims, which has already been discharged from its consideration, it does not, certainly, belong to any other standing committee of this House. And now, if it shall not be referred to a select committee, the House will virtually decide that it shall not be considered at all. The Committee on Revolutionary Claims has moved to be discharged from it, not because it has not merits, and of the highest order too, but without prejudice, and because it does not come properly within its jurisdiction.

This claim is not of the ordinary class of revolutionary claims. They, although generally barred by limitation of time, were, prior to the bar, legal claims under laws and resolutions of Congress. But this is strictly an equitable claim upon the Government. General Nelson, sir, was the Robert Morris of Virginia, who there sustained from his private purse, without the guaranty or authority of law, the credit of the country, and made immense sacrifices of an immense fortune during the revolutionary military operations about Yorktown. His expenditures and sacrifices consist in a variety of detail. The claim is very voluminous; the memorial is quite a book; and, presuming that no standing committee, burdened as all those committees are with the thousand petitions which crowd upon us this session, would be very anxious to have the duty of investigating and reporting this claim imposed upon it, I moved its reference to a select committee, which I hope the House will allow.

The motion of Mr. WISE prevailed, and a select committee of seven was ordered to be appointed to consider the claim.

A great number of resolutions were offered, by individual leave, until a resolution, moved by Mr. FOSTER, was adopted; under which, hereafter, the presentation of petitions will be in order during the first hour on every day's sitting, and the orders of the day will be taken up at one o'clock.

REMOVAL OF THE DEPOSITES.

The House having resumed the consideration of the motion to refer the Secretary of the Treasury's report on the deposites to the Committee of Ways and Means; and the question being upon the motion of Mr. MCDUFFIE to add to the motion for reference the following instructions to the said committee:

"With instructions to report a joint resolution, providing that the public revenue hereafter collected shall be deposited in the Bank of the United States, in compliance with the public faith, pledged by the charter of the said bank"—

Mr. CAMBRELENG rose and said: In debating this important question, Mr. Speaker, I shall endeavor to discard all political considerations. Indeed, sir, the friends of the constitution and of a sound currency find themselves, upon this bank question, in an attitude of neutrality between the two ancient parties which have governed this country since the adoption of the constitution; for, if the one gave the first blow, the other inflicted the deepest wound.

It is not necessary for me, sir, to undertake the defence of the Secretary of the Treasury. That officer has vindicated his own cause with ability, and, I may add—what is not less important in our public documents—with decorum. I wish I could pay the same compliment to the report of the bank committee. In discussing the question before us, I shall exercise the right—and I presume every member will do the same—of inquiring into the propriety of the measure adopted by the executive branch of the Government; and of stating, on that much more important question, my reasons for believing that the deposites ought not to be restored to the Bank of the United States. In pursuing that course, I am sure I shall act in accordance with the views of the Secretary of the Treasury, notwithstanding the version given to his opinions by the gentleman from Pennsylvania, [Mr. BINNEY,] who makes that officer deny the right of this House to control the question. So far from claiming the exclusive control over the public deposites, the Secretary expressly says that "his right to designate the place of deposite was always necessarily subject to the control of Congress." But, sir, I can refer the gentleman from Pennsylvania to an authority which carries the right of the Treasury and of the Executive over the question far beyond any ground now assumed by the Secretary, and which, also, furnishes a very able reply to the argument of the gentleman himself. When the conduct of the bank was the subject of debate in 1819, a gentleman who was a director of the Bank of the United States, [Mr. Sergeant,] contended that, "if we undertake to examine the general administration of affairs of the bank, or to investigate the conduct of particular directors, we are involved at once in the danger of an interference with the Executive. To that department it belongs to decide whether the public duty has been performed."

Neither, Mr. Speaker, shall I conceive it my duty to defend the Executive for interfering with the removal of the deposites. Were I to do so, I might engage in this grave and profound inquiry—whether the Treasury be an executive department or not. I might push my researches to an earlier period in our history, and involve one of our former Presidents in a much more serious difficulty than that in which we find the present Chief Magistrate. It is fortunate, indeed, that the important discovery, that the Treasury is not an executive department, had not been made in 1800; for, sir, in that year, according to the doctrine now maintained, a most flagrant outrage was committed upon the laws and the constitution. Congress, by the act of the 24th of April, 1800, authorized the President "to direct the various offices belonging to the several executive departments" to be removed from Philadelphia to Washington. In those simple days they actually forgot the Treasury altogether, and left it remaining in Philadelphia, where, according to modern construction, it should have remained to this day. But the President, by an extraordinary act of usurpation, removed—not the deposites, sir—but the very department itself, presuming it to be a branch of the Executive! Fortunately for him, he did not live in our times, or we know not what might have been his fate. Mr. Speaker, I have no wish to treat the opinions or arguments of gentlemen lightly or with disrespect; but it seems to me that there is about as much solidity in this argument, that the Treasury is not an executive department, as there is in its concomitant, that directing the public revenue to be collected in Third instead of Chesnut Street arms the Executive with the powers of the purse and the sword, and endangers the liberties of my country.

Were I to vindicate the conduct of the President of the United States, I would defend him as he would defend himself, were he now arraigned at your bar. I would protect him with no Treasury shield. I would evade no question—shun no responsibility. I would tell you he had discharged a great public duty—a duty assigned him by the constitution—an authority paramount to all your laws; particularly one which never rested on any constitutional foundation; and more especially an act which, whether constitutional or not, has been violated by the party for whose benefit it was intended. I would ask you, who there is now living who has done more to re-establish the authority of the constitution? When the President came into office, he found this hall thronged with able and eloquent men, advocating the very doctrines which are now repudiated. When a gentleman from Virginia—that State which never has abandoned the constitution—rose to make a constitutional argument, it excited a smile of ridicule or derision. But now, how changed the scene! We are all constitutionalists—we are roused at the slightest infraction, real or imaginary, of the laws or the constitution. The tendency to consolidation is not only arrested, but we seem to be rushing to the opposite extreme. And to whom are we indebted for this change? To whom but that man who dared to "assume the responsibility"—who ventured to appeal from the decision of Congress to the judgment of his country—to him who has been the instrument in the hands of the people of effecting a great civil revolution? Yes, sir; he found at the commencement of his administration every department of the Government contaminated with unconstitutional doctrines; he found a fabric of Government erected here, of which the basis was the Bank of the United States; the superstructure, the tariff, and a national system of internal improvements. We have seen the parts of this edifice give way, till nothing remains but the foundation—the gentleman from South Carolina's "rock of adamant." Nothing remains, sir, but the Bank of the United States. On that question the President has discharged his duty—the people have ratified his decision—it now only remains for their representatives to put this question forever at rest. That opportunity is now presented. For the motion now pending is more important in its consequences than the mere restoration of the deposites; it involves not merely the temporary interests of trade and revenue, but the existence of the constitution and the permanent welfare of the country; it is, in effect, a motion to recharter the Bank of the United States. Yes, sir, after having debated and decided that question every where two years ago, it is again revived, and the country must be a second time agitated in a hopeless struggle to obtain a renewal of its charter. I had hoped, for the sake of the public tranquillity, that the institution would have submitted to its fate; but when I observe its course for the last three years, and its measures for some months past—when I see the recent movements abroad, with the hope—the vain hope, sir—of operating upon the fears and the political integrity of this House—when I notice a manifest design to alarm the public mind, to prostrate commercial credit, to distress trade, and to paralyze the industry of the country—I am almost compelled, sir, to respond the opinion expressed by the gentleman from Pennsylvania, [Mr. Binney,] that "the time has come when gentlemen are disposed to do more for one cause than for the cause of their country."

Mr. Speaker, to return to this question of the removal of the deposites: I care not for these expenditures for the printing and distribution of essays, speeches, and reviews. It is the natural resort of every such institution. Besides, sir, whenever the people of this country can be convinced that a national bank is for their individual benefit; whenever they are persuaded that it is compatible with the permanent existence of republican institutions, or calculated to strengthen the defences of civil liberty, we may surrender the question; for a people entertaining such opinions will soon erect for themselves a Government of a very different character upon the ruins of the republic.

Nor, sir, do I object to the interference of the officers and dependants of the institution in our elections. I hold those who chartered the bank accountable for that. The gentleman from South Carolina [Mr. McDuffie] must seek in some other world for a people destitute of the passions of our race, before he will find a country where the officers and dependants of banks or Governments will not interfere with elections wherever the right of suffrage is enjoyed. It is unsafe to rest our public policy, or our political hopes, on any such artificial foundation. I am glad, sir, that the institution has engaged in our elections, and I congratulate my country that the President presented this question at an early day for its decision. It has been fully and fairly considered and settled, for the first time since the adoption of the constitution. The old bank was not founded on popular will, and the present institution was the last of those extraordinary measures which were projected in 1814, '15, and '16. The question has been at last fairly submitted to the people, and the result is the largest majority against the Bank of the United States that has ever been known since the adoption of the constitution. We have every reason, sir, to congratulate our country on the result of our late contests: it proves our devotion to the Union and the constitution; it proves that public opinion is as sound now, at the close of near half a century, as it was at the adoption of the constitution. It renews the patriot's confidence in the stability of our republican Government.

Neither should I justify the removal of the deposites from any apprehension of the insolvency of the institution. On this point, the gentleman from South Carolina, [Mr. McDuffie,] no doubt, unintentionally, has done me some injustice. I never supposed, however its affairs may have been managed, and whatever dividend its stockholders may ultimately receive, that the whole capital of thirty-five millions had been wasted. There was but one member of the committee to which we belonged who desired to express an opinion on the insolvency of the institution, and who would have done so, had his associates consented to it. And, sir, if the gentleman from South Carolina means to prosecute any one for this libel or slander, I must leave him to settle the question of damages with his friend the gentleman from Georgia, [Mr. Clayton.] But, sir, I did entertain and express the opinion that the Bank of the United States would be unable to pay the three per cents at the time when the Government would require their payment. Was that prophecy fulfilled? Were the three per cents paid on the 1st of July, or the 1st of October, 1832, or even on the 1st of January, 1833? What was the condition of the Bank of the United States in February, 1832? I will not give the gentleman from South Carolina my opinions; I will give him the opinions of one entitled to the highest respect—of a gentleman now no more—to whose memory I should do injustice were I not to say that, for skill, ability, and experience in banking, he had no superior in this country; of one who had directed the affairs of one of our largest banking institutions, and who was, moreover, a decided friend of the Bank of the United States, and as decided an opponent of this administration. What account does he give of the condition of the bank, in his letter of the 16th February, 1832?

"I have seen the statement of the affairs of the bank for 1831 reported to Congress, and I confess I am alarmed at the picture. Their loans have been increased in the year from forty-five to sixty-six millions, while their specie has decreased from twelve to seven millions. The bank has now outstanding that vast amount of loans—

(which it will find it difficult to reduce or call in,) its specie low—no funds in Europe to draw for; on the contrary, in debt a million and a half—exchange at eleven per cent. premium—specie shipping by every packet—by that of to-day $140,000—more than twenty millions of their notes in circulation, which the pressure of the times will bring back upon them rapidly—and their private deposites liable to be withdrawn. They have acted like madmen, and deserve to have conservators appointed over them."

They have acted like madmen, and deserve to have conservators appointed over them! This, too, the opinion of an experienced banker—a friend of the bank and an opponent to this administration. This was the origin of our present distress, as I shall presently show. Do we not see, sir, how impolitic it is in the Government to give to any such institution this immense power over the property and welfare of the country? Have we not, in this brief statement of its transactions for a single year—if I may borrow the language of the gentleman from Pennsylvania—"a fearful admonition that we hold all our treasures in earthen vessels"—"that misjudging man, either in error or in anger, may, in a moment, dash them to the earth, and break into a thousand fragments the finest creations of industry and intelligence?" I was happy to hear the gentleman from Pennsylvania say that he was not a member of the board in 1831. No, sir; had he been then a director of the institution, I am sure he never would have consented that, after fifteen years existence, it should suddenly augment its commercial loans nearly fifty per cent. No, sir; after the President had announced his hostility to the bank, when it was probable, nay, almost certain, that it would not be rechartered, he never could have consented to an expansion of its commercial loans of more than twenty millions, merely to increase the embarrassments of trade in curtailing that additional amount upon winding up its affairs. I have too much confidence in his judgment and humanity to believe that he would thus rashly sport with and put in jeopardy the property and welfare of the country.

But this is not all. The sudden expansion of the commercial loans of the Bank of the United States was made with the knowledge, as we are informed in the report of the bank committee, that "there were more than twenty-five millions and a half of the principal and interest of the public debt, payable in the year 1832—from 31st December, 1831, to 1st January, 1833—of which more than fifteen millions were to be paid in fifteen months, and between eight and nine of it to foreigners." Is it surprising that the bank should have been embarrassed and driven to every expedient in 1832? Yet, sir, the gentleman from South Carolina tells us "that the bank saved the country by its able management." The bank saved the country! Why, if it had not negotiated a loan of some thirteen millions with Government, and of four or five millions with foreign bankers, it would have been driven to the necessity of ruining its debtors, protesting our Treasury warrants, or of suspending its payments. Yes, sir, the gentleman from South Carolina would have discovered that his rock of adamant rested on a quicksand.

I do not wonder, Mr. Speaker, that both the gentleman from South Carolina and the gentleman from Pennsylvania wish to consider this affair of the three per cents as "an old story"—that they would cover it with the veil of oblivion. I wish, for the credit of the institution, that it had never occurred. What was the transaction? As early as March, 1832, before Government had made any arrangement for the redemption of these stocks, the board authorized the exchange committee to negotiate with the public creditors. Soon after this, the Treasury announced its intention to pay a portion of them in July. The president of the bank visited Washington, and made a positive arrangement with the Government to pay a part on the 1st of October, and the remainder on the 1st of January; the bank assuming the quarter's interest on a portion of them. After this arrangement had been made, without the knowledge of the Treasury, of the Government directors, or even of the board, an agent was despatched to England to negotiate with the holders of the three per cents, to the extent of five millions, to postpone the payment for twelve months, and conditionally for a further term. Was no stipulation violated? Why, sir, let me put a case to the gentleman from South Carolina. Suppose he had contracted with his factor at Augusta to receive his moneys and pay his debts; suppose that, in March, 1832, he had announced to his factor that he owed a debt of ten thousand dollars, which he wished him to pay, a part on the 1st of July, and the remainder on the 1st of October. The factor visits Edgefield, states to him that he had loaned the money to his customers, and that he should be obliged to distress them if he withdrew it at so early a period. He, however, makes an arrangement to pay the amount in October and January. After this, and without the knowledge of the gentleman from South Carolina, suppose the factor should go to the holder of the note, and arrange with him to postpone the payment for twelve months at three per cent. interest, while he would continue to loan the money of his employer to his customers at six. Now, suppose the gentleman from South Carolina should accidentally discover this arrangement; would he feel himself bound by his contract to continue that agency? Would not the contract be annulled? Suppose he had withdrawn his moneys from his hands; would he restore the deposites? No, sir, never—never would the gentleman from South Carolina confide in that agent again. Sir, I wish to do impartial justice in this matter between the bank and the Government. The conduct of the former cannot be justified; and, as it regards the latter, it is vain to talk of plighted faith and violated honor, for all its obligations were cancelled—forever cancelled—from the date of that transaction.

There is, however, another view to be taken of the relations existing between the bank and the Government. We have lessened the dignity of our Government by engaging in and sharing in the profits of one of the trades of the community. We have become discounters of notes, bill brokers, and dealers in coin and bullion. We have entered into partnership with an association of capitalists, and have employed seven millions of the public money in a great banking concern. Those whom we have appointed to represent our seven millions inform us that a loan to the extent of four or five millions has been negotiated by our partners, without their knowledge or consent; that they refuse to exhibit vouchers for the expenditures of the concern; that they deny to them all participation in the management of the co-partnership; and that they have no control whatever over any of its affairs. Now, sir, what would be the course of a capitalist under such circumstances? Would he not immediately withdraw his representatives, and announce to the world a dissolution of co-partnership? Would not all his obligations to his partners be cancelled forever? Surely, sir, the bank and the Government are not bound by less rigid notions of honor, law, or equity, than would govern the commercial community. We are, besides, bound to protect the directors, who represent us and guard the public interest in that institution. Had they been less faithful to the Government, they would have been treated with more respect by their associates, and never would have been attacked by the bank or its friends.

Mr. Speaker, the Government was bound by other and higher obligations to remove the deposites—by its obligations to the country, growing out of the misconduct of the bank. Happy would it have been for our commercial interest had the Government alone been wronged, and

had the calamitous effects of the bank's mismanagement not fallen upon the trade and industry of the country. We have heard much of the present distress, and of the removal of the deposites. The gentleman from Pennsylvania [Mr. BINNEY] admits that the mere transfer of ten millions of money could produce no such results. Sir, no man can believe it who understands any thing of banking. The same measure produced no such effects in 1811; nor did a similar one to a greater extent in 1817, when the public deposites were transferred from the local banks to the United States Bank. We have drawn annually, for years past, more money from the bank to pay the principal and interest of the public debt. No, it is not the transfer of ten or twenty millions that can distress a nation, enjoying, like ours, a substantial prosperity. The present prostrated condition of commercial credit in this country is owing exclusively, whether through error or by design, to the mismanagement of the affairs of the Bank of the United States in the years 1831, '32, and '33—to the extraordinary and sudden expansion and contraction of its commercial credits during those three years, when it was almost certainly known that the bank would not be rechartered. We are informed, sir, by the report of the bank committee—for I shall adduce no authority not emanating from the bank or its friends—we are informed that, between May, 1830, and May, 1832, its loans "to individuals" were increased more than twenty-seven millions two hundred thousand dollars, on an aggregate of forty-three millions two hundred thousand dollars, being an increase of more than sixty per cent., principally in 1831, and all subsequent to the date when there was not the least prospect of the bank's ever being rechartered. We are also informed in the same document, that, between May, 1832, and November, 1833, the bank had reduced its commercial loans thirteen millions two hundred thousand dollars; and, by a subsequent report of the bank of the 2d December, it appears that the aggregate reduction, from May, 1832, to December, 1833, was about sixteen millions; and that the most of that reduction occurred since the question of the removal of the deposites has been agitated. Thus we have an aggregate fluctuation in the commercial credits, controlled by the Bank of the United States, of more than forty-three millions. But, sir, even this would have produced little or no effect upon the great mass of commercial credit always existing in this prosperous country. While, however, the Bank of the United States has been, whether by design or not, engaged in thus rashly sporting with the interests of trade, it has been mainly instrumental in setting in motion near five hundred local banks, which have been also employed in expanding and contracting their commercial loans; making, probably, an aggregate fluctuation of these bank credits to trade, to the extent of two or three hundred millions of dollars. When we consider how this must have affected the private concerns between merchants and traders, we may imagine, though it is impossible to measure, the extent of the fluctuation in the whole mass of commercial credit in the Union. Still, sir, rich as our country is in resources, and buoyant in prosperity, it could have withstood all this, had the Bank of the United States, in curtailing its loans, acted towards our local institutions with that liberality which would have promoted its own interest, and cherished the prosperity of trade and industry. It is not, sir, the reduction of the loans of six-and-twenty banks scattered over this vast confederacy, at the rate of one, two, or three millions monthly, that can distress a nation. No, sir, the bank might do all this, and wind up its concerns with ease, provided it would effect it with any regard whatever for the country, and would not, by persisting in a vain struggle for a new charter, sacrifice its own and all other interests. But what has been its conduct? Ever since the three per cent. transaction in October, 1832, the public mind has been agitated with this question of the removal of the deposites, justly judging that the bank had forfeited the confidence of Government, and knowing that the term of its charter was approaching a close. From that moment the bank and its friends commenced a series of operations to disturb the public tranquillity. The most alarming consequences were predicted by its advocates, while the bank went silently to work to realize those predictions. It not only commenced a rapid curtailment of its loans to trade, but, what was far more disastrous to the country, it placed itself and its five-and-twenty branches in an attitude of hostility to some four or five hundred local banks, and thus made war indirectly upon every merchant, trader, manufacturer, and artisan in the country.

Yes, sir, the conduct of the bank and its friends was such, through the whole of the last year, as to excite alarm; and every State bank, and every merchant and trader, began to draw their concerns within their own resources. The mass of commercial credits was suddenly reduced to an enormous extent, varying probably, from the amount existing in 1831, many hundred millions; foreign exchanges fell lower than they have been for fifteen years, and mercantile confidence was utterly destroyed. Had the bank confined its hostility to Government, and not made war, through the local banks, upon the trade and industry of the country, and had its friends abroad regarded the interests of the country more than the interests of the bank, no distress could have occurred; for there never was a period when there was less substantial cause for it. The Government would have been utterly regardless of the great interests of the country had it postponed removing the deposites for a single day. The distress was equally great, and from the same causes, before as since the removal; though, as Congress was not then in session, there was less pageantry in the movements of the bank and its friends; and the time had not arrived, as it has done since, when it was expedient to make a general and simultaneous effort to produce a panic in the commercial community, and to attempt to operate upon the fears of this House and of the country. The same distress, and from the same causes, would have existed if the deposites had not been removed; the same movements would have been made to intimidate the House into a vote against their removal. The present state of the country is not the work of a day or a month, and has not been produced by any measure adopted by Government. It has been owing altogether to the policy pursued by the bank for three years past. The conduct of the Bank of the United States, in 1831, '32, and '33, though for a different purpose, has been precisely what it was in 1817, '18, and '19; and nothing but the sound condition of trade, the rise in cotton during the last year, and the state of our foreign exchanges, has saved the country from calamities similar to those which then desolated the west, and paralyzed the trade of the whole Union. Yes, sir, the president and directors of the Bank of the United States have done what would have induced this House, in 1819, to order a *scire facias*, had not the direction of the institution been transferred to other hands; and had it not been placed under the administration of those in whom Congress had confidence. Sir, the removal of the deposites could not have been postponed, with safety to the great interests of the country. The policy of the bank was well understood, and the state of the foreign exchanges prevented the possibility of a drain for specie from abroad. Every day's delay would have added to the distress of the country, and to the power of the institution to augment it. Those who administer its affairs might, in an instant, put an end to the public distress, and at the same time continue its curtailments, by announcing to the local institutions the policy they intend to pursue, and permitting them fearlessly to afford their usual facilities to trade.

But, while the president and directors of the Bank of the United States remain with their arms folded; while they decline giving the State banks any intimation as the course they may pursue in exacting the balances which must necessarily fall due, to an institution winding up its concerns, from other institutions which continue in operation; while they continue to pursue the policy they have acted upon for some months past, it will be impossible for the local banks to relieve the country. Was this the policy adopted by the old Bank of the United States? I was gratified, sir, to hear the gentleman from Pennsylvania defending that ancient institution. Whatever may have been its political conduct, it never can be censured for the manner in which it wound up its concerns. No; the policy pursued by the president and directors of that institution towards the local banks and the great interests of the country, affords a striking and an unfortunate contrast to the course now adopted by those who manage the affairs of the existing bank. In what manner the old Bank of the United States wound up its concerns, we are informed by a writer of that day. I quote from a scientific work—from an authority with which the gentleman from Pennsylvania is undoubtedly familiar.

"The public prosperity might have received a severe shock, and Government itself been exposed to difficulties and embarrassments much more serious than those under which it must now necessarily labor from the want of a national bank, if the same course of deliberate prudence which has marked the conduct of the late Bank of the United States throughout had not been also pursued in their mode of withdrawing from business. But they proceeded in their work so slowly, and acted towards individual debtors, and towards other banks on which they had claims, with so much liberal forbearance, that time was gained to supply the public with the circulating medium of new bank credits in lieu of those to be withdrawn —a conduct which was, moreover, dictated by the interests of the expiring institution itself, and singularly favored by the general stagnation of commerce at the period when it took place."

What a contrast does this policy present to that pursued by the present institution for three years past! "The same course of deliberate prudence."—"They proceeded in their work so slowly, and acted towards individual debtors, and towards other banks on which they had claims, with so much liberal forbearance."—"A conduct which was, moreover, dictated by the interests of the expiring institution itself." What, sir, would have been the actual condition of the country, had the president and directors of the present institution adopted, in 1831, a similar "course of deliberate prudence," instead of expanding its commercial loans, and placing itself in a worse condition for winding up its affairs in 1834, than it was at the beginning of 1831, by eleven millions of dollars? What would have been the present condition of our trade and industry, had the Bank of the United States "acted towards individual debtors, and towards other banks on which it had claims, with such liberal forbearance?" How different would have been our present condition, had the affairs of the bank been administered with a proper view to the interests of its stockholders, and a just regard to the country! I trust that its president and directors will be admonished by the prudent and just course of their predecessors, and hereafter proceed in winding up the affairs of the bank without disturbing the public tranquillity, and sacrificing all the great interests of the country. I hope that such will be their future conduct, that, some twenty years after the institution shall have expired, some friend may be able to defend it with equal justice and ability. But if, on the other hand, the Bank of the United States should persist in this vain struggle for a new charter—if it should continue to set public opinion at defiance—to agitate trade—to sacrifice all interests, and to disregard the ruin it may produce, by pursuing the policy of an exasperated and expiring institution—it will not only go down, but it will close its concerns amidst the universal execrations of the country.

But, Mr. Speaker, why is the public tranquillity to be again disturbed with the efforts of the bank? Was not this question sett'ed near two years since? Gentlemen have surely not forgotten the language then held by its friends—nay, even by those who directed the institution. When petitioning for a new charter, we were told, two years ago, that—

"Unless the question is decided by the present Congress, no definitive action upon it can be expected until within two years of the expiration of the charter—a period before which, in the opinion of your memorialists, it is highly expedient, not merely in reference to the institution itself, but to the more important interests of the nation, that the determination of Congress should be known."

After referring to the prospect of a new charter, the petition continues—

"If, on the other hand, the wisdom of Congress should determine that the bank must cease to exist, it is still more important that the country should begin early to prepare for the expected change, and that the institution should have as much time as possible to execute the duty—always a very delicate and difficult one—of aiding the community to seek new channels of business, and, by gradual and gentle movements, to press with the least inconvenience on the great interests connected with it."

Such was the language held by the president and directors of that institution at the commencement of 1832. They then wished the question promptly decided, that they might have time "to aid the community in seeking new channels of trade, and, by gentle and gradual movements, to press with the least inconvenience on the great interests connected with it." How admirably have they fulfilled these pledges to the country!

Again, sir: what was the language of its friends—of one of the ablest advocates the bank ever had—a distinguished Senator, from whom I quote, because I think his views frank, just, and judicious? He said, on the 25th of May, 1832, before the bill was sent to the President—

"Seeing the hostility which exists to renewing the charter, and the extent of that hostility, if the measure cannot now be carried, not only a prudent regard to its own interests, but the highest duty to the country, ought to lead the bank to prepare for the termination of its career. It has not before it one day too many to wind up, without distressing the public, such vast concerns."

"It is now two years and a half since the President invited the attention of Congress to this subject. That invitation has been more than once repeated. Every where the subject has been considered; every where it has been discussed. The public interest now requires our decision upon it, and the public voice demands that decision."

Yes, sir, every where the subject had been considered; every where it had been discussed. The public interest then required our decision upon it, and the public voice demanded that decision. And now, sir, after two years have nearly elapsed, after the question has been decided, and after the public voice has ratified that decision, we are again called upon to review that decision, at the expense of the public tranquillity. The same gentleman held the following language, after the President returned the bill, on the 11th of July, 1832:

"The bill is negatived; the President has assumed the responsibility of putting an end to the bank; and the country must prepare itself to meet that change in its concerns which the expiration of the charter will produce."

"In three years and nine months from the present

moment, the charter of the bank expires; within that period, therefore, it must wind up its concerns. It must call in its debts, withdraw its bills from circulation, and cease from all its ordinary operations. All this is to be done in three years and nine months; because, although there is a provision in the charter rendering it lawful to use the corporate name for two years after the expiration of the charter, yet this is allowed only for the purpose of suits, and for the sale of the estate belonging to the bank, and for no other purpose whatever; the whole active business of the bank, its custody of public deposites, its transfers of public moneys, its dealings in exchange, all its loans and discounts, and all its issues of bills for circulation, must cease and determine on or before the 3d day of March, 1836; and within the same period its debts must be collected, as no new contract can be made with it, as a corporation, for the renewal of loans, or discount of notes or bills, after that time."

Its custody of public deposites, its transfers of public moneys—all its vast concerns—were to be closed on or before the 3d day of March, 1836. Such were the views, the sound and judicious views, of one of the ablest advocates of the bank. Well would it have been for the country had the president and directors of the Bank of the United States redeemed their own pledge, by acting in conformity to their own suggestions, and to these prudent admonitions. Since that period, the popular voice has ratified the decision of the President, not only by electing him, but by returning to this House a larger majority than was ever known against the re-chartering of the bank. The executive branch of the Government, acting in strict accordance with the declared views of the directors of the institution, and of its friends, has taken a step necessarily connected with the dissolution of the bank, the convenience of the treasury, and the general interest of the country. The renewal of the question again can only encourage unfounded hopes, and unnecessarily agitate the country. There cannot be the remotest probability of a renewal of the charter, with the first and second officers of the Government and a decided majority of this House opposed to such a measure. Under these circumstances, sir, I appeal to the friends of the bank to unite with us in settling this question now and forever; that those who manage the institution may know its fate, and proceed to wind up its affairs in the manner they proposed in 1832, and as the concerns of the old bank were closed. Let us take some definitive step to restore public tranquillity; let it never be said that "the time has come when we are disposed to do more for one cause than for the cause of our country."

Mr. Speaker, I shall now pass to another question, infinitely more comprehensive—the expediency of renewing the charter of the Bank of the United States; for that is the result of all the arguments of both the gentlemen from South Carolina and Pennsylvania. If, as we are told, the removal of the deposites has deranged all the machinery of trade and currency, and visited distress upon the country, we must either ruin the country a second time, if we restore the deposites, or incur the responsibility of violating our obligations to our constituents, and our fidelity to the constitution, by renewing the charter of the Bank of the United States. Both the gentlemen have predicted the most disastrous consequences from the dissolution of that institution. Sir, it is as easy, considering the tremendous power with which we have armed this corporation, for the bank to realize these predictions, as it is for the gentlemen to anticipate such results. But, unless there is something peculiar in the nature of the trade of this country, and it has totally changed its character since 1811; unless we differ from every other nation upon earth, no such calamities can follow its dissolution, without the direct or indirect agency of the Bank of the United States. That some temporary inconvenience may arise from transferring capital and business from six-and-twenty banks to other institutions, no one will deny; but, in a time of profound peace, and in the absence of all other causes of distress, no such consequences can follow, unless they are produced by the president and directors of the expiring institution. Yet the gentleman from Pennsylvania tells us that our exchanges will be deranged—our currency dislocated—specie payments suspended—local banks multiplied—trade embarrassed—and the finances of Government unregulated, if we dissolve that national institution which controls the great and complicated interests of the country. We are, in short, to return again to the scenes of 1814, '15, and '16.

It is somewhat extraordinary that we should require, in this country, a national bank to equalize our internal exchanges. Will the intelligent gentleman from Pennsylvania inform us in what other country such an institution is established for any such purpose? Does the Bank of England equalize the exchanges of Great Britain? Do the Banks of France, Amsterdam, or Hamburgh, equalize those of the continent of Europe? No, sir. The domestic exchanges of Great Britain are almost exclusively in the hands of their local banks and bankers; and, on the continent of Europe, the private bankers have always enjoyed this branch of trade without the intervention of national institutions. The local banks and bankers of this country, at this very moment, do more towards equalizing our domestic exchanges than the Bank of the United States. The gentleman from Pennsylvania must not imagine that the fifteen or sixteen millions of domestic bills possessed by the bank embraces the whole of the internal exchanges of the country. It is not one-fourth of the aggregate circulation of that species of commercial credit. There is no mystery, sir, in this trade of equalizing exchanges—it is one of the most profitable branches of banking in every country, and in this more than in any other. Here it consists in exchanging bank notes for bills of exchange, at two, three, or four months, yielding a profit to the bank of from one to two per cent. If the Bank of the United States were to expire to-morrow, mutual arrangements would soon be made between our local banks and bankers; and the effect would be to increase rather than diminish the aggregate amount of our internal exchanges. The business would be performed here as it is in every other country, and we should be saved the trouble of contriving some national institution for equalizing exchanges. But, sir, the power of any bank, whether state or national, over exchanges, domestic or foreign, is overrated. Trade is the great agent of equalizing exchanges; and after twenty years of peace, it would be extraordinary, indeed, if any great inequalities continued to exist, particularly between the different portions of the same country. But over our foreign exchanges, no national bank, and no combination of banks, can ever have any permanent control. The temporary balance existing between any two nations is the result, not of the trade between them, but of the immense and complicated transactions of the world, which bid defiance to the power of all our banking institutions, local or national. The Bank of the United States has been annually engaged in purchasing foreign bills in the South, and selling them at a premium in the North; any other bank could and would do the same. No national institution is required in the management of our exchanges, and no material derangement can occur in our internal circulations of any description, without the interference of the Bank of the United States.

Nor, Mr. Speaker, is a national bank necessary to restore or to sustain specie payments in any country. For that purpose, as I shall show, they are the most dangerous of all banking institutions. I am aware, sir, that enlightened and distinguished men have entertained these opinions, and have believed that, without the aid of the

Bank of the United States, our local bank circulations could not have been reduced, and that specie payments would never have been restored. The President of the United States recommended, in 1815, a temporary paper substituted for the precious metals, when the former was actually redundant. The Secretary of the Treasury went further: he doubted the practicability of returning to a metallic currency; and even if we could do so, he seemed to question its expediency. Such were the opinions following the war, and which formed the basis of the present Bank of the United States. Specie payments were restored; the local bank circulations were reduced about that period; and these results have been, by various writers, ascribed to the agency of that institution. These opinions were advocated by the gentleman from South Carolina, in his report upon the bank; they are now repeated by him and the gentleman from Pennsylvania, who has referred us to the authority of Mr. Gallatin. Sir, there is none for which I have a higher respect. But, upon a question so deeply involving the interests of my country, I cannot, without examination, adopt the opinions of any gentleman, however distinguished he may be. In war, a depreciated currency may be sustained by Government and tolerated by trade; but, sir, when peace returns, it is not in the power of a national bank and the Government combined, of any one country upon earth, to control or to resist the vast operations of the trade and currency of the world.

No nation can, when the war is over, prevent a reduction of its redundant currency, nor a return to specie payments, without abolishing its metallic standard, and, by an embargo, cutting off its intercourse with all the nations of the earth. For, sir, bank circulations, exchanges, the value of commodities, the vast mass of commercial credits of every description, after the first speculations usually following war are over, must inevitably subside, till they approach the level of the standard for the value of property in other nations. In our country, specie payments would have been resumed at an earlier period, and before the existence of the Bank of the United States, had the Treasury executed the laws, and required the payment of the revenue in a metallic currency, or its equivalent. The resumption of specie payments, or sustaining them, never depended upon the quantity of precious metals in the country; it depended entirely upon confidence, which had been restored; and our currency would have been restored in one year after the peace, if the Treasury had not doubted its practicability, and had not entertained opinions favorable to a currency of a different character. In support of these opinions, the gentleman from Pennsylvania has referred us to the statement of Mr. Gallatin, of the reduction of our local bank circulations from sixty-six to about forty millions in 1820. It is true that this reduction did occur, and that the bank went into operation in 1817. But the supposed effect had no connexion with the bank, and must have inevitably occurred if no such institution had ever been chartered. The very same thing occurred abroad, and must occur in every nation undergoing a revolution in its currency, in returning from war to peace. The instant the solid metallic currency of the continent came in contact with the depreciated circulations of England, the bubble burst—the circulation of the country banks was suddenly reduced about forty per cent. The reduction is variously estimated at from 30 to 50; and, although the circulation of the Bank of England (in consequence of this sudden reduction, and the efforts of Parliament to retard the restoration of specie payments till 1823) did not decline till 1822, yet the reduction was about in the same ratio with our own. Sir, gentlemen might as well ascribe the restoration of specie payments and the reduction of our local circulations to the Bank of England, or the Bank of France, as to the Bank of the United States. Our currency and circulation were corrected, as theirs were in England, by being compelled to yield to the superior and irresistible power of the trade and currency of the world. The Bank of the United States went into existence at an unfortunate crisis. The mass of commercial and bank credits, which had been excessively expanded by speculations in 1815 and '16, had begun to subside; the bank attempted to enlarge its circulation and commercial loans in opposition to a subsiding trade. It was suddenly brought back, without being conscious of the cause; and, in its tremendous struggles to save itself, it brought down those institutions which had commenced or enlarged their operations under similar circumstances. Had the Bank of the United States never existed, and had Government not unlawfully sanctioned a depreciated currency, the local banks would have soon resumed specie payments, which had, at the close of the war, been only a few months suspended. Had the Treasury, at an earlier period, adopted the policy indicated in the resolution of Congress of the 30th April, 1816, there never would have been any difficulty about the matter, nor any Bank of the United States. Sir, the banks in this country never would have suspended their payments in specie, had not Government first depreciated the currency by an issue of treasury notes, and then, directly and indirectly, borrowed their credit. Banks unskilfully managed, or without capital or credit, will fail, we all know, wherever they are tolerated, as they have done in this country and in England, in peace as well as in war; but our old and long established banks of capital and credit never would have suspended payment, had Government never undertaken to substitute their credit for the currency of the country. We could borrow and disburse their bank notes, but we could not sustain them in circulation; they returned upon these Government banks, which soon, with all neighboring establishments, followed the bad example of the Treasury, and stopped payment.

It is a common opinion, too, that a national bank prevents the multiplication of State banks. It may be so, sir; but if it is, it is contrary to principle, and, in this country and in England, contradicted by experience. It is true that, immediately upon a dissolution of a national bank, there will be, as the gentleman from Pennsylvania has shown, an unusual number of applications for State institutions; but, in a long series of years, the tendency of a national bank note currency is more powerful than all our local circulation, in constantly impelling trade, banking, and every species of credit and speculation, beyond those prudent limits, which, without the agency of such an institution, would usually be prescribed by the annual and steady accumulation of the capital of the country. As to experience, we find that, though restricted for more than a century, to secure the monopoly of the Bank of England, some seven hundred country banks, resting on the most frail foundation, have sprung up in England; and, in our country, we have now near five hundred State banks; whereas, when the old Bank of the United States was established, in 1791, we had but four.

We are told, sir, that this national bank note circulation rests upon a "rock of adamant;" that, without it, the currency will be dislocated. Of all the currencies that were ever contrived by man, the most vicious in principle, the most calamitous in its effect upon trade, the most detrimental to the public interest, and the most unsafe, as it respects the preservation of a metallic currency, is that which is founded upon the credit of a national bank, not only connected with the finances of Government, but, like ours, involved in all the fluctuations of every species of commercial credit, and dealing in them upon a national scale. Our experiment has been tried, as yet, but upon a limited scale, and both our banks have operated only in a time of general tranquillity in the world. We have had few vicissitudes to test the solidity

of our national bank. The gentleman from South Carolina directs our attention to its ten millions of specie, as an evidence of its strength. Why, sir, this apparently solid basis may soon vanish, even in peace, much less amidst the fluctuations of war. What was the recent history of the Bank of England? In December, 1823, it had in its vaults the largest amount of coin and bullion ever known—an amount equal, in our currency, to about seventy millions of dollars. It had more than fourteen millions sterling to meet a circulation of about seventeen millions and a half—almost equal to the whole amount of its notes in circulation. And yet, sir, in December, 1825, without any reduction of that circulation--on the other hand, while it had generally exceeded that amount—the coin and bullion of the bank was drawn down to less than a million—was at one moment lower than it was when the bank suspended specie payments in February, 1797; and the governor and directors, in an hour of general tranquillity in the world, petitioned ministers for an order—which Mr. Canning had the firmness and wisdom to resist—authorizing a second suspension of specie payments. So much for the adamantine character of a national bank note currency. What have we witnessed in the brief history of our national bank? Saved in 1819 by the indulgence of Government and a foreign loan, in 1825 we see the president of the bank hurrying to New York to stop an exportation of specie to New Orleans; in 1832, saved again by what was in effect equivalent to the negotiation of a loan to the amount of seventeen or eighteen millions with Government and foreign bankers. Go on with your national bank--enlarge its circulation and commercial loans—involve your country in war—and then try the experiment to save it from suspending its payments by foreign loans or the indulgence of Government; then test the safety or the solidity of your adamantine currency. The small amount of specie held by our country banks has been also noticed; abolish your Federal reservoir and your national bank note currency, and their vaults will be replenished. Now, it seems by the statements of gentlemen that the State banks have not one dollar in specie to redeem ten times that amount of their notes in circulation. Gentlemen forget that this is precisely the condition of our national country banks--I mean the branches of the Bank of the United States—not at this moment; no, sir; for, whether to protect themselves, as the gentleman from Pennsylvania supposes, or to make war upon the local banks, as others may think, they are now a little better fortified. But what was the condition of some of these branches in January, 1832? The Pittsburg branch had $31,800 in specie to meet a circulation of between $900,000 and $1,000,000; the Fayetteville branch less than $19,000, with over a million in circulation. About $50,000 in these two branches to meet a circulation of $2,000,000—one dollar in specie for every forty dollars in paper! This, too, was at a crisis when the bank was embarrassed from overtrading, and had paid out $5,000,000 of its specie in six months.

Tell me not, sir, that the notes of these branches were on their way to the Atlantic cities for redemption--a panic might have returned them upon the branches; nor, sir, of the specie in the vaults of the mother bank—for all the purposes of the interior branches, in a panic, it might as well be in the mines of Mexico. But the credit of the banks does not depend upon the amount of their specie; if it did, every bank in England, Ireland, Scotland, and the United States, would have long since permanently suspended their payments. Bank credit depends upon public confidence; destroy that, and the institution must suspend its payments. The soundest banks in the world issuing notes—the banks of Scotland--have the smallest proportion of specie. Their credit is founded on a broad basis of extensive private property, capital stock paid in, and an immense amount of deposites drawing interest. Their banks, by allowing an interest on deposites, unlike those of England, Ireland, and this country, are calculated to draw into active use the whole surplus wealth of the country, and are instituted for the benefit of the poor as well as of the rich. Yes, sir, the capitalists of Scotland, wiser than the capitalists of England, Ireland, or these free States—wiser than Parliament or Congress--have discovered that the wealthy and the poor of a nation are embarked in the same bottom; that their interests and fortunes are one and indivisible; and that the prosperity of the people affords the most solid security to the nation for the preservation of order and tranquillity, and for the stability of property. Their banks are not designed, like ours, for the exclusive use of particular classes of society. They are trust companies for giving activity to the surplus accumulations of the wealthy, and savings' banks for preserving the small earnings of the poor. Every mechanic, tradesman, mariner, farmer, and laborer of that country is, in effect, a stockholder in the banks of Scotland. Their thirty-two banks and branches, in a country little exceeding in population that of New York, have in deposite, upon interest, more than one hundred millions of dollars, of which more than fifty millions are in sums under two hundred pounds, belonging chiefly to the poorer classes. Under the English, Irish, and American plan of banking, where no interest is allowed on deposites, and where only a small portion of the population are interested, in a panic the deposites are withdrawn, and the credit of the banks endangered. But, sir, you might as well attempt to move the hills of Scotland from their strong foundations, as to shake the credit of banks in which the whole population are effectually stockholders, and where almost every man, from the capitalist to the day laborer, has his all at stake. The banks of Scotland have stood firm for more than a century, through two civil wars, and through all the revulsions of trade in England, where the country banks have been annually breaking, and while the Bank of England suspended its payments for five-and-twenty years. Had we, sir, in 1791, instead of being dazzled by the false splendor of the British exchequer and the Bank of England; had we looked beyond the Tweed, when we had but four banks in this country; and had our federal revenues been made instrumental in establishing on this continent local banking institutions on a similar plan, this Government would have never been troubled with any questions of currency or banking. But it is not yet too late. Our Federal revenues may still be made instrumental in aiding a reform which has already commenced in our plan of banking. The Boston banks have already begun to allow an interest on deposites; and I observe by their last returns that these deposites already amount to near eight millions. In New York, a trust company, incorporated only two or three years since, has now three or four millions in deposite; and I understand the Union Bank of Maryland, one of the deposite banks, is conducted on the same principle. May we not hope, sir, that the time will come when the banks in this country will be like the banks in Scotland--the agents for drawing into the active uses of trade and industry all the unemployed capital of the country, whether of the rich or the poor; and for diminishing the proportion of bank note circulation, by substituting the real wealth of communities in their place? But no effectual reform of the banking and currency of this country can take place till we abolish our national bank note circulation. That, sir, is the first step. The next will be the restoration of our gold currency. We have been strangely employed, for years past, in coining gold for the use of other countries, by vainly attempting to circulate it at home at a value below the market price of the world. Our law must be modified, and our gold coin restored to circulation.

We must not sacrifice our currency and the interests of

trade to mere abstractions. The experience of other nations proves that both gold and silver may circulate together, without detriment to any interest whatever. The trifling fluctuations in their value are wholly unimportant, when compared with the advantages of a sound currency. Silver will be employed in our local circulations, and gold will be an infinitely safer national currency than any bank note circulation, whether State or Federal. Our revenues may be made indirectly instrumental in reforming our State bank institutions, by employing no bank which issues small notes, and none that will not allow an interest on private deposites. These measures are not impracticable, and would produce no derangement of our banking system. On the other hand, they would increase the profits of every banking institution in the country, would essentially promote the interests of trade and industry, and improve the condition of the people. But whatever reform is attempted should be commenced here, and should not be committed to any department of this Government. It is our duty to see that the public revenues are not made instrumental in giving credit or circulation to bank notes of any character, whether issued by State or Federal institutions; it is our high duty to secure a sound currency for the uses of trade, and to devise measures to save our country from the distressing fluctuations of circulations depending upon the trade of institutions whose profits are increased, however the country may suffer, by every imprudent expansion of their commercial loans.

The gentleman from Pennsylvania tells us that the most disastrous consequences are to result from the dissolution of the Bank of the United States, by deranging the vast machinery employed in managing two hundred and fifty-five millions of commercial credits. Sir, if we are to suffer, we had better submit to it now, and for the last time. The power to distribute and control the commercial credits, and to direct the banking operations of a nation, should never be intrusted to any corporation, much less to any one officer or director, by whom such institutions are usually controlled. The property and welfare of the people of this country should be confided to the management of no man. No matter how ably the affairs of a national institution may be administered, the vast and fluctuating operations in the trade of this country, and of the world, can never be anticipated; and whenever these come in conflict with our national bank distributions of capital and credit, the country must inevitably suffer. We have already suffered enough; we are at this very moment made deeply sensible of the impolicy of conferring this tremendous power on the president and directors of the Bank of the United States. It is safer, wiser, and certainly more just, to permit each community to regulate its own banking concerns, and not to make it responsible, through the medium of a national institution, for every error which may be committed in trade or banking by every other community in the Union. I must, for one, sir, protest, in behalf of my constituents, against any such national superintendence over our commercial concerns. I must entreat you to dissolve your national partnership, to withdraw from trade, and to leave us to manage our own banking concerns. If we commit errors, we are willing to suffer the consequences; but we are not willing to be made answerable for the management of the banking and commercial concerns of every other community in this extensive confederacy. Save us from all such national guardianship. Do not place us in a condition to be sacrificed, whenever your Secretary of the Treasury may commit an error in the administration of your finances; do not make my constituents the victims of every blunder which may be committed by the president of the bank; do not place their property and welfare at the mercy, or under the arbitrary control, of the president of any national bank, however wisely he may administer its affairs, or wherever his throne may be erected. Sir, we as yet know little of the calamitous effects of a great national regulator of commercial credits, exchanges, and currency. Renew its charter—perpetuate it—and then see what will be the consequences.

Mr. Speaker, when the gentleman from Pennsylvania was so eloquently describing a smiling and a happy land, a nation universally rejoicing in her wealth and prosperity; when he told us how suddenly this brilliant scene had vanished, as if by enchantment, and how gloom and despondency had settled upon the land; it brought to my recollection the condition of England in 1825. There were smiles and rejoicings in that country, also, equal to any we have witnessed amidst the pageantries of the past year. In February of that year, sir, the King congratulated Parliament on the universal prosperity of the kingdom: he told them there never had been "a period in the history of the country when all the great interests of the nation were at the same time in so thriving a condition." There was no removal of the deposites there, sir; there was "no wizard" to dissolve this scene, as if by enchantment; yet, in ten short months from the date of this congratulation and rejoicing, public confidence was destroyed, commercial credit prostrated, and England presented one universal scene of ruin and despair! Yes, sir, the deputy governor of the Bank of England, who tells us he had not seen his children for a week, in December of the same year, (to use his own language,) he "had the happiness to crawl to the cabinet, almost dead with fatigue, and to announce to Lord Liverpool and the ministers assembled that all was well." Sir, little did Mr. Pitt imagine, when, if I recollect, on a Sabbath in February, 1797, he issued the fatal order for the Bank of England to suspend its payments—little did he anticipate the series of calamities his country was doomed to suffer from a depreciated currency and the violated contracts of a nation. Still less did he suppose that the effects of that order would be visible in those terrible revulsions which afflicted the trade of England for ten years after the war; and least of all did he foresee its desolating result in 1825. Little did that statesman imagine that the suspension would continue long enough to involve the contracts of a generation; and never could he have believed that, towards the close of nine-and-twenty years, in a period of general tranquillity, and when the nation ought to have enjoyed universal prosperity—never could he have believed that the governor and directors of the Bank of England would be seen presenting their petition to ministers for a renewal of the restriction act. Mr. Speaker, we have, in this country, as yet acted upon a comparatively moderate scale. Go on, sir; recharter your bank; extend its circulation to some fifty or a hundred millions—as the gentleman from Pennsylvania says, "spread all your canvass," and then see what will be the fate of your currency, trade, and industry. No, sir, no. Give us no national ship, freighted with all our treasures, and with "all her canvass spread," to encounter the squalls incidental to the troubled ocean of trade. We are, as the gentleman says, "on the same plank—upon the same ocean—in the same storm." Give us no national pilot to guide us through the breakers, and when the ship lies wrecked upon the strand—after half the crew have perished in the waves—to come to us, and mock us with the cry that "all is well."

This was not the friend of trade—this was not the currency of the Government, which was contemplated by those who framed the constitution. They designed, by every possible guard, to deprive the Federal and State Governments of the power to abuse their own credit, or to prostrate commercial confidence, from a knowledge of the calamities which we had experienced ourselves, and which other countries had suffered from a depreciated currency. They designed to secure for our Government

an unshaken public credit, and for the country a stable prosperity, by permanently preserving, for the uses of trade, the ancient currency and standard of the world. They never contemplated that our Government would require or ever create a national bank financier to sustain public credit, or replenish an exhausted treasury. But, sir, if such were the sound opinions of the convention in 1787, how much stronger should be our conviction, at this time, of the impolicy of employing any such agent to support public credit, to sustain the currency, to furnish loans to Government, or to aid in any manner in the administration of our finances! Since the adoption of the constitution, we have learned more perfectly to comprehend the evils resulting from the employment of a national institution for any such purposes. Its inevitable tendency to depreciate the currency, to prostrate trade, to destroy public credit, and to double the expenses of war, was not fully developed till subsequently to the suspension of specie payments by the Bank of England in 1797. We have since then seen the currency of England depreciated more than 30 per cent.—a greater extent than ever occurred in this country during the most disastrous period of the war. Public credit was sustained no better there than here, notwithstanding the extraordinary manner in which our finances were administered during the war. The three per cents, which had been once as high as 107, and were still in 1792 at 97, fell, in the year of the suspension act, to £47 for £100. But even this was not the lowest rate; for, although they were nominally at an average of 60 or 62 during the war, these rates were paid in a currency which had become depreciated, and were not equal in value to £47 in 1797.

And how, sir, did this national bank financier operate upon the expenditures of the war, and the progress of the public debt? Subsequent to the date of the order for suspension, the bank discounted, during the war, exchequer bills amounting to more than two hundred and twenty millions sterling; the Government negotiated loans to the amount of eight hundred millions; the public debt was increased near five hundred millions sterling, independent of a heavy addition to the ordinary taxes upon the country within the year. One of the most respectable writers of Great Britain estimates the war expenditures alone (exclusive of the current expenses of Great Britain and Ireland) subsequent to the 1st of January, 1797, at one thousand and fifty-one millions sterling, equal in our currency to about five thousand millions of dollars; for which the Government did not receive more than half its value in a metallic currency. Such is the formidable and prodigal result of employing a national bank as a financier, and of the experiment to substitute its paper for the credit of Government. The fundholder may admire a system which enables him to double his capital between war and peace; but those who have to pay a hundred pounds in a metallic currency for every sixty borrowed in a depreciated paper can never defend the economy or justice of employing a national bank as an agent of the treasury in war. The evils which this agent of the British exchequer has brought upon England have not terminated; the bank has discovered that, with the aid of a restriction act, it can double its profits; and ministers have found out that they can save their popularity by substituting bank credit for taxation. In every future war the same compact will be made between the bank and the Government; for, at such a crisis, ministers and bank directors will utterly disregard the great interests and permanent welfare of the country. The currency will be again depreciated; the contracts of the nation again twice violated; and the return of peace, instead of being hailed as a blessing to the country, will bring with it terrible revulsions, similar to those which afflicted England from 1815 to 1825. And, sir, if we renew the charter of the Bank of the United States, the fate of our trade, currency, public credit, and the expenditures of our wars, will be the same.

Our Government never would resort to taxes while they could borrow the credit of its national bank; the Bank of the United States would not only suspend its payments, but sweep every other bank with it. What, sir, was our experience during the late war? I refer to these events as matters of history, to show the consequences of our own improvidence, and to prove that our bad financiering was the original cause of all our subsequent unconstitutional legislation. We also tried the experiment of carrying on war without money, and of supporting public credit without taxes. Our revenue from imposts ceased—no tax was imposed throughout 1812 and 1813—we issued our treasury notes, and negotiated our loans at lower and yet lower rates—we borrowed the credit of our local banks, and compelled them to suspend their payments—calamity followed calamity—confidence was destroyed, and a panic seemed to affect all, in or out of the Government. From that time to the close of the war we had bank projects of every form; and, although not equal in magnitude, resembling in principle the mad measures which were adopted by the French Government pending the celebrated Mississippi scheme. We had, among others, a treasury note bank, founded on forty-four millions of treasury notes and six in specie.

But, sir, the most extraordinary scheme emanated, if I recollect, from the Treasury. It proposed a bank of fifty millions capital—forty-five in Government securities, and five in specie—with a stipulation to suspend specie payments, and an obligation to lend Government thirty millions more. This extraordinary proposition was adopted by the Senate, which is supposed to contain the matured wisdom of the nation. It was sent to the House—its capital was cut down to thirty millions, and the privilege of suspending specie payments and the obligation to loan Government thirty millions were stricken out. The Senate contended for these provisions, but the House insisted. The bill was sent to the President, and returned with his objections, which were founded, not upon those ancient constitutional grounds so ably advocated by the leader of the republican party in the Congress of 1791; not upon the principles which that party had maintained for five-and-twenty years; but because it was not, in effect, a bill calculated to supply Government with money to carry on the war—because it was not a bank founded upon seventy-five millions of public securities, and five millions of bank credit—because, in short, it was an impracticable experiment to erect a solvent institution upon the ruins of public credit!

Suppose your old national bank had existed then: its capital would have been increased to fifty millions; the war would have been carried on with its circulation; the suspension of specie payments would not have been merely tolerated from necessity, but would have been sanctioned by an act of Congress; your currency would have been depreciated; every bank in the country would have suspended its payments, and trade and industry would have been prostrated. The history of that war, and of the policy of Great Britain from 1797 to 1815, ought to satisfy us of the wisdom of the provisions of our constitution. Had our policy been in accordance with these provisions, our constitution would never have been violated—the banks in this country would never have suspended their payments—our currency would have been preserved—public credit would have been sustained by taxes equivalent to the interest upon our loans—our war would have been conducted with money and with energy—we should have taken the Canadas in three months—made peace on our own terms, and saved one hundred millions of the expenditures of the war. But, by departing from the constitution, how sad were the consequences! May not the his-

torian say that, but for the energy of the State Governments, and the gallantry of our navy, army, and militia, the war would have terminated as it commenced—with disgrace? When the war was over, the actors in those scenes were the last to ascribe our calamities to our own improvidence and the mal-administration of our finances. No, sir; our first work was to prepare for a future war.

A tariff was enacted to furnish our army with supplies; a national bank was incorporated to manufacture paper money to pay for them; and a magnificent system of national internal improvements was projected to enable us to transport our ordnance and other munitions of war to our distant frontiers.

Such, Mr. Speaker, was the origin of the celebrated American system—a plan of legislation which, had no man "assumed the responsibility" of arresting it, would have prostrated every confederated right, destroyed the constitution, and revolutionized your Government. Happily for the country, we have escaped this calamity, and we are now approaching the close of a great civil revolution.

Nothing remains of this celebrated system but the Bank of the United States. I trust, sir, that, in accomplishing the last work in this great reform, the friends of the constitution—no matter by what party denomination they may be known—will unite in securing for our country a sound currency and a stable prosperity. I trust we shall take no false step, make no retrograde movement, nor ever look back till the reform is complete. If the bank has been wronged, indemnify its stockholders from your treasury; but do not, in granting the indemnity, inflict an incurable wound upon the constitution, entail on posterity the calamities of a national bank note currency, and lay the foundation of another revolution in your Government.

When Mr. C. had concluded—

Mr. JONES, of Georgia, offered the following amendment to the instructions moved by Mr. McDUFFIE: "With instructions to inquire into the expediency of depositing the revenue hereafter collected in all the State banks in the different States where the same is collected, in proportion to their respective capital paid in, and to prescribe the terms on which the same shall be deposited; and to report by bill or otherwise."

Mr. MOORE moved an adjournment; but, at the request of Mr. POLK, withdrew the motion, to allow the naval appropriation bill to be read a third time.

The bill was read accordingly, passed, and sent to the Senate for concurrence.

And then the House adjourned.

WEDNESDAY, JANUARY 15.

THE PENSION LAWS.

The reports of committees having been received, the following resolution, offered by Mr. CHILTON, came up as the unfinished business, viz:

Resolved, That the Committee on Revolutionary Pensions be instructed to inquire into the expediency of so extending the provisions of the act of Congress, passed 7th June, 1832, granting pensions to certain classes of troops therein named, as to embrace in its provisions those who were engaged in the wars against the Indians subsequent to the close of the revolutionary war:

And the question being on the adoption of the following amendment offered thereto by Mr. BOULDIN, of Virginia, viz:

That the committee inquire "into the moral and political effects of the pension laws of the United States; and how far the same ought to be modified or repealed:"

Mr. McCOMAS, of Virginia, said, if he understood the effect of the amendment of his honorable colleague to the resolution offered by the honorable member from Kentucky, it was to repeal the whole pension system, upon the ground that it corrupts the morals of society, and that the granting of pensions to the soldiers of the revolution is incompatible with the genius and spirit of our institutions. It is true, Mr. Speaker, (said Mr. McC.,) that some persons may have acted fraudulently, and had their names improperly placed upon the pension roll; yet, sir, it is not true that they all have done so, and it is no good reason to arrest the operations of any institution, or law, made for the virtuous, because the vicious may, by chance, be benefited by it. This principle strikes at the foundation of all our civil institutions; and, if put into practice, would upturn the foundation of society itself. No, sir; we should not deny to our fathers the benefit of one of the most salutary laws that was ever passed by this House, because some bad men will swear falsely. If those laws are not sufficiently guarded, let us throw additional guards around them, so as to detect imposition; but let us not repeal them. What, sir, will be the effect of a repeal of those laws? It will be to create an invidious distinction between the soldiers of the revolution themselves. Did not his honorable colleague [Mr. BOULDIN] perceive that, by the operation of the existing laws, many of the soldiers of the revolution have been in the yearly receipt of their pay, while there are others who have never received one cent? Is the honorable member prepared for this state of things? He has not, I am sure, (Mr. McC. said,) viewed the consequences of the amendment in his hand, or he would not have presented it to this House. Why, sir, should we be gravely deliberating here about repealing these laws? They will soon repeal themselves by their own operation. The old revolutionary soldiers are now standing on the verge of eternity; soon they will have sunk to their graves; but a little while, sir, and you will have conferred upon them your last favor; they are dropping from your pension roll at more than the rate of twenty per cent. annually; but a few years, and the last veteran of the revolution will have his name enrolled among the inhabitants of the dead. Does it not occur to every member upon this floor that no man on that roll can be under seventy years of age? Then, sir, I repeat it, why should we attempt to repeal those laws? Will they not repeal themselves? But, aside from national gratitude, if we examine the subject in point of national policy, it seemed to him (Mr. McC.) that all must agree that the old soldiers ought to be paid.

What, sir, is it that makes a man a patriot? It is love of country. What is it that makes a man love his country? It is because it secures to him his civil and religious liberties. Yes, sir, as long as any Government can secure the affections of the people, so long will that people fight to sustain it. But the moment the people become disaffected with the Government, the pillars of the temple begin to tremble, and the mighty edifice shakes to its centre. And what, sir, is better calculated to alienate the affections of the people than ingratitude on the part of the Government? What, sir, is it that makes a man a soldier in a land of liberty? It is the inspiration of hope. Take this from him, and his musket would fall powerless from his nerveless grasp. Tell him that he must wear out the prime of his life in the service of his country, and in his old age be turned penny less upon an unfeeling world, to solicit the cold hand of charity for support; few, very few, Mr. Speaker, will be found ready to face the steel-pointed bayonet, to fight the battles of the country. Suppose, sir, when the better days of this republic may have passed by, that we should again be plunged into war, and we send our recruiting officer to enlist soldiers for the army: he applies to an individual, who refuses; the officer expostulates with him, and talks of the honor which he will gain, of the laurels that will deck his brow. The man tells him that he does not covet the honor that will send him to his grave a beggar; that he is poor, and

while he is young, and in the enjoyment of good health, he must make provision for old age. The officer tells him not to mind—when he gets old, the Government will provide for him. He replies, Not so; my father was a soldier of the revolution, and he died a beggar! he applied to the Government; and his charge was not against the Secretary of the Treasury for removing of the deposites, but for locking them up. Your father must have applied when the financial operations of the Government were embarrassed. Not so; it was at a time when the national debt was paid off, and the treasury, like the river Nile, was overflowing its banks! The people had so much money, they did not know what to do with it; unless, indeed, it was intended to be set apart as a sinking fund to make Presidents out of.

But, sir, it is said by gentlemen on this floor that the soldiers who fought in the Indian war, since the close of the revolution, up to the treaty of Greenville, in 1794, are not to be placed on the same footing as the soldiers of the revolution, because, it is said, they fought as rebels, with ropes around their necks; and, if taken by the enemy, they were to be hung for treason. And pray, sir, what became of the poor soldier who fell into the hands of the savage? It is true, sir, he would not be hung for treason; the savage enemy would dispense with all the ceremony belonging to the judicial forums of the country. He would lay down the rope and take up the knife, and skin the top of his captive's head. Yes, sir, take off his scalp, and then plunge the fatal axe into his head, or extinguish him by fire and faggot—an operation still more shocking to humanity. It seems to me, gentlemen must have a strong aversion to being hung, if they could prefer this mode of dying. To me, sir, the scaffold has no terrors, compared with this mode of death; therefore, I cannot see any force in the objection. If patriotism and a life of suffering entitle any people to a nation's gratitude, the soldiers in the Indian war present a strong claim. Sir, are there not men upon this floor old enough to recollect the horrid barbarity of the Indian war, and the many murders that were committed upon the innocent and unoffending citizens of the country? Yes, sir, let them speak, and your heart will sicken, and the blood chill in your veins. Fancy is incapable of giving a description of the sufferings of these old soldiers. These old men, Mr. Speaker, guarded your frontier, when you were a child. Yes; sir, they were an ample shield, behind which you could stand secure from a savage foe.

It was these men that prevented the unfeeling savage from carrying death and desolation to your fireside. They were sons of noble sires, principally volunteers, prompted by nobler feelings than those who hired themselves out to be shot at. It is these men that are asking relief at your hands. They say they are old, and many of them poor and pennyless; and four or five dollars per month would add much to their comfort, that it would protect many a withered frame from the chilling blast of winter's storm, and many a worthy man from the deep degradation of a beggar. Shall we, who float high in the tide of prosperity—shall the sons who have grown rich upon the hard-earned labor of their fathers—deny to them this small pittance? I trust in God it will not be the case. I hope we shall not lay ourselves obnoxious to the charge so often made, that all republics are ungrateful; but will nobly redeem our country from the charge of ingratitude—the blackest sin in the catalogue of crimes. Sir, the condition of those men addresses itself to the kindred feelings of our nature: they were the pioneers of liberty: it was at their bidding the tide of victory rolled upon the side of American arms. To these men we are indebted for civil and religious liberty: to these men gratitude is due from every nation on earth, where civil and religious freedom shall find an advocate. And shall the American Congress look with cold indifference upon their suffering and helpless condition? Shall the dizzy height of elevation make them forget that they are the descendants of the patriots of the revolution, or that their fathers are in distress? No, Mr. Speaker; not while there remains, unextinguished, one spark of that fire that electrified the bosoms of '76—that spirit that erected the American standard upon the waning fortune of the British lion.

Sir, gentlemen are mistaken when they attempt a distinction between the soldiers of the revolution and those who fought in the Indian war. Sir, they are all revolutionary soldiers. The Indian war was only a continuation of the war of the revolution. The Indians were one of the allied armies of Great Britain, to extinguish the fire of liberty kindling in the then British colonies, but now free and independent America; and at the termination of the conflict with the United States and Great Britain, this army, that was moved into action by Great Britain, was still left in the field to wage a war of extermination against our citizens; and the war of the revolution may be said, properly, to have continued up to 1794, at which time peace and tranquillity pervaded the land. Therefore, I hope my worthy colleague [Mr. Bouldin] will withdraw his motion to repeal the entire pension system, and let the question be taken upon the resolution of the honorable member from Kentucky [Mr. Chilton.] The gentleman shakes his head; I hope, however, the House will vote down his amendment.

Mr. SPEIGHT wished to know what was the precise amount of service required by the resolution, in order to place a man upon the pension list? In his part of the country there were a number of what were called "five months' men." He had endeavored to have them included in the provisions of the law, but had failed to do so. The moral effect of the system was certainly very bad; almost every soldier in the country was trying to get a pension. Mr. S. had voted against the law; but, seeing it had passed, he thought its provisions ought to be extended to those who fought in the west as well as to others. He suggested the propriety of having some limit as to the time of service introduced into the resolution.

Mr. CHILTON replied that the resolution contained no stipulation as to time; it only proposed an inquiry.

Mr. DICKINSON, of Tennessee, said he hoped that the House would not think him intrusive in offering a few remarks upon this question. A small remnant of a race of men, now nearly extinct, said Mr. D., yet lingers in that section of the country from which I come; and if others who have never seen them, and who have never heard from their own lips the story of the privations and perils through which their early life was passed, may be permitted to speak doubtingly or slightly of their claims upon the gratitude of the country—I, who have both seen them and heard them, cannot be silent.

A militiaman of the revolutionary war, who was in camp, or upon a march for the period of six months, receives a pension from the bounty of the Government. Sir, the first settlers of the west may be said to have passed fifteen or twenty years in a camp, upon the scout, or in battle. Every private dwelling, every piece of enclosed ground, was an encampment, and so continued for nearly one-third of the ordinary period of the life of man.

Sir, the fields were cultivated at periods of time snatched from the pursuit of an enemy, and then under sentinel guards. But how often did it happen, in the history of the settlement of the western country, that the cultivator was shot down in the furrow his plough had made? Sir, in many of our fields may the spots be pointed out which drank the blood thus shed of the primest stock that ever trod its surface. Ay, the primest, in the true and natural sense of the word. For who shall stand in a higher rank, even among the benefactors of mankind, than that hardy, brave, and devoted class of men, who plunged into the

wilderness, a handful in numbers only; drove out the savages after a twenty years' war, and gave to the people of the eastern States—to the people of the world, I may say—at the end of that time, a safe and peaceful entry into such a region as the valley of the Mississippi. Whether we look at the perils encountered and overcome, the value and magnificence of the object achieved, or the actual suffering endured, it has no parallel in history that I know of, save only the first planting of this continent itself by the adventurers from Europe. But even this great enterprise was not attended with more real suffering.

It has been said, during the debate upon this resolution, that the practice of pensioning has not gone beyond the revolution, and it would be a dangerous precedent to extend the system this side of that period.

I suppose, sir, (for I have not heard it stated in debate,) that it was thought by our predecessors that the practice of granting pensions to persons who rendered services to the country during the revolution could not be drawn into precedent; and very plausibly too. For I agree that the war of the revolution and of independence can never occur again, any more than it can happen to a man to be twice born. But I will go further, and agree that no military service ever has done, or can do, so much for liberty, for human rights and human happiness, as the military service of the revolution. I agree that none can be more glorious, both to those who achieved it, and to those, their descendants, who enjoy the prize. But, sir, what argument is there in all this, against the proposition now before the House? To go back to the foundation of the claim of some of the surviving pioneers of the west to receive a pension, they were, in reason and truth, soldiers of the revolution, though never so long as six months upon any one tour of service which was recognised by the public authorities of the country as belonging to any regular national force. But, sir, from the very commencement of the revolutionary war, and from that period onwards to its close, some of the early settlers stood firmly upon the western frontier, or deep in the forest, far beyond the general line of frontier settlements, breasted the savage charge, and often broke its fury before it reached the regular frontier settlements. They furnished employment, and furnished victims too, to the savage knife and tomahawk, nearer to their haunts than the more dense settlements of the interior. Such men as these constituted a wall of defence throughout the whole period of the revolution, which was of immense service, though it was not always sufficient, for want of the common munitions of war, to resist or drive back the numerous hordes of savages who pressed, and pressed heavily, upon the western frontier during the war.

I call upon gentlemen to say what principle of reason or sound policy forbids that these men should share the bounty and the honors of the republic with the regular soldier of the revolution? Sir, they who have shared the perils and dangers of the republic should share its bounty too. I plead the cause of a class of men who, with the most scanty means, almost without powder and lead, resisted the Indians for a period more than twice as long as the revolution lasted. What men of the revolution risked more, or suffered more severely than these? There is no regular history of the exploits and sufferings of these brave men. Their story is only to be found in their own recollections, or in that of their children and countrymen, with whom it is traditionary. But many memorials of their actions and their fate are scattered over the State that I have the honor, in part, to represent upon this floor. A mountain has given immortality to the name of the brave Spencer of the Yadkin. The Black Fox's camp is associated with the name of John Peyton, and others, who signalized, against an Indian chief of that name, and his party, a valor and enterprise unsurpassed by few warriors of any age. This class of worthies are represented by but few survivors; they are rapidly passing away. Very soon, and not one of them will remain; and if there was but one survivor only, I would vote to cheer his declining life, and rouse his drooping spirits, by the generous notice and bounty of the Government.

The largest class of those men who perilled every thing in the early settlement of the western country, (and they are now a feeble band,) are those who emigrated about the close of the revolutionary war. Many of them had been soldiers in that war, and, after having established with their swords the liberty and independence of the country, sought, in the wilderness, and in the midst of savage hostility, the means of personal independence for themselves and their posterity. Those of this class that remain are already provided for, and I have nothing further to say of them, than to express my gratitude for their noble daring, and a fervent desire that they may enjoy a protracted and happy old age. But, sir, with the soldiers of the revolution, there went to the west many more, their friends and kindred, just grown up, and who gave all the vigor of their manhood, and too many of them their lives, to the defence of the early settlements in the west. The Indian hostilities, commencing with the revolutionary war, never ceased upon the western frontiers for ten or twelve years after the revolution closed. It was not until 1795 that the Indian war, growing out of the revolutionary struggle, ceased. It lasted more than twice as long as the revolutionary war, and was waged throughout that time, on the part of the Indian, upon women and infants in the cradle: on the part of the settler, by a courage, hardihood, and persevering fortitude, beyond any example to be found in the revolution proper. Sir, so long, so fierce, and so indiscriminate was the war, that the very brute creation sympathized with man in his fears and sufferings, learned to snuff the approach of the Indian, and give the alarm. Such is a well attested fact in that country. Sir, who here does not sympathize with the survivors of such a war-bred race? Who would not cheer them with the bounty of the Government equally with the soldier of the revolution himself? I know, sir, that we ought to act here upon other principles than those of mere sympathy and feeling. Policy and state expediency must be consulted. Well, sir, let us examine, for a moment, the objection that it is dangerous as a precedent. Bring the case of these men to the same test that was applied to the men of the revolution. When, again, will it happen, in the history of this country, that such a valley as that of the Mississippi will be thrown open for the safe and comfortable dwelling of man by an enterprise so daring? There is no such country remaining upon the globe, to be rescued from the dominion of savages, that we know of; and as for the race of men who achieved that great object, I do not know that it will ever be renewed. It is just as possible that the revolutionary war can occur again, and bring with it its public debt, as that the conquest of the valley of the Mississippi can ever be reacted. The pensioning of the survivors of the first settlers and warriors of the west in danger of being drawn into precedent! Who can seriously indulge such a fear? Sir, this country may have many wars; the late war may often be renewed in type and effect, in the future history of this country; but the fifteen or twenty years' war, waged by the early settlers of the west against its savage inhabitants, can never be acted over again.

An argument was suggested by the gentleman from Kentucky, [Mr. HARDIN,] when this subject was last before the House, which I thought had great force in it. This protracted Indian war was but a continuation of the revolutionary war, and the claims of these men to receive a pension should be placed upon the same ground with soldiers who rendered services to the country during the first six or seven years of the revolution. If I have read

the history of that period aright, Great Britain did not relinquish the idea of limiting the boundary of the United States in the west and northwest by the Ohio river, until the treaty of 1795, when she finally agreed to deliver up the posts within the limits of the territory ceded to the United States by the treaty of 1783. The Spaniards, soon after the treaty of 1783, adopted the policy of limiting the new republic in the southwest; and, by these two powers, the Indians, in both the north and the south, were encouraged and supplied with arms to carry on the war. Under this state of the facts, are we not warranted in saying that the conquest of the valley of the Mississippi was not achieved in 1783? How could the western country be said to have been wrested from Great Britain, as long as her military posts were occupied by her armies, and the numerous Indian tribes, her open allies during the first six or seven years of the revolutionary war, continued to be excited to hostilities, and furnished by her with munitions of war? The country had not been given up; the peaceable and actual possession of it was not enjoyed, but was in a state of war. Yes, sir; a British war was carried on by British mercenaries, for ten or twelve years after the treaty of 1783. Then the revolutionary war was not ended. It raged upon the western frontier until the final pacification in 1795. It was then, and not till then, that Great Britain acquiesced in the extension of our boundary to the westward, and refused any longer to afford the means of hostile incursions to the Indians.

Mr. Speaker, another objection is started to the proposition, which, when duly considered, I think is entitled to but little weight. It is proposed to add a few hundred, perhaps a thousand, names more to the pension list, and not one of them who may not be said to have passed many years in the service of the country. It is objected that the whole system of pensioning is demoralizing, and ought, therefore, to be extended no further. Such an objection (I speak it with deference) seems to me to come with a bad grace just now, and against such men as are proposed to be added to the pension list.

Sir, I am not disposed to go into an argument on the policy of the pension system. Much, no doubt, may be said on both sides to show the fitness or unfitness of such a system in such a Government as ours. Perjuries and corruptions of various kinds, doubtless, attend the granting pensions in every country. The unworthy and perjured applicant often steps in and enjoys the reward due to valor and actual service only. The community is taxed to pay the cowardly and undeserving soldier, as well as the one that is patriotic and deserving. Many who receive this bounty from the Government do not need it, and many misapply it when they receive it, and find no permanent relief from their poverty. It may be true that the granting pensions for military services may tend to create a mercenary spirit in our citizens, and cause them to regard the sordid pay, which they may or may not receive, according to circumstances, when called upon to defend the country when threatened or invaded by a foreign foe, instead of cultivating that patriotic chivalry and devotion to the country which is always the surest, safest, and strongest defence any people can have. All these views may be correct; and yet, sir, there are views upon the other side of the question worth considering. The young and discreet soldier, who engages to exhaust the energies of his youth and the prime of his life in the service of his country, may often find his courage fortified, and his patriotism receive a new impulse, from the reflection that his old age would be rescued from the miseries attendant upon destitution, by a generous and grateful country. A country acquires a higher moral elevation, and gives a finer tone to all its public actions, and furnishes a new incentive to honorable and hazardous enterprises, by the practice of that sort of justice which is voluntary, and not yielded in obedience to law. The spectacle of a republic (a form of government that has been denounced by monarchists in all ages of the world for being ungrateful) yielding that kind of voluntary but substantial homage to its greatest benefactors, which is implied in the pensions which have been granted, and which are now proposed to be granted, may not be without a salutary effect upon the feelings and judgment of the world, in deciding upon that form of government which is best suited for the protection of human rights and human happiness.

Mr. BURGES (though, owing to his distance from the reporter's seat, imperfectly heard) was understood to say that he had always supposed the principle of the pension system to be that the pensioners had not, in fact, received what had been promised to them by the Government. He had had occasion to calculate the largest amount of pension paid to any on the roll, and he found it did not exceed what they would have been entitled to receive as pay. This principle could not be extended to those who had fought since the revolution, because they had all been regularly paid. The present claimants, therefore, could not claim arrears of pay; it must be pension for services rendered and sufferings endured. But this, in his view, constituted no ground of pensioning. He was surprised to hear gentlemen talk of an Indian war upon the frontier. If there was any, it must have been a private war. There certainly had been none within his memory. The Government were not to pension men who had stood in defence of their fields. There was, in all that which gentlemen called the Indian war, much of retaliation; much of mutual aggression; now a white scalp had been taken, and now a red one. And where, he asked, was the frontier of the United States? It had once been a few hundred yards from Plymouth beach; it had gradually receded, but there always had been frontier settlements; and they had always been defended, but the men who defended them had gone down to their graves, without once thinking of coming to Government for a pension. Why should there be a difference now? Was it a sort of warfare that ought to be encouraged and rewarded? There was no view in which the country could be justly called upon to tax itself for such a purpose. It was well known that the Indians had complained that they had themselves been injured and provoked. Who could decide, at this remote period, whether the white or the red man had been mos t in fault? when the fight had been for defence, and when for vengeance? It was not possible to go into the scrutiny, nor was it just to sanction the principle.

[Here the debate was arrested for this day, by the expiration of the hour.]

The House then proceeded, at one o'clock, in accordance with the resolution adopted yesterday, to the order of the day, being the

REMOVAL OF THE DEPOSITES.

The House resumed the consideration of the motion to refer the Secretary of the Treasury's report on the deposites to the Committee of Ways and Means; and the question being on the amendment submitted by Mr. JONES, as an amendment to that previously submitted by Mr. McDUFFIE, viz: to add to the motion for reference the following instructions to that committee: "Inquire into the expediency of depositing the revenue hereafter collected in the State banks in the different States, where the same is collected, in proportion to their respective capitals paid in, and to prescribe the terms on which the same shall be deposited; and to report by bill or otherwise"—

Mr. MOORE rose and said: If I had consulted my inclinations alone, I should not have felt any anxiety to obtain the floor, nor have troubled the House with any remarks upon the subject before it. There are, however, some circumstances which, in my estimation, render an open

and unreserved expression of my sentiments upon the question under discussion in some degree an act of justice to myself, and of duty to those whom I have the honor to represent in this hall. If, sir, I belonged to either of the two great political parties into which the representatives of the people in Congress are supposed to be divided, (viz. the friends and opponents of the administration,) it might not be difficult for those who may feel an interest in knowing the motives of my actions to infer them from the known principles of the party to which I belonged; and I might well spare you the inconvenience of listening to the remarks I am about to make. But, sir, standing here, as I do, untrammelled by party connexions, and with no other views to promote than such as may advance the interest of my country, my motives can only be known from my own declarations and actions. I came not here as the organ of a particular party, but as the representative of the whole people of the district by whom I was elected. I gave no pledge to any party to sustain "all the measures of the administration," indiscriminately, whether right or wrong; on the contrary, sir, I happen to be one of those "southern politicians," who, it is said, boast of their "freedom from the shackles of party;" one, sir, who would have disdained to secure a seat in this hall by giving a pledge inconsistent with that independence which every representative of a free people ought to feel, and inconsistent with my duty to my immediate constituents. It is true, sir, that I do consider myself as pledged to sustain the administration in all the measures it may propose, which, upon deliberate examination, my judgment shall approve; but, upon the other hand, I stand equally pledged to oppose, and to condemn, every measure which may become the subject of our deliberations, from whatever quarter it may have emanated, which I shall believe to be wrong. Governed by these views, I can never consent to act with any party, except so far as its measures may be calculated to promote the prosperity and happiness of the nation. And, in giving the vote which I shall give upon the question now before us, and upon every other which shall arise, so long as I have the honor to hold a seat here, I shall act not upon the responsibility of a party, but upon my own individual responsibility to those whose representative I am.

Before I proceed to the examination of the subject immediately under discussion, I must be permitted to say something in explanation, or rather in vindication, of a vote which I gave, upon a question taken in this House a short time since; which is rendered necessary by some remarks which fell from the gentleman from Tennessee, [Mr. POLK,] who addressed the House some days past.

I voted against the motion to reconsider the vote by which the report of the Secretary of the Treasury had been committed to a Committee of the Whole House, and for the following reasons: I believed that we could then determine some highly important questions arising out of the report of the Secretary, without waiting for any other evidence than that which was furnished by the face of the report itself; such, for example, as that which has arisen as to the propriety of the conduct of the Secretary in removing the deposites from the United States Bank, and that which we are now to determine, as to the necessity of restoring them. That opinion is yet unchanged. I voted against the motion to reconsider, too, sir, because I thought the debate ought then to take place. I wished it to take place, because I was desirous of obtaining such information as would enable me to act understandingly upon other important questions, which it was probable I might be called upon to decide, in relation to the conduct of the Secretary of the Treasury and of the United States Bank. And, sir, I have not been disappointed in this just expectation, as I have already received much valuable information from gentlemen who have addressed the House upon both sides of the question now the subject of our deliberations. I wished the discussion to take place, too, sir, because I wished the debate to go forth to the nation, believing that it would afford to the people the information necessary to enable them to determine correctly the important questions in which they are all so deeply interested, in relation to a national bank. I believed then, as I do now, notwithstanding what has been said by the gentleman from Tennessee, [Mr. POLK,] that although some gentlemen might be too much under the influence of party feeling and prejudice, still there was no member of this House who would undertake to make any statement which he did not believe to be true. I thought that statements made by honorable men, whom the people had thought worthy of seats in this House, would furnish to the people much better evidence on which to arrive at just conclusions, than any thing they could possibly derive from the polluted source of the public press. It is known by every one that the press is now almost universally regarded by the people as so corrupt, that its statements are looked upon rather as indications of the wishes of their conductors or secret owners, than as evidence of the facts which they pretend to relate. It is known, too, that less reliance is placed upon newspaper publications concerning the United States Bank, than in any other, because many of the leading presses are supposed to be under the influence either of the United States Bank, or of the State banks, which are interested in overthrowing that corporation.

I was not disposed to stifle inquiry, as is supposed by the gentleman from Tennessee, [Mr. POLK,] who says, "But, so soon as it was understood to be the intention of the friends of the bank to discuss the subject at once in Committee of the Whole, the effect of which must necessarily have been to stifle all inquiry by an investigating committee of this House, both into the truth of the facts stated by the Secretary of the Treasury, and also into the truth of the charges made by the Government directors," &c. I did not then believe, nor, sir, do I now believe, (with all due deference to the experience of the gentleman from Tennessee,) that the effect of going into Committee of the Whole upon the report of the Secretary of the Treasury would be to stifle all inquiry by an investigating committee. On the contrary, I affirm that it would not have any such effect. It would have been perfectly within the competency of this House to have gone into Committee of the Whole, and, after having a general and full discussion of the report, to have decided any number of questions it thought proper, and then to have referred the subject to a select committee, to make any further inquiry which might have been deemed necessary. Or the gentleman might have offered a resolution at any time, calling for a full investigation of all the facts relating to the Bank of the United States; and I would cheerfully have voted for it. So far from wishing to stifle inquiry, I shall not be satisfied unless a rigid investigation is made by a committee of this House, into the conduct, not only of the officers of the bank, but of the officers of this Government. I desire an impartial investigation, however; not such a one as that which the gentleman from Tennessee seems to have contemplated. I do not wish for a one-sided examination; the whole object of which would be to condemn the bank officers, and to sustain the officers of the Government. I wish this investigation to be made by gentlemen who have not put it out of their power to act impartially; and not by the Committee of Ways and Means, the chairman of which, led away by prejudice or party feeling, has pledged himself to the nation to sustain the Secretary in all that he has done. Let me call the attention of the House to this extraordinary declaration made by the gentleman from Tennessee. He said "he would pledge himself to the

nation to sustain, from the records of the bank and the Treasury, every word contained in the report of the Secretary of the Treasury." Now, sir, I ask what sort of an investigation we could expect from a committee, the chairman of which could so far forget himself as to pledge himself to the nation to sustain every word contained in the report of the Secretary, and that, too, before he had made the investigation which he urged upon the House was indispensable? Before I heard the speech of the gentleman from Tennessee, I would as soon have trusted him to make the proposed investigation as any other gentleman in this House. But the gentleman has put it out of his power to act impartially between the parties, by pledging himself to sustain one of them. I would not give a farthing for an investigation made by a gentleman who pledges himself, before he begins it, to sustain one of the parties and to condemn the other. I would just as soon think of permitting a man, in whose welfare I felt an interest, to be tried for his life by a jury who declared they believed him guilty, and that they would not believe any thing which might be said in his favor, as to depend upon any investigation which might be made into the conduct of the bank by a committee, the chairman of which would give such a pledge as that given by the gentleman from Tennessee. The gentleman from Tennessee has manifested extreme anxiety about getting a report from the Committee of Ways and Means upon the conduct of the Secretary of the Treasury in removing the deposites, as something which was to settle the whole controversy between the bank and the Government. Of however much importance that report may be considered, I presume we have now the full benefit of it; for, I imagine, it is already before us. It is true it did not reach us exactly in the regular and ordinary way; but the only difference is, that it was spoken by the chairman of the committee, instead of being read by the clerk. Any gentleman who has read the speech of the gentleman from Tennessee must have perceived that the materials are such as belong more properly to a report than to a speech. We have then, sir, substantially, all the mighty advantages of the report, so anxiously sought for, from the Committee of Ways and Means; and we have not suffered much inconvenience from its being delayed.

I must now ask the attention of the House to the following passage from the report of the Committee of Ways and Means, as spoken by the gentleman from Tennessee. In speaking of the resolution offered by the gentleman from South Carolina, [Mr. McDUFFIE,] he says:

"I consider this a flight, on the part of the bank and its friends, from the light of truth. The difference between us is this: the Secretary of the Treasury, and those who sustain him here, shrink from no scrutiny, however severe; but, on the contrary, invite it; they invite it with a perfect confidence that every fact stated by him will be sustained by proofs incontestable. What we want is a thorough sifting investigation by this House.

"The friends of the bank say no; oh, no; we cannot have a committee to investigate and report the facts; we choose to force this discussion on now, when each gentleman may, by bold assertion, assume such facts as may suit his taste, or answer his purpose best. I am not at liberty to attribute a motive for this extraordinary proceeding. I do not do so; but it is easy to conceive that it may be deemed important to send out speeches to the country, charging the Secretary with misrepresentation and falsehood, in order to break the force of the Secretary's letter upon the public mind."

I do not know what light it is that the gentleman supposed the friends of the bank are so much afraid of, unless it be the light which was to be poured in upon us from the head of the Committee of Ways and Means, upon which the gentleman's imagination appears constantly to rest, with a sort of pious devotion. The gentleman, it will be perceived, not only pledges himself to sustain all that the Secretary has said, and identifies himself with him, but he tells us that those who support the Secretary invite an investigation, "with a perfect confidence that every fact stated by him will be sustained by proofs incontestable." Ay, sir, and is it true that there is a party in this House, professing to seek for investigation, who are, at the same time, determined to sustain the Secretary in every thing? It would appear to me that the object of making an investigation ought, in all cases, to be to arrive at truth, not to sustain one of the parties, and to condemn the other. It is a little remarkable, too, that this "perfect confidence," in being able to sustain the Secretary, should be avowed before any examination of facts could have been made, and by those who profess to be anxious for investigation.

But, sir, the most remarkable expression in the passage I have read from the speech of the gentleman from Tennessee is that in which he imputes to the friends of the bank the dishonorable purpose of attempting to force upon the House a premature discussion, for the purpose of misleading the people by "bold assertions," and by "assuming such facts," as might "suit their tastes or answer their purposes best." Is it true, sir, that a large proportion of the representatives of the American people are so base, so dishonest, so unprincipled, as to wish to deceive the nation by making false statements? This, sir, is the plain import of the passage I have quoted. It is not for me to say what are the motives of others; but, for myself, I will say that the imputation, so far as I am concerned, is as illiberal as it is unjust and unfounded. It is true, sir, the gentleman told us he was "not at liberty to attribute a motive for this extraordinary conduct," and that he "does not do so." But he tells us, in language too unequivocal to be misunderstood, that, if he was at liberty to impute a motive for our conduct, it would be, that we intended to deceive the people by statements which were untrue. I, sir, "am not at liberty to attribute motives" to others. I might with as much propriety as the gentleman say, I do not do so. But "it is easy" for me "to conceive" (to use the gentleman's own language) that the reason why the gentleman was so anxious to prevent a debate upon the subject before us was, that he wished the report of the Secretary of the Treasury to go forth to the public, and that that report should be followed and sustained by another report from the Committee of Ways and Means, to be prepared by those who invited an investigation, "with a perfect confidence that every fact stated by him" (the Secretary) would "be sustained by proofs incontestable;" and that all light might be excluded from the people until they had made up an opinion against the bank, and their prejudices excited against it to the uttermost. The gentleman, sir, was not willing to trust the people of this country so far as even to let them hear the voice of their representatives on this floor, until public opinion was made up against the bank, and that opinion fortified by a strong appeal to their prejudices. The gentleman seems to act upon the principle I have heard ascribed to the priests of a religious sect, who are said to hold that the people are unworthy to examine the scriptures for themselves, and are to receive all knowledge of the Deity through the priesthood. Or he has taken the hint given him by the gentleman from South Carolina, (Mr. McDUFFIE,) and, like the Kinderhook judge, he is willing to allow the people to think just as they please, provided they think with the court. But, sir, it is in vain for the gentleman to attempt to keep the nation in the dark; the people have said, Let there be light; and they will have it. Not, sir, the light which he is willing to give them, which is intended to show all the faults of the bank, and to leave the improper conduct of the officers of this Government, if they have been guilty of any, concealed. I

should not have been disposed to doubt the disposition of the honorable member to act with perfect impartiality towards the United States Bank, but for what he has told us himself. In order to satisfy the honorable gentleman from Tennessee that I do not wish to avoid, but earnestly desire, a full and impartial investigation into all the circumstances attending the removal of the deposites from the United States Bank, I will read to him a proposition, in the hope that such a one may be submitted to this House, and with the assurance that I will cheerfully vote for it, viz:

"That a committee be appointed to inquire whether the president and directors of the United States Bank have been guilty of any of the improper acts imputed to them by the Secretary of the Treasury, or the Government directors, in their management of that institution.

"And whether any officer or agent of this Government has been guilty of any improper act towards the United States Bank, which has been, or might have been, productive of injury to the said bank, to this Government as a stockholder in said bank, or to the people of the United States generally.

"And that the said committee be empowered to send for persons and papers, and to examine witnesses on oath, and report the result of their investigation to this House."

If, sir, we can have an investigation of this kind, the object of which will be to scrutinize the conduct both of the bank officers and of the officers of this Government, and not an investigation intended merely for the purpose of criminating the bank directors, we may hope to arrive at the truth. Such an investigation is due to the directors of the bank, and to the officers of this Government, and is demanded by the people. Will the majority permit it to take place? It is due to the bank directors, if their acts have been misrepresented, that we should say so; if they are guilty, it is right the people should know it. It is due to the officers of this Government that their acts relative to the removal of the deposites from the United States Bank should be fairly represented to the nation. I know nothing of any improper conduct of any of the officers of this Government towards the United States Bank; but it is notorious that rumors have gone abroad through the country, calculated to injure the character of the officers of this Government, both at home and abroad, unless they be ascertained to be false. It is known that some of the officers or agents of this Government have been charged with entering into contracts and speculations, the whole profits of which were to be created by the removal of the public deposites, or the destruction of the credit of the United States Bank. It has further been rumored, that the run made upon the branch of the United States Bank at Savannah, with a view of destroying the credit of the bank, and throwing the whole circulating medium of the country into such a state of confusion as would enable the stock-jobbers and brokers to prey upon the necessities of the people, was made with the connivance of some of the officers or agents of this Government. If these things are not true, let these officers be acquitted, and, if possible, the deserved odium fall upon the heads of those who invented the false charges: if, on the other hand, there be any foundation in truth for these rumors, let the fact be known to the world. I have deemed this explanation as to the motives which governed me in voting against the motion to reconsider the vote by which the report of the Secretary of the Treasury, on the subject of the deposites, was committed to a Committee of the Whole, as necessary, because the imputations made against those who voted as I did on that occasion, contained in the extracts I have read from the speech of the gentleman from Tennessee, have gone forth to the world; and, whether so intended or not, are calculated to produce an unjust and unfounded impression upon the public mind.

I shall now undertake a brief examination of some of the principles and reasons set forth by the Secretary of the Treasury in his report to this House. This subject has been already so ably discussed by gentlemen older and far better informed upon it than I am, that I would not trouble you with any remarks upon it, but for the desire I feel of having my motives for the course I intend to pursue upon the question now pending in this House known to those to whom I hold myself responsible for all my acts here. In the course of my remarks upon this subject, it is not my intention to say one word in the slightest degree disrespectful towards any officer of the Government, or any other person. My object will be to lay down what I believe to be sound principles, and to endeavor to sustain them by argument. At the same time, I shall express my opinions with that unreserved freedom with which I conceive it becomes the representative of freemen to speak their sentiments in relation to the conduct of those who have been intrusted with the management of the public concerns.

The question as to the propriety of the President's act, in removing his late Secretary from office, seems to me to have been improperly brought into this discussion, to which I humbly apprehend it does not belong; and it is not necessary that I should express any opinion upon it. But as I feel no disposition to avoid the expression of an opinion on a question which has been so much debated, I may be permitted to remark, that, although I am convinced that the position that the President may, at his pleasure, dismiss executive officers, without violating the constitution, is but too well established by long settled practice, yet that I cannot approve of the act in question, if that act was induced solely from a determination on the part of the President to cause the public deposites to be removed. I do not approve of the dismission on that ground, because I am of opinion that the deposites ought not to have been removed, and because I do not regard the duties of the Secretary, in relation to the deposites, as constituting any part of his duties as an executive officer. If the dismission took place, however, in consequence of the offensive language used by the Secretary in his correspondence with the President, I am only surprised that the President permitted him to remain in office as long as he did; and, in that point of view, I imagine it will be a much more difficult task to account for his ever having been appointed, than to justify his dismission.

In his letter to Congress, the Secretary of the Treasury recites the following clause from the act of 1816, as the authority under which he removed the public deposites:

"*And be it further enacted*, That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

It will be perceived that this clause relates exclusively to deposites to be made, and gives no power to take money out of the treasury of the United States, (which, for the time, was the vault of the United States Bank,) and place it elsewhere. It is certainly known that the Secretary has caused money to be taken out of the United States Bank, which was there anterior to his order of October last, and to be transferred to some of the State banks. The fact is admitted by the Treasurer, in his correspondence with the cashier of the bank at Philadelphia; and the power to do so is claimed in the report before me. From whence does the Secretary derive his authority for this? The clause I have read does not give it

to him, inasmuch as its operation was evidently, from its language, intended to be prospective, and not retrospective. Is it from that clause of the constitution which says "no money shall be drawn from the treasury but in consequence of appropriations made by law?" This clause does not authorize, but forbids, the act of the Secretary; inasmuch as there had been no appropriation made by law of the money in the treasury to the purposes to which it was applied. The act of 1789 gives to the Secretary of the Treasury the power to "grant all warrants for money to be issued from the treasury in pursuance of appropriations to be made by law." The same act makes it the duty of the Treasurer (not of the Secretary of the Treasury) "to receive and keep the money" of the nation. There is no other act which gives the Secretary of the Treasury the power which he has exercised, of taking the money out of the United States Bank, and lending to the State banks. The act, then, is not only unauthorized, but it is in violation of the constitution and laws of the land. The only plausible ground which has been resorted to, for the purpose of justifying the acts of the Secretary, is that which is furnished by the examples of Mr. Crawford and other Secretaries of the Treasury, and the acquiescence of the Government in times past; and I readily admit that if the fact of other Secretaries having exercised the power in question is to be considered as settling the question, there appears no further ground for dispute. Indeed, from the quotations made by the gentleman from Tennessee, [Mr. POLK,] from the correspondence of Mr. Crawford, I should suppose that it would be difficult to conceive of any exercise of power which might not be sanctioned upon the principles on which Mr. Crawford appears to have acted. And, sir, I freely admit, that if the gentleman from Tennessee had quoted from the correspondence of former Secretaries merely for the purpose of defending the present Secretary of the Treasury from the imputation of having assumed and exercised a power never claimed by any of his predecessors in office, he would have been eminently successful. There is one circumstance, however, which creates a marked and most important distinction between the cases in which the power of removal was exercised by former Secretaries, and that in which it has been exerted by the present incumbent of the office. It is this: In all former cases, the removals were made with the consent of the Bank of the United States and the approbation of the Government; in this case, it was done against the consent of the bank. In transactions between individuals, consent of parties takes away error; and the same rule seems applicable to the parties concerned in the disposition of the deposites, viz: to the bank and the Government. But even if the cases cited had been exactly parallel to the one we are discussing, the authority would by no means be sufficient to justify the act, though it may seem to palliate or excuse it. We have the authority of the President himself for refusing to consider precedent as conclusive in favor of the exercise of authority, furnished us in his famous veto against the renewal of the charter of the present Bank of the United States. So far from the exercise of the power in question being justified by the precedents quoted, they only serve as another example to show how universal the disposition is, in all men in office, to exercise powers not granted to them; and to prove how necessary it is that the representatives of the people should watch, with ceaseless vigilance, against dangerous assumptions of authority by the officers of Government.

I proceed, in the next place, to examine some of the principles laid down in the report of the Secretary of the Treasury, as the foundation of the authority he has exercised in relation to the removal of the public deposites. Upon the second page of his printed report, I find the following language:

"The Treasury Department being intrusted with the administration of the finances of the country, it was always the duty of the Secretary, in the absence of any legislative provision on the subject, to take care that the public money was deposited in safe keeping in the hands of faithful agents, and in convenient places, ready to be applied according to the wants of the Government. The law incorporating the bank has reserved to him, in its full extent, the power he before possessed. It does not confer on him a new power, but reserves to him his former authority, without any new limitation. The obligation to assign the reasons for his direction to deposite the money of the United States elsewhere, cannot be considered as a restriction of the power, because the right of the Secretary to designate the places of deposite was always necessarily subject to the control of Congress."

Sir, I thank the Secretary for admitting that Congress ever had any authority over the public revenue. He proceeds:

"And as the Secretary of the Treasury presides over one of the executive departments of the Government, and his power over this subject forms a part of the executive duties of his office, the manner in which it is exercised must be subject to the supervision of the officer to whom the constitution has confided the whole executive power, and has required to take care that the laws be faithfully executed."

Having admitted that Congress had possessed power over the money in the treasury, he next undertakes to divest it of that power, by referring to the charter of the Bank of the United States. This is his language:

"The faith of the United States is, however, pledged, according to the terms of the section above quoted, that the public money shall be deposited in this bank, 'unless the Secretary of the Treasury shall otherwise order and direct.' And as this agreement has been entered into by Congress in behalf of the United States, the place of deposite could not be changed by a legislative act, without disregarding a pledge which the Legislature has given; and the money of the United States must, therefore, continue to be deposited in the bank until the last hour of its existence, unless it shall be otherwise ordered by the authority mentioned in the charter. The power over the place of deposite for the public money would seem properly to belong to the Legislative Department of the Government; and it is difficult to imagine why the authority to withdraw it from this bank was confided exclusively to the Executive. But the terms of the charter appear to be too plain to admit of question. And, although Congress should be satisfied that the public money was not safe in the care of the bank, or should be convinced that the interests of the people of the United States imperiously demanded the removal, yet the passage of a law directing it to be done would be a breach of the agreement into which they have entered."

Here, sir, we find the Secretary again admitting that "the power over the place of deposite for the public money would seem properly to belong to the Legislative Department of the Government." But at the same time he undertakes to prove that Congress has divested itself of this important power, and confided it to the hands of the Executive. And now, sir, a most important constitutional question forces itself upon our attention, as to the right of one department of Government to transfer the powers vested in it by the people, through the constitution, to another department, to which the people designed to forbid the exercise of any such authority. It is, sir, a question neither new nor peculiar to this Government or country; for, although, according to the theory of the British constitution, as laid down by Judge Blackstone, the Parliament is possessed of supreme and unlimited authority over the constitution, we cannot believe that a transfer of all the powers of government to the King would be sanctioned by that nation. And in Vattel's cel-

ebrated work upon the Laws of Nations, I find the following expression: "By the fundamental laws of England, the two Houses of Parliament, in concert with the King, exercise the legislative power; but if the two Houses should resolve to suppress themselves, and to invest the King with the full and absolute government, certainly the nation would not suffer it." Yes, sir, it is absolutely certain that the nation would not submit to it. The whole history of that nation shows that it would not submit to such an unauthorized exercise of power as that of our Secretary of the Treasury in removing the public deposites. I hope, sir, that Congress will not submit to it; that the people of the United States will not suffer us to do so. I had supposed that there was no principle better understood, or better settled in this country, than this: that the general departments of Government, the Executive, Legislative, and Judicial, shall remain separate and distinct, so that neither exercise the powers properly belonging to the other. I had supposed, too, that every transfer of power from one department of the Government to another amounted to an alteration of the constitution; and that the constitution could not be altered, except in the mode prescribed by the constitution itself. If I am right in these positions, then it is clear that a transfer of the power over the public deposites, (which the Secretary of the Treasury admits properly belonged to Congress,) to the Executive branch of the Government, is a palpable violation of the constitution of the United States. It may possibly be said that the Secretary of the Treasury does not derive his exclusive authority over the deposites from any direct transfer of power to the Executive branch of the Government; but that he gets it from the contract entered into between the Government and the Bank of the United States. But I apprehend that if Congress could not give away its power directly to the Executive, it cannot do it indirectly; and it will be as difficult to find the authority to make such a contract as to transfer the power without a contract.

If, sir, I am right in the principles I have laid down, surely the power claimed for the Executive over the deposites by the Secretary of the Treasury, and by me for the Congress of the United States, is worth contending for. It is, sir, nothing less than the power of controlling the whole revenue of the country for which we are contending. Need I describe the importance of that power? Every gentleman here must know that the preservation of the control over the public revenue in the hands of the immediate representatives of the people is a principle on which the very existence of this and every other free Government depends. As well is it known, sir, that, to place that control in the hands of the Executive, is the aim and the fundamental principle of despotism every where. No country can ever be enslaved so long as the control over its revenue remains in the hands of the people, through their immediate representatives; and no country can long remain free where the people have given up that power, or suffered it to be taken from them, and placed in other hands. All history bears me out in this assertion. Look for a moment at the history of England, with which the members of this House are all conversant. It presents a lesson well worthy of our study. All the concessions ever made by the Crown in favor of liberty have been made for the purpose of getting money. If I am not mistaken in my recollection, the common people of England were first invited to send members to Parliament, by the Earl of Leicester, in the reign of Henry III., with no other view than that of obtaining money. Even Elizabeth, the greatest and most absolute sovereign England ever had, who exercised almost uncontrolled authority over the lives of the people, was afraid to ask for money, lest she should be compelled to give up power, in order to obtain it. The civil war, which ended in the overthrow of the monarchy, and in bringing the head of Charles I. to the block, grew entirely out of a dispute about the public revenue. And the consequences which were likely to have ensued from an unwary act of Parliament, at the time of the restoration, in granting to the Crown a revenue for life, teaches us how dangerous it is to permit the control of the public revenue to go out of the hands of the immediate representatives of the people, even for a limited time. All the arbitrary acts of Charles II. and of James II., all the cruelties of Kirke and Jeffries, are consequences, not very remote, of the indiscreet grant of power to the Crown over the public revenue. And liberty itself was in imminent danger of becoming extinct forever, in the whole British empire, from that single cause. And, sir, the best barrier against the power of the Crown, and the principal safeguard of British liberty, established by the revolution of 1688, is the reservation of the power over the revenue in the hands of Parliament. Their liberties might have been rendered still more secure, by further restrictions upon the power of the Crown over the public revenue. Is it less important to us to preserve in our own hands the power over the public revenue, placed there by the people of the United States?

What, sir, is to be the consequence, if we acquiesce in the doctrines contended for by the Secretary of the Treasury? What is there, if his views are correct, to prevent a young and ambitious President of the United States, who may wish to place a Crown upon his head, and to transmit it to his posterity, from trampling our liberties under his feet, and accomplishing his designs? May he not divert every dollar of the revenue from its legitimate object, and place it in his own pocket, or spend it in hiring foreign mercenaries to sustain him upon his throne, if the Executive has, in fact, the power of removing the deposites, and placing them where he pleases? How shall it be prevented? Shall I be told that money can only be drawn out of the treasury in pursuance of appropriations made by law, and upon the warrant of the Treasurer and the Secretary of the Treasury? It would be idle to tell me so, when it is admitted that the President could at any moment turn out those officers, and put in others more submissive to his will, should they presume to refuse to grant warrants to draw money out of the treasury for any purpose whatsoever, for which he might design to use it. Shall I be told that Congress would interfere to prevent it, when the power of Congress to interfere, or to pass any act for removing the deposites, even if it "should be satisfied that the public money was not safe in the care of the bank, or that the interest of the people of the United States imperiously demanded it," is denied by the Secretary of the Treasury in the passage from his report which I have just read?

Let it not be supposed, Mr. Speaker, that I intend to impute to the present Chief Magistrate of this nation any such designs against the liberties of his country. The case I have supposed cannot apply to him; nor do I believe he entertains any such views. If, sir, I thought he did, I hope I should not be so deficient in moral courage as not to say so. But, sir, the general confidence reposed by the people in the purity of the President's intentions make it the more important that we should guard against the establishment of a precedent which may hereafter be appealed to by men actuated by more dangerous motives.

I contend, in the next place, that Congress not only had not the right to transfer the power claimed for the Executive over the deposites, and that they did not do so, but that they never designed to do so. Why did Congress require the Secretary to report his reasons for changing the place of deposites to themselves, and not to the President? Was it merely for the purpose of ascertaining how handsome a letter he could write? or was it because they intended to hold him responsible to themselves, and to

correct his acts if they were erroneous? Again, sir; why was any power given to the Secretary of the Treasury over the deposites? It was, sir, for the same reason that we are sent here, which is, not because the people cannot manage their own concerns, or are less competent to do so than we are, but because it is not convenient for them to do so. And, for similar reasons, were certain powers confided to the Secretary of the Treasury over the deposites. Congress is not always in session, and, when it is, it is impossible that it can act with that celerity which exigencies might require; it was therefore necessary to appoint an agent to act for it in such emergencies; who was never expected to exercise his power except in cases which would not admit of delay, and, even then, under a strict responsibility to Congress, and to Congress alone. The Secretary is, therefore, mistaken in supposing that his power over the deposites is a part of the executive duties of his office. Congress never intended any thing of the kind. He is, in truth, but the mere agent of Congress, or the trustee of Congress and the bank. And I understand, sir, that, among individuals, it is well understood that the parties to a contract may not only alter it or abolish it at pleasure, but they have an unlimited control over the acts of their trustee. We have, however, a novel case before us—one in which a trustee not only disregards the expressed wishes of the parties, and acts in avowed opposition to the wish of one of the parties, and refuses to wait to ascertain the wishes of the other; but actually denies the power to control him to be in either or both of the parties. He takes away the deposites from the bank, and now denies our right to interfere in the matter.

But, Mr. Speaker, the most extraordinary position taken by the Secretary in his report is this: that Congress having made a contract with the bank, by which the deposites were to remain in the bank until the expiration of its charter, they cannot pass a law for removing the deposites, without breaking their pledge given to the bank, and a breach of faith; but that he, the agent of the Government, may remove the deposites at pleasure, without there being any breach of faith committed. Now, sir, I have always understood it to be a sound principle, that what a man does by his agent he does by himself; and that any act which would amount to a fraud, if done by himself in person, is equally a fraud if done through the instrumentality of an agent. The same principle applies to Governments in their intercourse with each other, and in their transactions with individuals and corporations. Another very extraordinary position taken by the Secretary, nearly akin to the preceding one, is, that the Government has, by its compact, deprived itself of the power to remove the deposites from the United States Bank, without a violation of a pledge given, although every department of the Government should be unanimous in passing a law for that purpose, for the best possible reasons; and yet one of these departments may remove them for no reason at all, without any breach of a pledge given, or the least impropriety. In other words, the entire Government, consisting of the House of Representatives, the Senate, and the President, can in no case cause the deposites to be removed; but the President himself may do it at pleasure, without any injustice to the bank. It would, according to this mode of reasoning, be a fraud in the President to sanction a law for removing the deposites, but it would be perfectly fair for him to do it without law.

The pledge given to the bank is, that the deposites shall remain in its vaults until the charter expires, and it is obligatory on the whole Government. This pledge was undoubtedly required by the bank for its own benefit and greater security. But if the Secretary of the Treasury is right in his opinions, then this pledge does not increase, but greatly diminishes, the security of the bank. Without the pledge, (Congress having, as is admitted by the Secretary, a controlling power over the deposites,) when the deposites were once placed in the bank by order of Congress, they could only be removed by a law passed by the concurrence of both Houses, and approved by the President; but the pledge being demanded and given, the security of the bank is reduced to one-third of what it was, and the President alone may remove the deposites of his own accord. If any man had predicted that such a construction would have been put upon the charter at the time it was created, it would have been regarded as absurd; and, if the bank had known that such was to be the interpretation of the pledge, it would have been rejected with disdain. The idea of a pledge binding upon the three branches of the Government collectively, but voidable at pleasure by one of them, is in itself too monstrous an absurdity to deserve the least respect. Does any man believe that the bank would ever have consented to give a bonus of $1,500,000 to the United States, for the privilege of retaining the deposites in her vaults, if it had been understood that the continuance of that privilege was to depend upon the mere caprice or whim of the Secretary of the Treasury, or the Executive? Who would ever have subscribed to a bank which had agreed to give one million and a half of dollars for such a precarious advantage? No man in his senses would have done so, sir.

If the construction put upon the bank charter by the Secretary of the Treasury be just—if his power to remove the deposites was not dependant in any degree upon their being safe in the United States Bank—and he might at any time, as he asserts, remove the deposites if, in his opinion, the public convenience or interest would in any degree be promoted by it, without any breach of faith or moral impropriety; then it would appear to have been his duty to have removed the deposites the moment the bonus of a million and a half of dollars was paid up, and to have struck another bargain for a like sum with some of the State banks, and to have continued the same traffic as long as it proved profitable, inasmuch as it would undoubtedly have been convenient to have as much money as possible to apply to the payment of the public debt. Such conduct, to be sure, between man and man, would be regarded with abhorrence, as downright swindling; but, according to the casuistry of the Secretary of the Treasury, there would be nothing improper in such a course, if pursued by the Government towards the bank. I had always supposed that what the plain dictates of common honesty required of men, in their intercourse with each other, was not less obligatory on Governments and public bodies; and that what would be criminal in an individual, could not be justified in a nation.

I shall now call the attention of the House to some passages in this report, and to some facts which go to prove that the Secretary of the Treasury has actually undertaken to revise and to repeal acts passed by the Congress of the United States, and to legislate for the nation. He lays down two propositions, near the commencement of his report, one of which is in these words:

"That the power reserved to the Secretary of the Treasury does not depend for its exercise merely on the safety of the public money in the hands of the bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposites, and it is his duty to remove them, whenever the public interest or convenience will be promoted by the change."

And a little further on he says, "Neither could I act upon the assumption that the public interest required the recharter of the bank; because I am firmly persuaded that the law which created this corporation, in many of its provisions, is not warranted by the constitution; and that the existence of such a powerful moneyed monopoly

is dangerous to the liberties of the people, and to the purity of our political institutions."

Here we find the Secretary of the Treasury undertaking to decide that a law passed by both branches of Congress, sanctioned by the President of the United States, and decided to be constitutional by the highest judicial tribunals in the country, is not only in his opinion unconstitutional, but that the bank, thereby created, is a "powerful moneyed monopoly, dangerous to the liberties of the people, and to the purity of our political institutions;" and assigning that as a reason for the course he has pursued towards the bank. Who, sir, gave the Secretary of the Treasury a right to judge whether a law passed by Congress was constitutional or not? and to decide whether the bank was a dangerous institution? Does any gentleman here believe that it ever entered the imagination of any man in Congress, at the time the act chartering the bank was passed, that the Secretary of the Treasury was to undertake to violate a solemn pledge given by the whole nation, because he entertained a different opinion from Congress as to the constitutionality of the law, and the character of the institution created by it? And, sir, what is it that the Secretary, in undertaking to condemn the act of 1816 in such unqualified terms, so modestly asks us to believe? Why, sir, simply either that that Congress was composed of such a set of arrant fools that they could not perceive that this act, chartering the bank, was either unconstitutional or dangerous to the liberties of the people, (both of which are so perfectly clear to his superior understanding;) or that, perceiving it, they were knaves enough to pass the act, notwithstanding those objections to it—objections, too, which were probably strongly urged against the passage of the act at the time the charter was granted.

I have said, sir, that the Secretary of the Treasury had undertaken virtually to repeal an act of Congress, and to legislate for the nation. In the latter part of his report, he says: "In forming my judgment on this part of the case, I have not regarded the short time the charter has yet to run. But my conduct has been governed by considerations which arise altogether out of the course pursued by the bank, and which would have equally influenced the decision of this department, in relation to the deposites, if the bank were now in the first years of its existence; and upon this view of the subject the following propositions appear to be fully maintained." Here we are told by the Secretary of the Treasury, that he would, for the reasons which he mentions, have removed the deposites from the United States Bank, even though it had been in the first years of its existence. And, in another part of his report, he claims the right of removing the deposites, whenever, in his opinion, "the change would promote the public interest or convenience." And he tells us that "the general interest and convenience of the people must regulate his conduct." From all this, the inference is not only fair, but irresistible, that, if the present Secretary of the Treasury had been in office at the time the act chartering the bank passed, he would have immediately undertaken to inquire into the constitutionality of the act, and its expediency, and, if he had differed in opinion in any of these particulars, he would instantly have ordered the deposites to be removed, in defiance of the wishes of the nation and of the Government! In order to determine whether or not the act of the Secretary of the Treasury, in removing the deposites from the Bank of the United States, and placing them in the State banks for the reasons assigned by him, and entering into compacts with the State banks, amounts to an assumption of legislative powers, let us consider for a moment what were the subjects which most probably engaged the attention of Congress at the time they passed the act chartering the Bank of the United States. The first question, no doubt, which they considered, was, whether or not they had the constitutional power to create a bank; they next inquired whether or not it would facilitate the collection of the public revenue, whether it would promote the prosperity of the commercial interest of the country, and whether or not the State banks would answer any or all of these purposes. If, at the expiration of the charter of the present Bank of the United States, Congress shall again undertake to legislate upon the subject, it will unquestionably again deliberate maturely upon all the questions concerning the constitutionality and expediency of establishing a new bank, of rechartering the present bank, or of entering into arrangements in regard to the keeping of the deposites with the State banks; and if they shall ultimately determine to enter into precisely such an arrangement with the State banks as that which the Secretary of the Treasury has now made with them, that will undoubtedly be as much an act of legislation as any other act whatsoever it can do. And if the Secretary of the Treasury has undertaken, as he certainly has done, in this report, to go into a labored investigation of questions relating to the constitutionality and expediency of establishing a Bank of the United States, and all the other questions which belong properly and exclusively to the Legislative Department to determine; and if he has (as I affirm to be the fact) entered into arrangements with the State banks, not authorized by the constitution, or any law of the land; in what respect, I ask, has he fallen short of undertaking to legislate for the nation?

Admitting, for the sake of the argument, that the Secretary had done right in removing the deposites from the United States Bank, I should be glad to learn where he got the authority to place the money in the State banks, or to enter into the arrangements he has made with them. There is not one word in the act chartering the Bank of the United States which can be tortured into a sanction for that act. I call, then, upon those who approve of what the Secretary has done to tell us from whence he derived his authority for it. The Secretary himself attempts to justify this part of his conduct, by saying that, having determined to remove the deposites from the United States Bank, it was an act of necessity to place them in the State banks; and that the power to do so resulted, of course, from the power to remove. The fact, however, we know to be otherwise. We know that we have a Treasurer of the United States, whose duty it is made by the law to receive and keep the money of the Government; who is chosen on account of his probity and high character, and who gives, moreover, security in a very large amount for the faithful performance of his duty. We have a large number of collectors of the revenue also—gentlemen, it is to be presumed, of good standing, as honest men—all of whom give security in large amounts for the faithful performance of their duties, in collecting and taking care of the revenue. All the revenue which was likely to accrue in the months of October and November might safely have been left in the hands of the Treasurer and collectors, or of the Treasurer alone, and, perhaps, would not exceed in amount the sum for which the Treasurer and collectors, collectively, have given security in their official bonds. The money would probably have been much safer in the hands of these officers than in some of the State banks in which it has been placed. It is perfectly clear, from the slightest investigation of the subject, that the Secretary had not even the tyrant's plea—the plea of necessity—for putting this money in the State banks, and making the arrangements he has done with them.

In reference to the great danger which the Secretary of the Treasury seems to apprehend of the United States Bank exercising an improper influence in elections, I shall only remark, that, however well founded that apprehension may be, the danger from the State banks, united as they will be by the arrangement made with them

by the Secretary of the Treasury, and under the influence of the head of the Treasury Department, will be ten times more dangerous than the United States Bank could ever be. As the currency of the notes of all the State banks, and their value, must be greatly affected by the circumstance of their being receivable in payment of the revenue, or not, every State bank will, to a great extent, be brought under the influence of this Government, or of one of its officers: and their influence, united with that of the office-holders and the patronage of the Government, will be sufficient to control all future elections in the country. Heretofore, it was entirely practicable to unite the influence of all or a part of the State banks against that of the United States Bank; and the bank influence in the Union might be so equally balanced as to amount to nothing. But, under the arrangement now entered into with the State banks, the whole power of all the banks can be directed by a single individual.

I shall now advert to some other parts of the report of the Secretary of the Treasury, from which it will be readily perceived that this report must be regarded rather as the argument of ingenious counsel, determined to justify what has been done, than as a plain unsophisticated statement of the reasons for which the deposites were removed, such as the law contemplates. By the way of enlisting the prejudices of a great political party in support of what he has done, he says:

"The manifestations of public opinion, instead of being favorable to a renewal, have been decidedly to the contrary. And I have always regarded the result of the last election of President of the United States as a declaration of a majority of the people that the charter ought not to be renewed. It is not necessary to state here what is now a matter of history. The question of the renewal of the charter was introduced into the election by the corporation itself. Its voluntary application to Congress for the renewal of its charter four years before it expired, and upon the eve of the election for President, was understood on all sides as bringing forward that question for incidental decision at the then approaching election. It was accordingly argued on both sides before the tribunal of the people, and their verdict pronounced against the bank, by the election of the candidate who was known to have been always inflexibly opposed to it."

I cannot perceive, sir, the least propriety in the Secretary's introducing topics of this kind into his report, nor do I know by whom he was constituted the judge of the motives which governed the people in making choice of a Chief Magistrate; but I am certain he could not have come to a more erroneous conclusion than he has done. Every gentleman here knows that General Jackson would have been elected, whether he was for or against the bank. The only hope entertained by his opponents of preventing his re-election was dependant on his vetoing the bank charter. All admitted that if he approved the charter he would be elected by a great majority. He would have been elected if he had sanctioned forty banks, by even a larger vote than he received. The rechartering of the bank was not the only question upon which the presidential election turned; on the contrary, it is probable that more than one-half of those who voted for the present Chief Magistrate were, at that time, in favor of rechartering the bank.

There are some gross inconsistencies into which the Secretary has fallen, in his extreme anxiety to convict the bank of improper conduct, which can scarcely have escaped the observation of any gentleman who has examined this report. In the first place, the Secretary complains heavily of the bank for increasing its discounts. And what, sir, let me ask, would occur to you as the proper mode to remedy the evil of too large discounts? Would not the obvious cure for the disease be, to reduce its discounts, by calling in a part of its debts? To every man of plain common sense, this would appear to be the only remedy. And yet the Secretary, in the very next breath, complains that the bank is reducing its discounts. He insists that the bank ought, forthwith, to begin to wind up its affairs, and to collect its dues; that the debt due to it is so great, that, unless it is gradually withdrawn, it will produce great commercial distress in the country; and declares that the time for winding up its affairs, and collecting the debts due to the bank, is now too short; and that, if it had been in his power, he would have compelled it to commence winding up and collecting its debts at an earlier day: and yet, sir, in the very teeth of all this, and in the very same paragraph, he charges the bank with collecting its debts too rapidly, with a view to create distress in the country, and thereby compel Congress to recharter the bank! The proof exhibited by the Secretary, by which he attempts to convict the bank of curtailing its discounts, with a view to insure a recharter, are not less extraordinary than the charge itself. He gives a detailed statement of the amount collected by the bank, in a given period, as proof of the charge; and yet it is susceptible of the clearest demonstration, that if the bank had continued to draw in its discounts, at the same ratio, until the time when its charter will expire, it would still have a considerable debt outstanding. This was demonstrated a few days ago by the gentleman from Pennsylvania, [Mr. BINNEY,] in so plain and forcible a manner, as to furnish a complete refutation of all the Secretary has said upon that point.

Again: The Secretary lays it down that the bank is a mere "fiscal agent" of the Government, and says that, "In the duties which the law requires it to perform, it is liable to all the responsibilities which attach to the character of agent, in ordinary cases of principal and agent among individuals; and it is, therefore, the duty of the officer of the Government, to whom the power has been intrusted, to withdraw from its possession the public funds, whenever its conduct towards its principal has been such as would induce a prudent man in private life to dismiss his agent from his employment." He then goes into a labored argument to prove that the bank had been guilty of such gross misconduct as would have induced any "prudent man in private life to dismiss his agent from his employment;" and, consequently, that it was his duty instantly to have removed the deposites from the vaults of the bank. What did the Secretary do, under these circumstances? Did he immediately draw the money out of the United States Bank, and place it elsewhere, as he has demonstrated it was his duty to have done, in conformity to his own principles and arguments? No, sir; he permitted a great part of the public money to remain where it was, and would not have removed it when he did, except for the subsequent conduct of the bank, and his disposition to serve the State banks, by lending them the public money. The Secretary has, then, placed himself in this unenviable predicament—this very awkward dilemma: either his principles are not correct, and his argument is unsound, or he has knowingly neglected to discharge his duty, by removing the deposites when he was bound to do so, according to his own showing.

I do not deem it necessary or proper for me, at this time, to go into an investigation of the other charges exhibited against the bank by the Secretary of the Treasury and the Government directors. Those charges will be a very proper subject of inquiry hereafter by a committee, when we come to inquire about the propriety of rechartering the bank, (if, indeed, that question shall be brought before us.) But the questions we are now to determine are, simply, whether the deposites ought to have been removed, and whether they ought to be restored; and there is one fact admitted by the Secretary himself, which, in my opinion, is conclusive of both these questions, namely: the fact that the deposites were perfectly

safe in the Bank of the United States. Knowing this fact, the whole question, as to the present and future disposition of the deposites, should have been left to the determination of the representatives of the people in Congress. They would, it was well known, assemble here from every part of the Union, with a perfect knowledge of the situation of the State banks in every part of the country, and of the wishes of their constituents; and, after going into a full examination of the conduct of the United States Bank, they could have made every regulation necessary to the safe keeping of the public revenue, and have guarded against all the distressing consequences which have, and must inevitably continue to result from the hasty, unnecessary, and illegal act of the Secretary of the Treasury. What these consequences are, and will be, it is unnecessary for me to undertake to depict. If, sir, one-tenth part of what we hear about the commercial distress of the country, the decline in the price of bread-stuffs, tobacco, and all the other products of the soil, be true, it is enough to make us deplore and condemn the precipitate act of removing the deposites. But, sir, these calamities have only commenced. I hear that the State of Ohio is about to charter a new bank, with a nominal capital of four or five millions of dollars; that Indiana is about to create a bank with ten or eleven branches in different parts of that State; and I perceive that North Carolina has already chartered three new banks with large capitals, and is about to charter others; and we hear every day of new applications for bank charters throughout the Union. Already, sir, there are five dollars in paper money in circulation for one dollar in specie to redeem it. The specie will be diminished or withdrawn from circulation, and the paper money will soon be doubled in amount; and we are hastening fast into the situation we were in the year 1815, and shall be overwhelmed with the ruinous consequences of a depreciated paper currency.

But, sir, attempts have been made, and are now being made, by some of the presses under the influence of the State banks, to reconcile the people to the evils they are enduring, by telling them that the prevailing pressure arises from the collection of the debts due to the Bank of the United States; and that the evil would be still greater if deferred two years longer. This pretence, though plausible, is entirely erroneous, and intended to deceive the people. It is not the simple fact of having to pay up what is due to the bank, which creates the distress; it is the circumstance of having to do so unexpectedly. If the Secretary had not interfered with the bank, but had permitted it to go on regularly in winding up its business, all its debtors would have gone on to make provision to pay what they owed; they could have gone on to collect the debts due to them from the country merchants, and the country merchants from the people, their customers; instead of being compelled to draw in, as they will now be, all that is due to them, and to leave the products of the soil to rot in the warehouses for want of purchasers. There would also, it must be perceived, be two whole years allowed for the wisdom of Congress and of the whole people to provide against consequences now suddenly, unexpectedly, and unnecessarily brought upon us by the rash act of the Secretary of the Treasury. If no other remedy could be suggested, it must be obvious, even to the most common understanding, that it would have been perfectly easy to guard against all the evils we must now suffer, either by rechartering the present bank, under proper restrictions, or by chartering a new one. And every gentleman here must admit, however odious the bank may be to him, that these are grave and important questions, which the people alone have the right to determine, through their representatives in Congress.

Equally erroneous is the idea advanced by the gentleman from New York, [Mr. CAMBRELENG,] that the effect of restoring the deposites to the United States Bank will be to compel Congress to recharter that institution. The reverse of that proposition is true. Put back the deposites, sir, and the country will remain tranquil, and you will gain ample time either to charter a new bank on proper principles, or to make such other arrangements as wisdom shall suggest for dispensing with a United States Bank altogether. But, sir, refuse to put back the deposites, and you force upon the people a currency consisting of depreciated notes of insolvent State banks; they will be involved in distress, and driven to madness, and they will grasp at the most obvious and certain remedy for the evils which they will determine no longer to endure; in other words, they will demand a recharter of the United States Bank! I am aware, sir, of the strong objections of the present Chief Magistrate of the nation to rechartering the Bank of the United States; but I tell you, that if the evils I forebode, from the refusal to put back the deposites, shall come to pass, even he will, if he is the man I take him to be, consent to recharter it, in order to relieve the distresses of the country. Far be it from me, sir, for one moment to believe that a President so distinguished for his patriotism and devotion to his country would look upon her distresses as unmoved as Nero was by the flames of Rome. No, sir; he will yield his own convictions to the united voice of the nation, and you will find the same arm which was raised to repel her invaders at New Orleans will be again stretched forth to relieve her from distress, even though the only means of affording that relief be to sign a bill to recharter the bank, to which he is at present so much opposed.

I have endeavored to discuss the subject before us, Mr. Speaker, not upon party grounds, but with a sole view to what I consider the interest of my country. And I shall be compelled, for the reasons I have stated, to vote for the resolution of the gentleman from South Carolina, for restoring the deposites, and against the substitute proposed by the gentleman from Georgia, [Mr. JONES.]

I am aware, Mr. Speaker, that certain newspaper editors, assuming the office of dictators, have declared that all who vote for the restoration of the deposites will be considered by the people as enemies to the President, and friends of the bank. I deny, sir, the power of these gentry to decide what the people shall or will do. It will not be correct to infer that I am a friend to the existing Bank of the United States from the vote I shall give in favor of restoring the deposites. For, sir, although I believe that Congress has full power to charter a bank—although I believe a bank is very useful, if not indispensable, in carrying on the fiscal operations of Government—although I doubt if the establishment of banks by the State Governments is not in violation of the constitution of the United States—yet I cannot, with propriety, be called a friend of the existing Bank of the United States. I came here, sir, strongly inclined to think it might be our best policy to charter a new Bank of the United States, instead of rechartering the old one; and nothing has yet occurred to change that impression. I am, moreover, although convinced that the deposites ought to be restored, for the reasons I have already assigned, far from being satisfied with all the conduct of the bank. I allude more particularly, sir, to the large loans it has made to the editors of newspapers, upon what I regard as insufficient security. And, sir, ridiculous as is the pretence set up by the Government directors, of their occupying higher ground than the other directors, as being, in some sort, representatives of the people, I cannot consent to overlook the charges which they have made against the other directors; unless, indeed, the charge made against these Government directors, that they were endeavoring to destroy the bank, and acting as spies upon their brethren, (which is, in some degree, countenanced by their own admissions,) shall be sustained by evidence.

Not less erroneous, sir, would be the inference that

my vote for restoring the deposites springs from enmity to the President. On the contrary, I came here, sir, with the expectation and intention of supporting the administration in many, if not all, of its leading measures. I still expect to do so. But I never can consent to do an act of injustice, in order to support any administration which can be formed. I will never consent to degrade the body to which I belong, by a tame submission to the will of any set of men on earth, in opposition to the soundest dictates of my own judgment and the good of the nation. I have, sir, with some surprise, heard it suggested that, as the administration and the bank were now engaged in a contest, in which one or the other must fall, it was the duty of the friends of the administration to sustain it in its course towards the bank, although they should believe that the removal of the deposites was inexpedient and unjust towards the bank. To such a proposition I can never assent. The demands of justice are inexorable. How often have we been told, "Let justice be done, though the heavens should fall?" And, sir, would it not be better that twenty administrations should fall, than that we should degrade the character of the nation in the eyes of the whole world, by sanctioning one act of acknowledged injustice? We are told, from high authority, that we "cannot serve God and mammon;" and, in my estimation, it is impossible for those who, though friendly to the administration, believe that the deposites have been improperly taken away from the Bank of the United States, conscientiously to vote against their restoration, merely to please a party to which they belong. There is no alternative for a gentleman so situated but one: he must either stick to his party, and go against his country; or adhere to his country, and abandon his party. In truth, Mr. Speaker, the members of this House ought never to act as the partisans or as the enemies of any administration, but to act as the friends of the country, and as the representatives of the people, with a single eye to their prosperity and happiness.

But, sir, it is a total mistake to suppose that, if the deposites are restored, the administration must be broken down. The people of this country, sir, have good sense enough to distinguish between acts which are right and such as are wrong, even in those men in whom they repose the highest confidence; and, sir, they have magnanimity enough not to condemn their agents for one improper step. Every gentleman present has probably had some personal experience of the truth of these remarks. It is idle, therefore, to suppose that the present administration is to lose its influence from the mere circumstance of restoring the deposites. In truth, the most effectual way to injure the administration will be, as I think has been demonstrated, to refuse to put them back. If the real ground of apprehension is, however, that a restoration of the deposites may have the effect of defeating some ulterior object—of influencing and controlling future elections among the people—by means of the combined influence of the office-holders and of the State banks, I admit it may, and hope it will, have the effect. But it cannot break down the present administration. It is a great mistake in the members of this House to act on the erroneous principle that the administration is infallible; that, sir, is an attribute which does not belong to humanity. We ought, sir, never to look at the source from which a measure springs, but to decide it upon the great principles of unalterable justice, and of duty to our constituents.

The suggestion has been made, Mr. Speaker—not in this House, to be sure, but elsewhere—that the attempt to restore the deposites is merely the effect of a combination between what is called the national republican party and the nullifiers. And, sir, although the imputation is known to be false by those who make it, yet as it was designed to produce an erroneous impression upon the public mind, and may have the effect, unless contradicted, I take leave to say that, although I admired the courage with which the party called the nullifiers stood up in what I regarded as a very bad cause, against fearful odds, and although I feel a very high personal regard for several gentlemen in this House, with whom I have become acquainted since I came here, and who are said to belong to that party, yet my sentiments in regard to the powers of the General and State Governments are so directly at war with theirs, that I, for one, can never form any political combination with them. But, sir, I do not conceive that I must support a measure which I conscientiously believe to be wrong, merely because other gentlemen condemn it, with whom I happen to differ upon another and still more important question. I am bound, sir, to do what is right, without waiting to inquire who will go with me in doing so; and I confess that I am not surprised that the nullifiers should condemn the act of the Secretary of the Treasury, but rather amazed that it should be approved by any portion of the members of this House.

I shall say, sir, but very few words in reference to some remarks which fell from the gentleman from New York, [Mr. CAMBRELENG,] on yesterday, before I have done. That gentleman eulogized the present Chief Magistrate of the Union for a great revolution which he had effected in favor of what he called State rights. Now, sir, I do not profess to belong to the State rights party, according to the modern acceptation of the term. It is true, sir, I claim many rights for the States, and I trust I will be disposed to go as far in maintaining their rights as any other gentleman present; I even considered myself as a very good State rights man until within the last few years. But, sir, I do not approve of the State rights doctrine alluded to by the gentleman from New York, which has been in vogue, I believe, for about ten or twelve years, and which is in no way distinguishable from nullification, except by the name, and the want of firmness in its advocates to carry it out to its legitimate results. As to the revolution effected by the President, in reference to this system of State rights, I have much more reason to thank him than the gentleman from New York. It is most true, sir, that, about twelve months ago, the President did effect a great and glorious revolution in reference to the doctrines maintained by the modern State rights party, by issuing his proclamation; by which the whole system, it is to be hoped, was prostrated in the dust, never to rise again. I thank the President for that revolution, sir, most heartily and sincerely, from the bottom of my heart.

The gentleman from New York was also pleased to pay a high compliment to Virginia, upon her consistent course; for which I return him my hearty acknowledgments. The gentleman went a little too far, perhaps, when he said she was always right; for I think she has not always been exactly consistent, even on the subject of State rights. But, sir, I do verily believe she always intends to do right, and is, in fact, at least as often right as any other State in this Union. And I am glad to hear that she is right upon this question of removing the deposites, which she heartily condemns. It is always gratifying to me to hear any thing said in favor of the Old Dominion, not only, sir, because it is my own country, but from more elevated considerations. I have always felt proud of my State; I feel more so now than ever, from the proofs she has recently exhibited that she still continues to be governed by those noble principles of justice and honor, which cause her to condemn an act of injustice, although done for the purpose of destroying an institution to which she has always been opposed.

When Mr. M. had concluded his remarks, Mr. BEARDSLEY took the floor, and, on his motion, the House adjourned.

THURSDAY, JANUARY 16.

THE PENSION LAWS.

The resolution offered by Mr. CHILTON, on the subject of extending the provisions of the pension laws to those who were engaged in the Indian wars on the frontier, from the peace of '83 to the treaty of Greenville in 1795; together with the amendment thereto proposed by Mr. BOULDIN, suggesting an inquiry as to the moral effects of the pension system, and the propriety of repealing the pension laws, coming up as the unfinished business—

Mr. ALLEN, of Virginia, said it was not his intention to detain the House with a discussion on the policy of the pension laws, the motives which led to their passage, or the moral tendency of such a system on the community. We find the system established (said Mr. A.) To grant pensions to the surviving soldiers of the revolution, appears to be the settled policy of the country; and as long as the system is continued, equal justice would seem to require that all who rendered services of a similar character should participate in the bounty of the nation. The resolution of the gentleman from Kentucky did no more than propose an inquiry into the claims of a most meritorious class of our fellow-citizens; men who encountered perils as great, rendered services as important, and submitted to exposures as severe, as most of those who are now receiving pensions. In adopting the resolution, the House would not commit itself in favor of the application; it would decide nothing. Under these circumstances, I cannot but regret that my colleague has conceived it to be his duty to embarrass this resolution by the amendment proposed—an amendment which opens for discussion the whole policy of the system. Had the amendment been offered as an original independent proposition, it would, perhaps, have encountered no opposition—at least, not from me; for, though I do not concur in the opinions entertained by my colleague on this subject, I conceive it due to every representative of the people on this floor that every facility should be afforded him to investigate the policy and practical effect of every measure of this Government. But I must remark, that, whether it was wise or not to adopt this system in the first instance, we have gone too far, and persevered in it too long, to retrace our steps. My colleague, though he may feel it to be his duty to oppose every effort to extend the system, can scarcely anticipate an abandonment of it by this House, or by any Congress which may convene here in future times. What object has my colleague in view? Does he propose we should stop at the point we have reached, and grant no more pensions? Does he propose to leave those who have been placed on the roll in the enjoyment of their pensions? Or does he contemplate a total repeal of the laws?

If we stop now, we shall do gross injustice to many applicants, in all respects as meritorious as those whose claims have been acted on. With what feelings would these men, or the community, contemplate such an act of injustice!

And would not a total repeal of the laws fall with peculiar hardship upon the pensioners? They have relied with confidence on a continuance of the bounty of the Government; upon the faith of your legislation, they have made arrangements for the balance of their days; and, to repeal the laws now, and deprive them of their pensions, would be an act of harshness and cruelty. It would have been better a thousand times never to have extended relief to them, than to deprive them of it now.

An inquiry into the moral tendency of particular acts or institutions appears to be introducing a new principle of action in the administration of our national affairs. If sanctioned, the extent of the powers of this Government, as well as the propriety of its measures, will be tested by the supposed effect on the morals of the community. The moral effect of one institution connected with the currency, is brought into consideration by one department. My colleague, acting upon the same principle today, proposes to inquire whether the community are not losing their respect for the obligation of an oath, in consequence of these pension laws. To-morrow, perhaps, an inquiry may be proposed into the moral tendencies of those laws, which, in certain portions of the confederacy, secure to us a particular species of property. The principle is of the most diffusive character; and, whenever adopted as a principle of action for this Government, all constitutional restrictions are swept away.

That abuses have been committed, that many unworthy individuals are now in the enjoyment of pensions which their services never merited, will not be denied. Owing to the difficulty in obtaining proof at this period, some confidence must be given to the statements of the applicant. No system would be of much practical benefit, which exacted from the applicant strict proof of all his services. Men are prompted by the strongest of all motives—the hope of benefit to themselves—to give a favorable view of their case. And that many should yield to temptation, and attempt to practise frauds on the Government, is not to be wondered at. Congress, when legislating on this subject, must have been aware of these consequences. Their knowledge of human nature, the experience they had of the practical operation of other laws, must have satisfied them that, under any system they might adopt, frauds would be attempted, and frequently, notwithstanding all the vigilance of the officers of Government, they would be imposed upon. But this consideration did not deter them from the measure. And it appears to me the moral sense of the community would now be more offended at a total repeal of the pension laws, than it ever has been, or will be, by the abuses which have occurred, or may occur, under them. But if the amendment were offered as an original proposition, I would not object to it. If the law is defective, or if the rules and regulations adopted are not sufficient to guard the treasury, I will give my vote for any amendments which may appear to promise more efficiency.

Nor, Mr. Speaker, can I give my assent to all the opinions advanced by the gentleman from Rhode Island. Pensions, if I understood that gentleman correctly, proceed upon the principle that the revolutionary soldier never received the remuneration for his services promised by the Government. If this is correct, Congress adopted a strange method to carry out the principle into practice. If we are paying a debt, discharging a mere legal obligation, why are not men paid in proportion to their services? Why give to the soldier who served twelve months, and to him who served throughout the revolution, the same compensation? Upon the mere score of economy, it would have been better to allow every soldier full pay for the time he was in service, and this, too, without deducting any thing for what he may have received during the revolution. And why, if we recognise this as the true principle, do we not carry it out to its legitimate consequences? The death of our creditor does not release us from the debt. We should not stop at the survivors; common honesty would require us to compensate the heirs and representatives of such of the soldiers of the revolution as died before the passage of the pension laws. It appears to me, Mr. Speaker, the principle upon which these laws are predicated was correctly stated by the gentleman from Kentucky. They are not claims for debts, or compensation due as a matter of right. We avail ourselves of this opportunity, not to discharge the debt of gratitude due to the heroes of the revolution—the wealth of worlds would not acquit us of that; but to testify our sense of the value of their services, and to manifest to all the feelings of gratitude we entertain for them.

It appears to me, too, Mr. Speaker, that the gentleman from Rhode Island is somewhat mistaken in his recollections of the history of the Indian wars in the West. They were not, according to the impressions made upon my mind, from all that I have heard and learned upon the subject, mere private wars, carried on by individuals for plunder, or any other account—such hostilities as usually occur upon a savage frontier. On the contrary, it was a general war maintained against the whites by the Indian tribes, with but little intermission, from 1774 down to the treaty of 1795. The whole western frontier had been desolated in the old French war. Hostilities with the Indians continued after the treaty of Paris, and were closed at last by the treaty entered into with them by Sir William Johnson, in 1765. After the conclusion of hostilities, the settlements were gradually extended from the Alleghany to the Ohio river. Men lived on their farms and improvements in a state of comparative security; and though there may have been occasional disturbances, instances of individual outrages on both sides, there was no general war—no hostilities in which the tribes generally participated. In 1774, the controversy between the mother country and the colonies began to assume a more threatening aspect. The tea had been destroyed in March, and the Boston port bill was to go into operation on the 1st of June, 1774. The course of Virginia, at this period, is matter of history, familiar to all. A resolution was adopted by the House of Burgesses, recommending that the 1st of June should be observed as a day of fasting, humiliation, and prayer. The Governor immediately dissolved the Assembly; and, alarmed at the spirit which the measures of the British Government were producing in that colony, the royal Governor determined to divert their attention from the scenes going on in the North, by furnishing employment nearer home. Few who have taken the trouble to investigate the matter now entertain a doubt that the war, usually called Dunmore's war, was brought about through the instrumentality of the agents of the Crown. The facts now mostly rest upon tradition, but they all tend to prove that the Indians were excited by the agents sent amongst them.

These hostilities were, it is true, checked for a moment by the battle of Point Pleasant, in October, 1774, and the treaty which shortly afterwards ensued. But the interval of peace was but short. War was again commenced as soon as the open rupture took place between England and the Colonies; and it continued without intermission until the treaty of 1795, making up the full term assigned for its duration by the gentleman from Tennessee. During the greater part of this time the dispersed settlements were broken up; the settlers were driven from their farms; they were compelled to unite in block-houses and forts for their mutual protection; and they cultivated their fields in parties, with their rifles near at hand. They were literally encamped during all this period in the presence of an enemy in alliance with and urged on by England. The resolution of the gentleman from Kentucky proposes an inquiry into two classes of cases. Under the law, as it now stands, the applicant, to entitle himself to the benefit of its provisions, must show a service at one or more periods, amounting in all to six months. Many of those who were most efficient in the Indian wars during the revolution, before the treaty of peace, never enlisted, nor were they called out to perform a tour of duty in the militia. The frontier of Virginia then extended from Pittsburg to the mouth of Green river. The State relied upon these western settlers to defend this extended frontier, and they were therefore never called out to perform duty in the East. They protected the settlements more in the interior, and thus enabled the State to direct her energies against the more powerful foe. Under these circumstances, though they may not be embraced in the letter, who can doubt that they come within the spirit of the pension laws, and are as clearly entitled, upon every principle, to the bounty of the Government, as any of those whose names are inscribed on the pension roll?

The resolution also proposes to inquire whether all who were engaged in these wars, down to the treaty of 1795, are not, upon the principles of the pension laws, entitled to the benefit of these provisions. They allege the Indian war was brought upon them by the revolution; it was that part of the revolutionary war which occurred in the West; and, with them, it never terminated until the treaty of 1795. The signing of a treaty does not of itself terminate hostilities; they may continue; and, in the West, did continue, after the treaty of 1783. This treaty gave repose to the East. But did it silence the war-whoop, or extinguish the conflagration, or quench the torch of sacrifice in the West? It did not. The war continued, and with redoubled fury. The attention of the British Government and her agents was withdrawn from the East, but they stimulated the savages to renewed efforts. From motives of revenge, or to impede the settlement of the western country, they exerted themselves to inflame the Indians against us. The whole frontier was desolated, and, as late as 1794, outrages were committed in the district I have the honor to represent.

Sir, the application of these men is entitled to a favorable consideration, from my colleague at least, on other accounts. A very large proportion of those who would be benefited by the proposed modification of the system are Virginians. You are well acquainted with the condition of our native State during the revolution. Her treasury was bankrupt. Her principal reliance for the payment of her expenses was the proceeds arising from the sale of her public domain. As an inducement, too, to enlist in her service, she promised donations of land to such as should enter the army, and continue in service to the close of the war. This domain she confided to the defence of these western settlers. And did they disappoint her expectations? You know they did not. While to the North it became necessary to detach a part of the regular army to check the incursions of the Indians in the country bordering on the Susquehannah, and another division was despatched to chastise the southern Indians, these western settlers of Virginia defended the whole of her exposed frontier. They did more, sir. They extended your dominion, by the conquest of the western posts, over the immense regions of the West. The expedition under the command of George Rogers Clarke was composed almost entirely of these men. Your constituents, and those of your colleague, have reaped the benefits of their valor. Though they did not participate in the bounties of the State, they never murmured. They rejoiced that, by their exertions, their native State was enabled to fulfil her engagements—to perform her promises to the soldier of the revolution. Nor have they ever importuned you for favors. They have never been beggars for your bounties. But when they perceive a pension system is in full operation—that every man who served for a limited period during the revolution is in the enjoyment of a pension, they cannot perceive the justice of the rule which excludes them from its benefits. They believe that if long, important, and hazardous services, rendered during the revolution, and in that war which they have been accustomed to look upon as a continuance of it, entitled any to the favorable consideration of the country, they were so entitled. They ask that an inquiry, at least, may be directed. And I trust the amendment of my colleague will be rejected, and the resolution directing this inquiry will be adopted.

Mr. PEYTON said he had risen yesterday, from the impulse of the moment, not to make a speech, but rather to repel what he considered an imputation cast

upon men whom he had been early taught to look upon as patriots, most of whom are gone, than to ask for them an act of justice and charity from their country.

The venerable gentleman from Rhode Island, [Mr. BURGES] spoke lightly (said Mr. P.) of the early settlers of the West—talked of their scalps—classed them with "plunderers and savage murderers." I, sir, am proud to trace my origin to that race of men. But, sir, no pension law can benefit my ancestors now. It would come too late for them. They never asked a pension while they lived. I value the reputation of that band of patriots as dearer than gold. You have a right to deny the survivors bread, but no right to cast obloquy upon their names.

They were no "plunderers." No, sir; they were soldiers, true and pure; and a soldier never stains his hand with "plunder." The brave are always tender and humane. They "plunderers!" What temptation was there in the frowning forest of the West to invite to "plunder?" None, sir, none.

The wild beast, and the naked savage, armed with all his instruments of death—the gun, the knife, the axe, and faggot—were the allurements held out. It was not every one whose taste would have led him to partake in such "plunder." I question if the gentleman, in the unrestrained ardor of his youth, could have been induced to throw a sickle in, and reap for "plunder" there. The harvest, sir, was often smoking cabins, murdered wives and children, scalped and mangled sires. They "murderers!" They left their firesides and patrimonial farms in Carolina and Virginia, to protect our mothers from murder, from savage torture; and, sir, the social and domestic virtues found an asylum in the forest. The strongest rampart was thrown around them—the chivalry of these men. And this reflection soothed and quieted the pang which wrung their bosoms when they stood upon the last hill which overlooked their homes, where youthful feeling clung and hovered.

What! cast an imputation upon the names of Boon, Robinson, and Spenser, and their brave compeers! Class these men with the savage, in want of honor and humanity! They were patriots, benefactors of the West, who deserved to live in marble, and not to be remembered with reproach and scorn.

The history of Boon and Robinson is known. Robinson was to Tennessee what Boon was to Kentucky. Spenser, who has been referred to by my friend and colleague, [Mr. DICKINSON,] was the first white man who spent a winter in my native county, (Sumner county.) He lived in the hollow of a tree at Bledsoe's Lick, alone, surrounded by the savages, and no other of his race on that side of the mighty mountains which lay between him and his native Carolina. When the spring opened, and the desert bloomed around him, he returned, described the country, its game, its fertility, its rich inviting loveliness. His neighbors went; he was their pilot; he killed their meat; he stood sentry while they slept. Thus he spent his time for years. At last, upon the hill which bears his name, he fell—valiantly fell—fighting between the women and the ambushed savage. His flesh was devoured, and his bones bleached and mouldered in the woods, until an old man, the companion of his youth, collected them together, and placed them in a cave, where they are yet. No marble pillar marks the spot; but nature, in that proud hill which rears its head above the clouds, has raised for him a grander monument than man can raise. It is Spenser's Hill, and will so remain forever. But, sir, he was no "plunderer," but a generous, kind, and hospitable man. He would divide his meat to the last morsel with a hungry dog. He was no "murderer," but a soldier, who would defend himself and friend; fit to have stood by Bruce, Leonidas, or Kosciusco.

Boon and Spenser thought that nature did not intend that mighty West—all that valley which is watered by the "king of floods" and its tributary streams—to be kept forever for the savage war-dance—a wild hunting ground. I know that some few gentlemen have always differed with them, and have opposed emigration to the West, and looked with jealousy upon its rising prospects—have saved their sympathy for the red man, and their spear and darts for the white man. I never could understand such enlarged patriotic sympathy, much less did I expect to find one ready to pierce the dead. I agree with Boon and Spenser that the West should have been settled; and how was that to be accomplished? My answer is, by just such men as did effect it, and such a race we will never see again: so resolutely brave, so pure and warm in patriotism, so kind to one another, (I wish their spirit filled these legislative halls,) so patient under all the pangs of war, and wants, and wretchedness. Women then were more than soldiers.

I question, sir, if old Mrs. Buchanan did not distinguish herself in these "petty feuds," of which the gentleman seems never to have heard, as much as that worthy and venerable man has done in all the mighty struggles through which his country has passed. Women then, sir, would come around, with bullets in their aprons, encouraging their husbands, sons, and brothers. They would hold an aching head, or bind a bleeding wound; and all this was in the service of the country in the war of the revolution.

The gentleman seems to be uninformed of the early occurrences in the West, and looks down with scorn upon the struggles there. I could refer him to a man who would be able to supply his want of local knowledge—a venerable man about his own age--his name is Gennings--Edmund Gennings. He was in Dunmore's war; fought all day long in the battle of the Point at Big Kenawha. The gentleman, no doubt, remembers that battle; it was fought in 1774, just twenty years before Wayne's victory in 1794. But, sir, this old soldier, bent by war and time, who is now a wanderer, without a home--I left him in my district when I came away—he performed an exploit in the Nicojack expedition worthy of a monument. Now, sir, perhaps that gentleman never heard of Nicojack; if so, he should talk no more of Indian wars in the West, but keep close upon the borders of Rhode Island. Whitley was at Nicojack, brought down his soldiers from Kentucky, and joined Robinson at the French Lick station, (now Nashville.) There are men alive, and now upon this floor, who can attest that Whitley deserves not to be degraded to the level of a savage; he was the patriot of two wars. But, sir, Edmund Gennings--he swam a river in the dark, a mile in width, (the Tennessee, below the Muscle shoals,) and went into an Indian town, which lined its banks, with one companion only, ascertained its strength, and brought the canoes over to Robinson and Whitley. His companion was Joshua Thomas. He went the way which the gentleman seems to think was right, for he was scalped; a truer soldier never lived or died. That gentleman may think such men "murderers" and "plunderers," and that it is a bad example to reward or even admire them. But, sir, I rank them with the bravest of the brave—the most deserving of the revolutionary soldiers.

Mr. Speaker, if I were to ask you to point me to the most cruel, bloody, and vindictive of all the mother country's acts, which marked her war upon the colonies, what would be the answer? That she excited the savages, unkennelled the blood-hounds of the forest, who knew no mercy, who spared neither age nor sex, to war upon the American people. "In the issue which was made before high Heaven," "whether England should rule or America be free," were not the savages used as instruments and allies of Great Britain to subjugate the colo-

nies? Was it not a part of our revolutionary struggle to resist those savages? Where did this vindictive and unrelenting policy fall most heavily? Upon the West; and, sir, the West met it, as she has since met perils from the same quarter, and as I trust she will ever meet them, come from where they may.

It was patriotic in Washington to resist the civilized armies of Great Britain, but not so in Boon to resist her gentle and persuasive instruments of savage warfare in the West. What kept back the depredations of these allies from the interior? The best of ramparts for a nation's safety—the chivalry of its frontier citizens. And, sir, shall such a race of men, who achieved so much, be branded with epithets?—have their scalps put, in their country's estimation, against an Indian's scalp—their humanity against the humanity of an Indian—their honor against the honor of a savage—while other soldiers of the revolution have won for themselves immortal honor, and freedom for their country? No, sir; it is not just to treat them so. If any soldier of the revolution should stand in patriotic merit above another, it is he who fought the solitary fight in far and distant parts. No flag like that—[pointing to the flag in the House]—no spirit-stirring fife and drum to cheer him on—no Washington to lead him up in confidence to battle—no pay, no arms, nor ammunition furnished—no clothes nor meat—his name upon no roll—he fights from high impulse and love of country, not for pay or "plunder;" and, if he falls, no stone to tell the spot—no book is written about him; but if a monument at all, it is left by the hand of a hunter, carved in the bark of the tree that shades his grave. And if he lives, and is old and poor, a wanderer from house to house, there is no pension for him. No, sir, no pension. Why? His name is not enrolled in a book.

And was not he who found his own arms, and grappled with the foe in the deep forest, in that sacred cause which won so much for man, without the aid of any thing but valor—was not he a soldier of the revolution, standing on prouder ground than if he had been draughted, and forced to follow his commander and that glorious banner?—[pointing again to the flag in the House.]

Mr. P. was here cut short in his remarks by the expiration of the hour allotted to morning business; and the House proceeded to the order of the day, being

THE DEPOSITE QUESTION.

Mr. BEARDSLEY, who had possession of the floor, rose. Mr. B., in addressing the Speaker, began by observing that, had the Bank of the United States for the last three months been wisely directed; had its operations been conducted in a becoming spirit, and with a proper regard for the general interest; it could not have failed to gain greatly in the public favor, and to-day would have been stronger in the affections of the country than at any former period. The public moneys had been withdrawn from its keeping. That would, to some extent, curtail its ability to yield its accustomed facilities to business. These moneys were placed in other banks, and in different parts of the country. Their ability to extend their own operations was of course increased. Some derangement in the money market would inevitably follow, from this change in the circumstances and condition of different institutions; but, if each and all would act with a view to the general good, no serious injury could be apprehended.

Justice demanded such a course from the Bank of the United States. It had been created, not only to aid the fiscal operations of the Government, but to support and facilitate the commerce of the country. Gratitude demanded this course from the bank. It had partaken largely of the public patronage and the public favor. It had gathered golden harvests from the use of the public money. It was not to be supposed that it could ever be found exasperated to desperation against the Government, and in its frantic rage reckless of consequences, if not bent on the destruction of all around it. Yet, sir, in that spirit it was found to act.

The removal of the deposites was a step indisputably lawful and valid. The Secretary of the Treasury was clearly authorized to do what he did. The expediency of the measure was another question, but one with which the bank had no concern. The measure was met by the bank in anger and in menace—not so much at the Government, which happily is above its reach, as at the State institutions and the prosperity of individuals. It aimed to crush the former, and to bring the latter in pliant submission, or in ruin, at its feet.

The attempt was made, and made at the time the bank deemed most propitious for its own objects. A new Congress was about to convene; it was hoped, by raising a loud cry of distress, to alarm the representatives of the people here, and shake their otherwise fixed determination. At such a time, and for such a purpose, all the fury of this mighty "legal entity" was poured out upon the devoted cities of the seaboard.

Where men congregate, they are easily agitated, and can be moved in masses. Money in large cities is the bread of life. Curtail the supply, and you excite the wildest and the deepest passions. A whole community heaving to and fro, and tossed about by its own convulsions, is incapable of reflection. It feels and fears: no one stops to inquire or reason. Give, then, to this perturbed mass some cause, little matter how trivial or absurd, for its own agitation and distress, and it is seized upon as the true and the only one. The bank managers knew all this: they had studied human nature, and they would now practise upon it. They coolly went to work to create alarm, to destroy confidence, to produce the greatest possible pecuniary distress; and as coolly to induce the belief that it was all produced by the change of the public deposites. Thus local banks and commercial associations were to be compelled, as some have been, to ask a restoration of the deposites, and, of consequence, a recharter of this institution. The compressive and coercive energies of the bank were applied, and, it must be admitted, with some effect. Not a few of its victims have been made to kiss the rod of the scourger.

The bank, sir, was badly advised. Instead of aggravating what it affected to regard as an evil, had it exerted its great power to alleviate it; had it been just, and generous, and magnanimous; had it even behaved with ordinary moderation and mercy; it would have planted itself deeply in the affections of many who now regard it with horror. It adopted an opposite course. It commenced a systematic and unparalleled persecution. State banks, bank debtors, men largely commercial—all felt, though few have fallen beneath its vengeance.

And now, sir, all having been felt which the bank could inflict, is it not matter of astonishment that no greater ruin should have followed from so mighty a cause? Let us be consoled. It proves the solid foundation of the local currency, and the firm basis of commercial operations. I trust, sir, we may hope to weather the storm in safety, merciless and ruinous as it was intended it should be. Let us be consoled. "The blood of the martyrs nourished the church!"—the distress, and suffering, and ruin, thus wantonly inflicted and designed by the bank, will make men see and feel the justice of its complete and speedy overthrow.

For two months, sir, before the meeting of Congress, it was notorious that the Bank of the United States had ceased to be a depository of the public treasures. An order for their removal had gone forth, and that order had been obeyed. At an early period of the session, the Secretary of the Treasury reported the reasons for that order and direction.

The Secretary informs us that he gave the order; the reasons assigned are given as his reasons. That the President concurred with him, is admitted: he has told us so in his message. Yet the Secretary has not sought to shelter himself behind the President. Far from it, sir. The step was taken as his own; upon his own conviction of its propriety; and for the sacred duty which demanded it at his hands.

But although this order is thus officially announced by the Secretary as his own, yet the truth of the annunciation is denied. The Secretary did not remove the deposites, says an honorable gentleman, [Mr. McDUFFIE;] he was the passive instrument of tyranny: the President usurped his power, and did the deed himself. Following up the same strain of crimination, we are told that the present Secretary came into power through a breach of the constitution; that the late Secretary was hurled from office without cause, and in defiance of the constitution; and that all these enormities were perpetrated to gratify the mad passions of a reckless tyrant.

I purpose, sir, to look at these rough charges, imputing the most corrupt motives to the President, and the most servile spirit to the Secretary of the Treasury, with somewhat of particularity and detail; but, I hope, without any great consumption of the precious time of this House.

And I remark, sir, that, having the order of the Secretary before us—an order submitted to and acted upon by the bank as a full compliance with the act of Congress, and now transmitted by the Secretary, with his reasons—we ought, in fairness to that officer, to regard it as what it purports to be—the independent official act of the Secretary himself, the result of his own judgment, and not an act done under coercion or a threat. This, sir, is but just towards the individual, although in no respect essential to the validity of the act itself. If I have rightly appreciated the character of the Secretary, he is not to be driven by fear, or made to do on compulsion what his conscience and judgment tell him is wrong. His report, sir, will be an enduring evidence of the manly powers of his mind; while those who believe him capable of being swayed by the trappings or the love of office may be pointed to the tenure of the post which he held, and relinquished to take the station which he now fills, and with the tenure by which he knew he must hold it. He quit an office which he held at the pleasure of a friend, and stepped into one which he knew he could continue to hold only with the consent of political foes. Sir, the chivalry of the act will be admired, be the fate of the individual what it may.

I deny, sir, (said Mr. B.,) that the late Secretary was dismissed because he would not transfer the deposites; yet I am ready to maintain that that, of itself, would have justified his removal. Nay, more, sir; I am free to express my own belief that he would, if other causes had not existed, been dismissed for that alone.

The President, sir, had the paramount right to direct the removal of the deposites, and it was the incumbent duty of the Secretary to conform to his directions, or resign his post. Standing in the place of the President, to give effect to his judgment, if conscience forbade a compliance with the directions of his superior, he could resign, and preserve his purity. Delicacy and propriety demanded this course. He should not have clenched office with a death gripe, to embarrass his principal, whose especial duty it was to see the law faithfully executed. He thought, or at least acted, otherwise; and he found, as he deserved to find, that a subordinate in an executive department should never be permitted to stand in the way of a faithful execution of the laws.

But the Treasury is an independent branch of the Government; it is "not an executive department in the constitutional sense;" the Secretary is not an executive officer; the power to remove the deposites, under the sixteenth section of the bank charter, is legislative in its character; "the Secretary of the Treasury was the agent, the fiscal agent, of Congress, and not of the President." So says the gentleman from South Carolina, [Mr. McDUFFIE,] and so argues the gentleman from Pennsylvania, [Mr. BINNEY.]

These positions are stated clearly. We know what is said, and what is meant. The argument is, that the Secretary of the Treasury is independent of the President, and responsible to Congress only. I will venture to meet this argument as it is presented, and I hope to show that there is not a particle of foundation for the assertion that the Treasury is not an executive department, and that this act was not, of right, subject to the control of the President.

The act, sir, was simply an order; the official organ by which it was made, the Secretary of the Treasury. The order presupposes consideration, judgment, determination. These do not necessarily characterize the act as legislative or judicial; it may still be executive; for the duties of the Executive Magistracy, although very distinguishable from those of the Legislative and Judicial Departments, do still require for their faithful performance deep reflection and judgment, as well as unshaken firmness and energy.

But, sir, if we cannot, from the nature of the act itself, ascertain with certainty its proper character, let us advert to the officer by whom it was performed, and, by assigning him his proper place in the Government, solve the problem.

It is clear, sir, that this removal was not made by the exertion of legislative power; for all legislative power granted by the constitution is "vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."—(Art. 1, sec. 1.)

Thus the Legislative Department is established. Congress has the law-making power—a power, in its nature, unalienable. It can neither be delegated, nor exerted through the medium of agents or deputies. The constitution has placed it in Congress, and there, while that constitution endures, it must remain. These principles are unqualified, except by the constitutional right of the President to approve or object to a bill before it becomes a law. This is the sole exception, and this, in no respect, impugns the principles stated. This removal of the deposites, therefore, was not a legislative act. True, it was done under the authority of an act of Congress. Laws are enacted by the legislative branch of the Government; their execution is committed to other departments. I cannot, therefore, sir, regard the Secretary of the Treasury as the agent of Congress, as has been asserted, in directing this removal. Congress cannot delegate its power—cannot constitute an agency for any such purpose. The Secretary of the Treasury was executing, applying, and giving effect to the law, not exerting the law-making power itself.

Nor, sir, was the order of removal a judicial act—the exertion of judicial power. The same constitution vests that—the whole of it—in the supreme and inferior courts. (Art. 3, sec. 1.)

"Congress cannot," (such is the language of the Supreme Court,) "Congress cannot vest any portion of the judicial power of the United States, except in courts ordained and established by itself." This will not be controverted, and need not be discussed.

Three departments of Government, and no more, are contemplated by the constitution—Legislative, Executive, and Judicial. In these, collectively, all the constitutional powers of this Government are deposited. We have seen that the power in question can be neither legislative nor judicial. It must, therefore, necessarily be executive in its character, and devolve on that department for its execution.

Where, then, sir, is the executive power lodged? The constitution gives a ready and an emphatic answer to this question. "The executive power shall be vested in a President of the United States of America." (Art. 2, sec. 1.) Not any part or proportion of it, but the entire mass—the whole—vests in that high functionary. The constitution is established by the people in their original and sovereign capacity, and is a law to every branch and department of Government; to officers of every grade, as well as to private individuals.

We have seen, sir, that legislative and judicial powers are alike incapable of alienation, and of being exerted through the intervention of agents. Not so with executive power. Vested and remaining in a single magistrate, it may, nevertheless, be called into action through the agency of subordinate individuals.

Upon the President devolves the high duty of seeing that all the laws, of every description, and in every part of the country, are faithfully executed. Such is the nature of the executive trust; such the plain terms of the constitution. Were the human faculties equal to the task, the whole executive power might be exerted by one man. But this is impossible. No man, singly and alone, is capable of these things. He cannot overlook the extended region encompassed by our laws. He cannot, singly and alone, bear the sword to avenge wrongs or repel aggressions. Aids, assistants, must be provided. What are those military and naval heroes whose names adorn and honor our country? Not of the legislative or judicial establishments, but the hands, and eyes, and instruments of executive power. War demands its armed legions. By these the law of arms is enforced, while the laws of peace are executed by other aids and instruments of one and the same executive head.

I ask, sir, if this is not clear? Will any gentleman controvert it? Are not all officers of every grade in the Departments of State, Treasury, War, Navy, and the General Post Office—are they not all executive assistants, appointed and employed in giving operation to the laws? It is indeed so. Executive power, with its thousand eyes and hands, like a well-organized cabinet, is but a unit. All, by the constitution, vests in one magistrate, the President of the United States: his right to direct and control his assistants is incontestable.

I maintain, then, sir, that the Secretary of the Treasury could not, in the nature of things, under our constitution, be any other than an executive officer. As such officer, all his official acts must necessarily be of that character, and, of course, subject to the final direction of the President, in whom is lodged the whole executive authority.

Not, sir, that the orders of a President could justify individual wrong or an illegal act. But the President for himself must decide what his own duty requires should be done. He is to see that the laws are faithfully executed. Executive judgment and discretion are committed to him; he therefore must determine what will constitute a faithful execution of the laws. He decides, and acts as all public agents do, at his peril, and upon his responsibility to the laws, to public opinion, and to his constituents. He may err: with the very best intentions, he may fall into mistakes. It is the common lot and the common hazard to which all human institutions are exposed. The Legislative Department may not always decide with wisdom, and even the Judiciary should not claim infallibility.

But this act of the President, says an honorable gentleman, [Mr. McDUFFIE,] "if it be not arrested, will most certainly destroy the liberties of this country." Mr. Speaker, I have heard acts of legislation denounced in the same strain, and from the same quarter, on repeated occasions. We hold our liberties quite too cheap. They have, I trust, a firmer and a deeper root than the honorable gentleman supposes. The tariff acts were to overthrow them at one time; and the bloody bill, as it was called, to frighten children and make it odious, was to give the finishing and fatal blow to American liberty! Yet, sir, we live, and claim to exert, and in fact do enjoy and exert, a very fair proportion of liberty. Liberty of speech is neither destroyed nor abridged; liberty of the press is in the full tide of licentious indulgence: the rights of person and of property are well protected; they will continue, I trust, to be so—the tariff, the bloody bill, the removal of the deposites, and political prophecies to the contrary notwithstanding.

I confess, Mr. Speaker, it has struck me as a little unusual, if not irregular—I do not mean that it is entirely without precedent in this House—to impute the most dangerous motives to the Chief Magistrate, and denounce his official measures as acts of wanton and flagitious tyranny. The Executive is a co-ordinate and co-equal branch of the Government with Congress, as also is the Judiciary. The right to canvass the measures of either is not questioned, but that can hardly be supposed to require a course of indiscriminate censure, and an unsparing imputation of corrupt designs. Sir, the House would not tolerate such a course towards the Senate or the Judiciary. It might be retorted upon us if we did, and the spectacle would add little to make us proud of our institutions. If the question were one of impeachment, I grant that motives must be inquired into, for they are of the essence of an impeachable offence. But why necessary in discussing the wisdom and policy of an open, public act of the Executive? On what ground tolerated or admissible? If we claim it for ourselves, we must certainly concede it to the President; and then, sir, if an occasion should ever require it, this body should be the last to complain of any degree of censure or obloquy from the Executive. But, sir, if the President is corrupt, impeach him; if he has done an illegal act, the law will give redress to the injured party; if he proves himself incompetent for his station, the popular suffrage is a certain remedy. While he is President, give him fair play; let him exert, without encountering the spirit of faction and calumny, the just powers of his station. The execution of the laws is committed to his care and superintendence. If those who are selected to aid him in that duty cannot conform to his views, the executive head, armed with the power of removal, should feel no embarrassment. He is responsible; he, therefore, should direct, control, and, if necessary, remove.

These are not put forth, sir, as new views; they are old as the constitution itself. Old, however, as they are, they are still controverted as applicable to this case. It has been asserted that the Legislature, in establishing the Treasury Department, took especial pains that it should not be an executive department, or subject to the control of the President; that the act of directing the removal, being legislative in its character, was rightfully exempt from all interference on the part of the Executive.

These doctrines, sir, have been inculcated here, as well as out of this hall. The bank has given us its kindly admonition and advice to that effect, and the Richmond meeting solemnly resolved that these things were so. If these doctrines could be taken on trust, I might admit the respectability of the authorities, and become a convert. But it is not a fair matter of faith. I choose to examine for myself. Let us go, then, "to the law and to the testimony"—to the fathers of this Government—the authors and finishers of this constitution. Let us appeal, sir, to what they did, and to what they said; and abide the result. I am aware, sir, that this examination cannot, in its nature, be otherwise than tedious. But how shall "we reason but from what we know," or at least believe? How can we disprove unfounded assertions, but by an appeal to facts, which will unfold and establish the truth?

The Treasury Department was established at the first

session of the first Congress under the constitution. That body met on the 4th of March, 1789. In the succeeding May, the House of Representatives agreed to the following resolution:

"*Resolved*, That it is the opinion of this committee that there ought to be established the following executive departments, to wit: a Department of Foreign Affairs, at the head of which shall be an officer to be called Secretary to the United States for the Department of Foreign Affairs, removable by the President; a Treasury Department, at the head of which shall be an officer to be called Secretary to the United States for the Treasury Department, removable by the President; a Department of War, at the head of which shall be an officer to be called Secretary to the United States for the Department of War, removable by the President."

A committee was thereupon appointed to report the necessary bills to the House.

This resolution, sir, expressed the solemn judgment of the House that the Treasury should be an executive department, and the Secretary removable by the President. It was the first legislative act on the subject; the first vote of the House affirmed all for which I now contend.

On the 2d and 4th of June, bills to establish the three departments, Foreign Affairs, (now State,) Treasury, and War, were reported by the committee, in accordance with this resolution. So far, sir, it is certain that the House intended to place these departments on the same basis; to establish them as aids to the President, and to make the head of each removable by him. In these respects, the bills were all alike—all run in one and the same mould.

The bill to establish the Department of Foreign Affairs was first acted upon in Committee of the Whole. It contained a clause that the Secretary should be "removable by the President of the United States." A motion to strike these words from the bill led to the luminous discussion which we find reported in Lloyd's Debates. The constitutionality of the clause was controverted. It was insisted that the power of removal from office was not vested in the President alone, but in the President and Senate; and that Congress could not subtract from the power of the one, or add any thing to that of the other. On the fourth day the debate ended, (for debates then were not interminable,) the motion to strike out being lost by a vote of 34 to 20. In the House, to which the bill was reported, two motions were made to amend: 1st, To insert in the second enacting clause as follows: "Whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy." 2d, To strike out the words "removable from office by the President of the United States."

These amendments were moved by Mr. Benson, who urged, in favor of their adoption, that the words he proposed to strike out "appeared somewhat like a grant of the power of removal by Congress," which it could not make, as the President had it under the constitution, and which would be recognised and affirmed by the words he proposed to insert. Both amendments were adopted, and, it is but rational to believe, on the grounds urged by the mover. And thus this section of the bill was moulded into the form in which it passed both Houses, and became law. It is in these words:

"There shall be in the said department an inferior officer," &c., "and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers appertaining to the said department."

In this we see the explicit declaration of both Houses that the Secretary was removable from office by the President alone, and that in virtue of the constitution. It was the judgment of those bodies at their first session; it was the judgment of men who were chief actors in originating the constitution, and sustaining it before the people; and it was a judgment which, from that day to this, has been acquiesced in, and acted upon, by every administration and every branch of the Government. It was reserved for this day, and this debate, to call it in question; for it has not been questioned before. Sir, if I believed, as some gentlemen do, that a national bank was not only a national blessing, but a necessary check to the improvidence or turpitude of the National Executive; if I desired that sort of bank "interposition" to regulate an administration; or if I held to that more important, yet, perhaps, not more rational doctrine of "State interposition," to block the wheels of this Government: in plain terms, sir, if I professed the occult creed of nullification, I, perhaps, should then assent to this new theory of the independency of the Treasury Department.

I have thus, Mr. Speaker, traced the history of the act organizing the Department of Foreign Affairs, to ascertain precisely what was intended by its second section. If I have not misinterpreted that section; if, indeed, Congress intended what they said—and it would seem that they did—we are prepared to examine and ascertain the meaning of similar sections in the acts creating the Treasury and War Departments.

The bill creating the Department of Foreign Affairs passed the House on the 24th of June, 1789.

That for the War Department on the 27th, and the Treasury bill on the 2d of July: all within the space of eight days.

Those for the War and Treasury followed the pattern bill; each containing a section like the one I have read, and in that shape they went through the Senate, and became laws.

The Treasury section is as follows. I read it, that it may be seen to be in its terms precisely like the bill first acted on, and cautiously amended in the House.

"That, whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of Secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers appertaining to the office."

This is not all, sir. The same Congress, at the same session, passed an act entitled "An act for establishing the salaries of the executive officers of Government, with their assistants and clerks." One of the executive officers provided for in that act was the Secretary of the Treasury, as also were the assistants and clerks of that department.

Thus, sir, we see what the first Congress did. All its acts harmonize; all speak the same language, and announce as a truth, that the Treasury, like others, is an executive department, and the Secretary removable at the pleasure of the President.

If we advert, sir, to what was said by those who enacted these laws, we shall see that the bills were framed and amended with precision and forecast; that they were designed to express precisely the ideas which they naturally convey to the mind. I have already alluded to the debate in the House on the constitutional power of the President to remove. On a controverted point like this, it may be well to bring the language of the speakers in aid of the language of the acts themselves. Do they correspond? Do both inculcate the same principles, and impress us with the same truths? Let them speak for themselves. Those who enacted the laws, when we are in search of what they really intended, may well be permitted to furnish their own explanations. I read, sir, from Lloyd's Debates.

Mr. Madison: "I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner, responsible for their conduct, and subject him to impeachment himself if he suffer them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglect to superintend their conduct, so as to check their excesses."

Again: "Is the power of displacing an executive power? I conceive that if any power whatsoever is in its nature executive, it is the power of appointing, overseeing, and controlling those who execute the laws."

Mr. Ames: "The constitution places all executive power in the hands of the President, and, could he personally execute all the laws, there would be no occasion for establishing auxiliaries; but the circumscribed powers of human nature in one man demand the aid of others. When the objects be widely stretched out, or greatly diversified, meandering through such an extent of territory as what the United States possess, a minister cannot see with his own eyes every transaction, or feel with his hands the *minutiæ* that pass through his department; he must therefore have assistants. But, in order that he may be responsible to his country, he must have a choice in selecting his assistants, a control over them, with power to remove them when he finds the qualifications which induced their appointment cease to exist."

Again: "The executive powers are delegated to the President, with a view to have a responsible officer to superintend, control, inspect, and check the officers necessarily employed in administering the laws. The only bond between him and those he employs is the confidence he has in their integrity and talents. When that confidence ceases, the principal ought to have power to remove those whom he can no longer trust with safety."

Mr. Stone: "The power of appointing an officer arises from the power over the subject on which the officer is to act; it arises from the principal who appoints having an interest in, and a right to conduct, the business, which he does by means of an agent: therefore, this officer appears to be nothing more than an agent appointed for the convenient despatch of business. This is my opinion on this subject, and the principle will operate from a minister down to a tide-waiter."

Mr. Madison: "But there is another part of the constitution which inclines, in my judgment, to favor the construction I put upon it. The President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer, when once appointed, is not to depend upon the President for his official existence, but upon a distinct body, (for where there are two negatives required, either can prevent the removal,) I confess I do not see how the President can take care that the laws be faithfully executed."

Such, sir, was Mr. Madison's view of the duty and the power of the President to take care that the laws are faithfully executed. It is very different from that of the honorable gentleman from Pennsylvania, [Mr. BINNEY.] That honorable member, as reported, made these remarks, to which I beg the attention of the House:

"It was finally said that the President was bound to take care that the laws were faithfully executed; and that, therefore, he was bound to direct their execution. It was a rule in logic, which he remembered since he was at school, that the argument which proved too much proved too little. The same argument would prove that he had a right to direct the judges in the administration of the laws, and yet he had not the power to remove them."

Such is the opinion of the honorable member: the argument proves too much, and therefore proves nothing. If the President is not bound to direct the judges, neither is he bound to see that the laws are faithfully executed by other officers. This "rule in logic" is thus made to annihilate a plain clause in the constitution, that declares that the President "shall take care that the laws be faithfully executed." It is demolished by this fragment of a syllogism. And the constitution, thus frittered away, is made to mean literally any thing, every thing, or nothing.

But, sir, does the honorable gentleman intend to deny the independency of the Legislative and Judicial Departments of each other, and of the Executive also? Does he question the independency of the Executive of the other two departments? If he does not, how can the honorable gentleman assert that "the same argument" which proves that the President is bound to direct the officers of the Executive Department in the performance of their duty would also "prove that he had a right to direct the judges?" How does the same argument prove both, or neither? I desire to submit it to the candor of the honorable member, if the two cases are at all parallel. How, then, can he, in the face of the constitution, deny that it is the duty of the President to see that the laws are faithfully executed—not, sir, by the judges; not by the Legislature; but by the executive officers?

But to return from this digression. In the very limited debate which took place in the House upon the bill organizing the Treasury Department, Mr. Sedgwick said, "He also conceived that a majority of the House had decided that all officers concerned in executive business should depend upon the will of the President for their continuance in office; and with good reason: for they were the eyes and arms of the principal magistrate—the instruments of execution."

Sir, we have the acts of the first Congress, and the explanations of its members—I beg pardon, sir; the explanations are from members of the House. The Senate then sat with closed doors, and its debates are not reported. Its views can only be gathered from its acts, which, however, must have concurred with those of the House, as both agreed in the passage of the same bills.

It is insisted, however, that the Treasury Department, in the character of its duties, is not executive; that the Secretary is more the officer of Congress than of the President, as he is required to make his annual report to that body, and not to the President; in fact, sir, that he, of right, ought to be independent of the President.

If we look into the act creating the Treasury Department, we shall see that the duties of the Secretary are of two descriptions.

First, he is required to do certain acts strictly executive and official, such as to superintend the collection of the revenue; to execute such services relative to the sale of the public lands as the law may require him to do; and, generally, to perform all such services relative to the finances as he shall be directed to perform. These are important duties affecting the rights of individuals and the public; and if any acts are executive in their nature, these are. So far, then, sir, this act, on its face, bears the executive impress.

In the second place, other duties are, by this act, required of the Secretary; not acts strictly official, for, when executed, they work no change in individual or public rights. They affect no interests—add nothing—abate nothing—change nothing; in fact, sir, in legal contemplation, these acts, when done, are absolute nullities. I refer to the duty which is thrown upon the Secretary by this act to digest and prepare plans for the improvement of the revenue; to prepare and report to Congress estimates, &c.

These duties are merely clerical and advisory in their character. They are imposed with a view to enable Congress the better to perform its own legislative duties.

They are not, in any intelligible sense, official acts; they neither require nor permit the use of any official authority: information, fidelity, skill, alone are necessary.

I maintain, then, sir, that so far as the Secretary of the Treasury exerts any share of the public authority, his acts are executive—clearly and indisputably so.

Hence I infer the right of the President to superintend and control the official acts of the Secretary; and hence his right to remove from office, as a means of giving effect to the determinations of the executive head. Not, sir, that the power of removal should be exercised in passion, or capriciously. Such a wanton act of power, springing from corrupt motives, would call for an impeachment. But, while the motives of the Executive are pure and patriotic, the constitution has committed to him an unqualified control over every executive agent. His commission is found in the constitution, and Congress cannot, by any form of legislation—not even by express enactments—abridge powers which are thus vested. Is this questioned? Let us illustrate it by examining the structure and operations of an extended department.

The act organizing the General Post Office declares that it shall be "under the direction of a Postmaster General." He "shall appoint two assistants." "He shall establish post offices, and appoint postmasters, at all such places as shall appear to him expedient." "He shall superintend the business of the department in all the duties that are or may be assigned to it."

This, sir, is plain language. Here, in terms, is established the complete independency of the Postmaster General. He, not the President, is to appoint and displace; to superintend all the duties of the department. The act, moreover, does not declare that this shall be an executive department. So far it corresponds with the Treasury act, and comes up to the point of the argument of gentlemen opposed. Like that, also, to make the analogy complete, it requires the Postmaster General "to report annually to Congress."

Here is a case precisely in point. Surely, then, sir, the Postmaster General is not an executive officer; he must, beyond all doubt, be the agent of Congress, and free from executive control. His responsibility is to Congress; he reports to that body. In the terms of the Richmond resolutions, the "Legislature" took "especial care that it should not be an executive department!" It is true, sir, that the paramount power of the President is neither expressly declared nor recognised in the Post Office law. Nor was that necessary. The constitution is the supreme law of the land, and rides over all legislative enactments, be they what they may. The practice of the Government corresponds with this view of the executive power. It is notorious that, from its organization to this time, the President has asserted his right to direct and control the Postmaster General whenever he thought proper to exert it. But how exert that power? How direct the operations of a department where its head aspires to independence? How, sir? The answer is at hand. Dismiss him, and fill his place with one whose views accord with those of the Executive. Concert, harmony, energy, are the high requisites of that department. To secure these, the constitution vests the unshorn trust in a single magistrate. He must act by subordinate agents. For this purpose, different departments are organized, and the executive duties distributed. If this distribution has led to the independency of these departments, we have all the weakness and vice of a plural executive magistracy—distracted councils—want of union—want of energy; nay, more: magistrates with no responsibility to the people, and with little or none at all to the President and Congress. Sir, it is not so. It was never designed that it should be so. The whole executive authority resides in one officer; he is to see that the laws are executed—faithfully executed; and if those whose incumbent duty it is to aid him are obstinate or contumacious, the path of duty is plain, and the power commensurate with the exigency which calls it forth. And, happily, sir, for this people, it now has a chief at the helm who is endowed with all the energy which the station and the exigency of the times demand; one who never fears to take the responsibility of performing his own duties as he understands they should be performed.

But this accumulates all the powers of Government in the hands of the President. "He appoints the Chief Justice," says an honorable gentleman, [Mr. McDUFFIE;] "should he, therefore, control or dismiss him from office, and put a pliant instrument in his place?"

Sir, are the cases parallel? Can any gentleman, in his own mind, confound them? What has the President to do with judicial duties? Is he responsible for their performance? Not at all. Judicial power is held by a permanent tenure, as independent of the President as it is of Congress. He is not to see that judges perform their duty, but only that the laws are faithfully executed by the officers of the Executive Department.

The novelty, not to say, sir, the extravagance of the opinions I have examined, is equalled only by the very remarkable reasons which have been advanced to sustain them. The "Treasury Department," it is asserted, "was created as a distinct department, and not as one of the executive departments, as all the others are;" and the "power of transferring the deposites was given to the Secretary" as an independent officer, and not as a "mere instrument." "Why," it is asked, "was not the power given at once to the President? Why, upon the most obvious principle—that nothing can be more dangerous than to trust the purse and the sword of the nation in the same hands."—*Mr. McDuffie.*

This is given as the "obvious" reason for the form, and the substance, too, of the sixteenth section of the bank charter. What, sir, is really intended by the celebrated precept which forbids the union of the sword and the purse in the same hands? Let us endeavor to ascertain that.

In England, the King declares war: the sword is placed in his hands. But Parliament alone can grant the supplies for its support; the purse, therefore, is in the hands of Parliament. This is the check upon the war-making propensities of the sovereign; for a concentration of the war-making and tax-imposing powers in the same royal hands would manifestly be dangerous to civil liberty. This pithy apothegm is but a condensation of the more enlarged and invaluable maxim, that the "accumulation of all powers, legislative, executive, and judicial, in the same hands, may justly be pronounced the very definition of tyranny." It was on this maxim that Patrick Henry erected his battery against the constitution. He objected against the entire mass of powers conferred on this Government, not to their distribution by the constitution. The States parted with too much: they gave up the sword; they gave up the purse. "Congress," he exclaimed, "by the power of taxation, by that of raising an army, and by their control over the militia, have the sword in one hand and the purse in the other. Shall we be safe without either? Congress have an unlimited power over both; they are entirely given up by us. Let him candidly tell me where and when did freedom exist, when the sword and the purse were given up by the people? Unless a miracle in human affairs interposed, no nation ever retained liberty after the loss of the sword and the purse."

Thus did that great and good man predict the loss of liberty—not by any undue investment of power in the President; not by the abuse of executive power; but by confiding to Congress the war-making and the tax-imposing prerogatives. Little honor, sir, is done to his venerated name by this perversion of his honest, but, I trust, mistaken sentiments.

Sir, has the President the power of the sword? Can he declare war? No. That is done by Congress. True, he commands the army and the navy, but has no authority whatever to put them in a hostile attitude. Does he hold the purse? It is preposterous to pretend that he does. Can he impose taxes? Can he draw a cent from the people, or authorize the expenditure of any part, however small, of the public money? No. Congress, and Congress alone, can do these things. Yet when Congress by law direct an expenditure, or authorize a change in the place for keeping the public treasures, it becomes the duty of the President to see these laws, like all others, carried into effect. The transfer of money from one place of deposite to another is confounded with its expenditure, and denounced as pillage and robbery by the President, a union of the purse and the sword, and dangerous to the liberties of the people. Idle pretext! No man can be thus deceived. "He that runs may read, and a wayfaring man, though a fool, need not err therein." A union of the purse and the sword! I quit this just but misapplied apothegm, and hope we shall hear no more of it as a reason for giving the Secretary, and not the President, power to transfer the public deposites.

But the Bank of the United States is the treasury of the United States; and, by the constitution, "no money shall be drawn from the treasury but in consequence of appropriations." The President, in the act of removal, violated this clause of the constitution. This is the argument. One moment, to see what it is worth.

If the bank is the treasury, and if the removal was drawing money from the treasury, in the sense of the constitution, how could the Secretary be authorized by the bank charter, in any event, to withdraw the public moneys from its vaults without an act of appropriation? The bank was a mere place of deposite: the State banks are the same. To draw money from the treasury, in the constitutional sense, is to expend or use it. That can only be done by an act of appropriation, and nothing like that has been attempted by either the President or Secretary.

The President, then, sir, has not assumed to exercise any power with which he was not clothed. His right to control the Secretary is clear: his right to dismiss him is equally clear. Yet he never requested the late Secretary to "perform any thing which his sense of duty did not sanction." If "his sense of duty" would not permit him to "adopt such measures" as, in the President's view, "the public interest and a due execution of the laws" rendered proper, his "sense of duty" should at least have dictated an immediate withdrawal from office. He should not have remained to embarrass an Executive, whose measures he could not sustain. Instead of this, what do we find? A pertinacious determination to hold on to office in defiance of the President; and that in violation of a solemn engagement to resign if he could not ultimately concur with the President; an engagement, too, founded on honor, duty, and patriotism: all which were violated in the refusal to resign. Bad faith, lack of concert—these were abundant causes for the removal. Yet, the simple refusal to execute the law, according to the President's judgment and sense of duty, was alone an ample justification for the step. These allusions, sir, to the public course of one who is now a private citizen have not been made gratuitously; they were called for by the reckless course of censure which has been poured out against the President for the performance of an imperious and sacred duty.

And, sir, the course of the present Secretary is equally justifiable. He did nothing but what his own judgment approved. Was it less his own act because it received the sanction of the President? In the eyes of the constitution, it was the act of the President himself, and for which he is responsible. Hence the reason for his concurrence and approval. The Secretary acted not only with pure and elevated motives, but on sure and solid grounds of propriety and justice.

By the bank charter, the Secretary is, in terms, authorized to change the deposites, and required to report the reasons for that order and direction to Congress. The law contains no indication of the nature of these "reasons." They certainly should be good ones, and such as ought to have influenced Congress to take the same step, had the power of removal been reserved by the charter to that body, and not to the Executive Department. Any "reasons" which should have influenced Congress, ought equally to have impelled the Secretary. He was not to be influenced wholly by the question of safety. "The safety of the deposites, the ability of the bank to meet its engagements, its fidelity in the performance of its obligations," as correctly declared by the Secretary, "are only a part of the considerations by which his judgment must be guided. The general interest and convenience of the people," every thing which should have influenced Congress, "must regulate his conduct." The reasons reported by the Secretary are all of this character. I appeal with confidence to every gentleman who hears me for the accuracy of what I state. The matters of fact averred by the Secretary, if true, and the views presented in his report, are all entitled to the most respectful consideration from Congress. The objection is, that it was incompetent for the Secretary of the Treasury to entertain and act upon them; not that they should be disregarded by Congress.

Sir, if the Secretary had required any authority to support the view taken by himself of his own power and duty under the charter, he might have found it in the bank direction. The honorable John Sergeant was a distinguished member of this House in 1819. He is now one of the directors of the bank at Philadelphia. The opinions of that gentleman are always entitled to great respect; they are not the less so for concurring with those of the Secretary of the Treasury, and being adverse to those now promulgated by the bank. In a speech in this hall, growing out of the examination of the bank by a committee in 1818-'19, that gentleman delivered his sentiments as follows:

"The power of this House (sec. 23) is confined to a single point of inquiry, namely, whether or not the charter has been violated, in order that we may be enabled to judge whether or not it is expedient to institute legal proceedings for its repeal. The examination we are authorized to make is subordinate to this object; and, to my mind, it is quite clear that we have no right to pursue it further. The care of the remaining interests of the Government in the institution is confided to the Executive."

Again: "The necessary sanction for enforcing the exercise of this power is also confided to the Executive. The Executive has authority to appoint, and to him is given the authority to remove, the directors on the part of the Government. A much more important sanction"—an executive sanction—mark that, Mr. Speaker!—"is the power given to the Secretary of the Treasury, by section 16, to withdraw the public deposites, laying before Congress his reasons for so doing."

Mr. Sergeant then proceeds to argue that the House had no right to examine into the general administration of the affairs of the bank. Why? It would involve the House in an interference with the Executive. Precisely the reverse is the argument now urged on the part of the bank—that it is for Congress, not the Executive, to make such examination. This is his language:

"If this be a correct exposition of the terms of the charter, our inquiry"—the inquiry by the House—"ought properly only to be, (what alone it can be effectually,) whether the charter has been violated. Any other course will inevitably lead us into difficulty. If we undertake

to examine the general administration of the affairs of the bank, or to investigate the conduct of particular directors, we are involved at once in the danger of an interference with the Executive. To that department it belongs to decide whether the public duty has been performed. The officer at the head of the Treasury must always be well qualified to decide. None but a citizen of distinguished talents will be placed in that high and responsible station; and, when there, his official occupations, the habitual tenor of his studies and reflections, his daily acquaintance with the management of the bank, in all its relations to the fiscal concerns of the nation, as well as his repeated inspection of the statements exhibited, will enable him, better than any other person, to judge how far its concerns are faithfully administered towards the public."

These, sir, are correct views. The Secretary has acted upon them, and he has shown that the bank has not performed its "public duty;" that its concerns are not "faithfully administered towards the public." It is gratifying to find him sustained by authority so high, and by reasons so convincing and satisfactory, especially when they come from a quarter so free from objection, on the part of the bank, as that of Mr. Sergeant.

Having before referred to some suggestions of the honorable gentleman from Pennsylvania, [Mr. BINNEY,] I may be permitted to notice a few of his remarks, which seem to me not a little unaccountable. One way to meet the arguments of an antagonist, not to answer them, is by misstating his positions, and then proceed to reason them down, with all the pomp and circumstance of conscious victory. I do not say, Mr. Speaker, that the honorable member intended to distort the positions of the Secretary; but I must be excused for saying that, as I read the Secretary, his arguments were not only perverted, but misstated.

I give the language of the honorable member as I find it reported, and which agrees with my recollection of what was said. I give it in his own terms, for I desire to avoid the error into which, I think, the honorable gentleman has himself fallen.

He observed, "The Secretary has asserted, whether right or wrong, that the simple removal of the deposites had put the bank out of court, justified the Government in any further violation of faith towards the institution, and dissolved the contract between them."

Sir, I have read the report of the Secretary with attention, and I have not found any such position "asserted" or assumed by him. I will venture to say, (and I hope I may do it without offence,) that I believe it does not contain any such assertion or sentiment. If it is there, it may be shown; and I ask, where has he "asserted" that the removal, any way, right or wrong, justified any violation of faith towards the bank? The assertion is not there; the sentiment is not there. It is not deducible from any thing which the report contains. Nor does the report assert that the removal can be justified, whether made with or without cause, "right or wrong." The Secretary, to be sure, says that the executive branch of the Government was to judge of the sufficiency of the causes, in the first instance; and he has reported them to Congress, as substantial and sufficient in their nature; as good causes; as "right," not "wrong" reasons.

But the honorable gentleman proceeded to say, after the sentence I have read:

"The next position which he (the Secretary) took, was, that Congress were in a condition of entire impotence and imbecility; that they had bound themselves hand and foot by the charter of the bank; and, while they had given to the Secretary of the Treasury full and unquestionable authority to act, had reserved no power whatever to themselves. Therefore, if Congress should find it necessary, for the existence of the country and the safety of the people, to remove back the deposites to the Bank of the United States, they had no power to do so. Right or wrong, therefore, whether the reasons of the Secretary should be assented to or denied, Congress, according to this view, had no power to interfere."

Sir, I must say that this is putting a position into the report of the Secretary, not finding it there. Has he asserted—is it his position—that Congress cannot restore the deposites to the bank? He has not, as I read the report, taken any such position. This he has said, and it is all I discover which can be tortured into a support of the asserted position. He has said that Congress could not interfere to take the deposites away from the bank; that, so far, Congress, by the charter, had bound themselves hand and foot, and were in a state of impotency; the power to decide and act on that subject being by the charter reserved, not to Congress, but to the Executive Department! And, sir, is that position denied? Is not such the charter contract? and can we break the contract with impunity? Why, then, sir, let me ask, is it asserted that the Secretary has imputed the same impotence to Congress upon the point of a restoration of the deposites? The charter is silent upon that subject; but it is clearly within the power of Congress to direct their restoration, if it shall think proper to do so.

It is not my intention, Mr. Speaker, to occupy much time in examining the reasons which demanded that the Secretary should take this step. The early termination of the present charter, and the decisive indications that it would not be renewed, seem to have called for it as a measure of propriety and sound policy. I suppose, sir, that no gentleman here indulges for a moment any, not even the least, expectation that the charter will be continued. Is there any room, sir, for such an expectation? If not, it is surely the part of wisdom to act and legislate in view of what will be the actual condition of the country when the bank shall cease to exist.

The notes of the Bank of the United States now form a large proportion of the circulating currency of the country. By these, and through the aid of the bank and its branches, most of the business of exchange between distant points is conducted. These are the principal conveniences of such an establishment; indeed, sir, but for these, I am quite sure it would find very few advocates here or elsewhere.

If Congress can do nothing directly to strengthen and give character to a new general circulating medium, or to regulate and aid the exchanges of the country, it is very clear that the most unfavorable time for local institutions to expand their own operations and arrange their business anew would be the moment when this great engine had ceased to move, and was drawing its mighty resources to a single point. It could then give no aid to individuals or institutions; and all its means would be demanded to pay its own debts, and reimburse its stockholders at home and abroad. It is manifest, sir, that, at such a time, commercial business, in every region of the country, would be more or less embarrassed. Capital, dormant or paralyzed, and especially that large amount of foreign capital now invested in the stock of the United States Bank, must be drawn together for transmission to its owners abroad. Some eight or ten millions of this stock are said to be in foreign hands; and we have uniformly been assured by those who advocated a recharter that this money would be called home if the charter of the bank was suffered to expire. Thus, that amount of active capital is to be permanently abstracted from the active business of the country. Seven millions of the capital of the bank are owned by the United States: this sum must be repaid to the Government on the dissolution of the corporation. It will be withdrawn from active employment in aid of commerce, and become a part of the available funds of the Government in the treasury. It seems to me, sir, to

have been the part of wisdom to commence a course of preparation for that state of things at a period full as early as the present time; to prepare safe depositories for the public treasures; to strengthen the State institutions as far as practicable; and, by creating a necessity on the part of the bank to commence and continue the work of retrenchment in its operations, make its final exit from the world of business as gradual as I trust it will be certain.

This course is due to the States. Much in their legislation should depend upon the fate of the Bank of the United States. New locations of State banks, augmentation of their capitals, new regulations and aids in their operations: all these must be essentially influenced by the prospects for a renewal of the United States Bank charter.

These general views, sir, are satisfactory to my mind. I should regard what has been done as wise and prudent, even if the conduct of the bank had been unexceptionable; and if we had ample assurance for its future fidelity and good faith, instead of what I cannot but regard as the most violent presumption to the contrary.

Thirty-five millions of money, at the command of a few directors, and upon which they can loan more than double that sum, is a fearful power. I thank the honorable gentleman from Pennsylvania [Mr. BINNEY] for a compendious statement of its operations. He used it for one purpose; I will use it for another. He adverted to it to show the indispensable necessity of this institution; I will allude to it as decisive evidence of its alarming, if not fatal power. He thus states "the uses which the Bank of the United States has annually afforded in various ways to the people of the United States." He takes the year 1832.

"The amount of domestic bills of exchange, purchased in all parts of the Union, in 1832, was - - - -	$67,516,673
The amount of domestic bills collected for others, was - - - -	42,096,062
The amount of drafts by the Bank United States and its offices, on each other, -	32,796,087
Drafts by Bank United States and its offices on State banks, - - - -	12,361,337
Notes of Bank U. States and its branches received and paid out of place, viz: at places where there was no obligation to pay them, - - - -	39,449,527
Notes of State banks received by Bank United States and its branches where they were not payable, - - -	21,630,557
Transfers of funds for the United States, -	16,100,000
Transfers of office balances, - -	9,767,667
Making a total of domestic exchanges, -	241,717,910
Add to which the amount of—	
Foreign exchange purchased, $9,253,533	
Ditto sold, - - 4,203,904	
	$13,456,737

"Making the total amount of exchanges, by means of the Bank of the United States, within the year 1832, two hundred and fifty-five millions one hundred and seventy-four thousand dollars."

"To this extensive sum of exchanges must be added the loans and discounts by the bank, including domestic bills of exchange, the average amount of which, in the year 1832, was $66,871,349." "To these must also be added the circulation of notes of the bank, which averaged, in 1832, $20,309,359."

Thus, sir, exhibiting the aggregate of the moneyed operations of this bank and its branches, for a single year, at the enormous sum of $342,354,691.

The annual receipts and expenditures of this Government are short of thirty millions, not exceeding a twelfth part of the moneyed operations of this bank. The appropriation of public moneys to proper objects is in all cases directed and guarded by strict legal enactments, and a rigid accountability exacted. Yet, sir, the moneyed influence of the Government is, at all times, and to a considerable extent, justly a matter of complaint, although in the ratio, in amount, of but one to twelve with the bank. The Government acts in the face of the public, by responsible and accountable agents; while the bank, on the contrary, moves unseen and unobserved, and by agents unaccountable to the people. Sir, if the moneyed influence of this Government is corrupting and dangerous, that of the bank is a hundred-fold more so. Honestly administered, the power of neither is alarming; it is the abuse, and the tendency to abuse, which call for the jealous scrutiny of a people who are determined to preserve their morals and their institutions alike free from destruction and pollution.

Sir, is it not idle, and worse than idle, to pretend that the transfer of some five or six millions from this bank, whose annual operations exceed three hundred and forty millions, to the State banks, has necessarily led to the distress which has been felt in the large commercial cities? It is incredible. No: it was the known power and the hostile purpose of the bank; it would "rule or ruin." It would neither give aid itself, nor permit others to do it.

Those who control this bank are fully conscious of the power they possess. It was but recently that its president, in answer to a question propounded to him, announced, as his deliberate conviction, "that there were very few banks which might not have been destroyed by an exertion of its power."

What engine is this, sir, which can, at a blow, prostrate one and all of the State institutions—which holds the keys of life and death over the commerce of our country? It is the financial agent of this Government, reared to preserve and protect the liberties and welfare of the people: an agent, however, over which no department has any adequate control. It is an agent, sir, which has cast off its allegiance, and stands in an attitude, not only of vengeance towards the State institutions, but of defiance to this Government.

Sir, the bank has made war upon the people of these States. If it ever stood in an amicable relation, it has changed that position. If it once petitioned, it now threatens. If it ever sought to win its way by good deeds, it is now not less determined to have revenge, if it cannot have victory.

The issue is fairly made up. It will be our master, or it must perish. And let it perish. Sooner than extend its existence, or enlarge its means of mischief, let it perish, and in its fall carry down to ruin every bank in the Union. Sir, I would infinitely rather see this, than submit to the misrule of a purse-proud oligarchy, or a corrupt and sordid corporation.

Sir, I shall not go into a detail of its deeds for good or for evil. My objections are of a broader cast. Its power is too great. It is dangerous from its magnitude and its irresponsibility. It is too closely intertwined with all the business relations of the country. It brings too large a proportion of the people within its grasp. It is our sacred duty, as I believe, to keep it strictly within its charter limits, while living, and to rejoice at its approaching dissolution. Let it expire gradually; its death struggles will be less violent and less dangerous.

It knows its own power; it is corrupt and reckless in the use of that power. I will not attempt to count up the sum of its offences. It has sought to control and coerce freemen; it has aimed to poison and corrupt the press; to pollute the fountain and streams of information; to alarm, and madden, and render vicious the people at large; to enslave them in chains of their own forging.

No officer, sir, from the highest to the lowest, would have dared to use one farthing of the public treasure to stimulate, to control, or to buy up the press. Such an in-

stance cannot be found; it does not exist. The most infamous would not dare thus to tamper with "the public purse." He would be hurled from office amidst execrations on every side. He would feel, sir, what it is to brave the vengeance of an honest people.

But, sir, what has this bank done? Disguise it as we may, it comes to this at last: It has fed and pampered, even to a surfeit, the profligate and the dissolute, who were supposed to govern the springs which move and control public opinion; and, in part, with the money of the people themselves. But the sum is small; forty, fifty, or a hundred thousand dollars only, have been thus lavished. It is not the money, sir; it is the motive, the act—the vile and corrupt act—not the less contemptible or revolting for being less dangerous.

Sir, there can be but one safe course, as there is but one honest principle for exigencies like the present. I insist, sir, that no gentleman here would dare to show his face to his constituents, had he voted to use the money of the people as it has been used by this bank. One-fifth of its capital is owned by the United States. The directors are the agents of the owners of that capital. Sir, so far as the people are concerned, these directors are free from all responsibility; and they act accordingly. I deny, sir, that they had any right—any shadow of right—thus to expend our money. That power was not confided to them. Congress alone can authorize the use of the public funds; and it never has, and I trust never will, sanction any such use of them. Irresponsible to Congress and the people, the public money is sported with or lavished in defiance of the true owners. The directors use it at pleasure; they are not chosen by or responsible to us; we are without remedy. We have committed our treasure to hands above control, and without the power of recall. We may profit by the experience. Wisdom may be cheap, although purchased at a great price.

The public money is not safe in this bank. Deliberate and reiterated resolutions of the board of directors authorize an unlimited expenditure of its funds, by the president alone, and without control or accountability to any one, not even to the directors themselves. Under these resolutions, thousands of dollars, of which no account has been rendered, or can be obtained, have been disbursed. How, why, in what way, we are not told. Vouchers none—accounts none. It is a sealed book. We can only collect that the design was to bring the whole press of the country into the service of the bank. An irresponsible president alone can expose, in full relief, its now veiled mysteries.

But it was attacked, and resorted to the press in self-defence. May it not defend itself against attacks? In the first place, sir, it was not attacked; the President expressed his opinions of the bank, as it was his duty to do. This could not be called an attack upon it. In the second place, the bank has no right to enter the field of political controversy, in the guise of defence. It was created for certain purposes and ends: to loan and collect money, make exchanges, and other things of that nature. It was the duty of its directors to attend to these objects, and not, by a flagrant usurpation—a breach of trust—pervert its corporate powers to political purposes. It was not created to raise or expend money in printing scurrilous pamphlets, to aid one party and depress another. That was not its design or object. Who authorized any such use of its funds by the directors? Not the United States when they became stockholders; not the individual stockholders. The charter contemplated no corporative existence for these, or similar purposes and objects.

As individuals, the right of the directors and stockholders to defend themselves, and to engage as they please in political conflicts, has never been called in question. It is the corporate interference which has been condemned; the acts of the individuals combined; the use, not of individual funds, but of the money of the stockholders and people.

But you would muzzle the press! The liberty of the press is in danger! If the bank may not print what it pleases, the constitutional freedom of the press is attacked! Let the bank, then, print what it pleases; but let it not use its corporate funds for that purpose. I object to its use of the public money in that way. The act is unauthorized! It is not according to the charter; it is a gross breach of trust; an expenditure against law, and in defiance of the law, as it is revolting to the moral sense of the people.

Sir, let us nerve ourselves to this conflict. Let us do our duty fearlessly. Let us meet this potent enemy, which dares to plant itself in hostile array against the liberties of the country. Its iron power must indeed be felt, and felt by all; but, I trust, not to the extent it has boastfully asserted. Its golden powers are more dangerous. Yet, sir, have we not every thing to cheer and encourage us onward—sacred duty, hatred of a grovelling and sordid tyranny, the approving and encouraging voice of an honest people? North Carolina, Indiana, Ohio, Pennsylvania, New Jersey, New York—their movements are significant, and speak in decisive language the condemnation of this institution.

Sir, let us do our duty fearless of consequences; "let justice be done, though the heavens should fall." Do our duty, and all will be well. But if it were otherwise; if it must come to the worst; if the credit and commerce of the country, if the existence of the local institutions, depend upon this bank; if its efforts cannot be counteracted with success by the Government and the people united: I, for one, say, perish credit; perish commerce; perish the State institutions; give us a broken, a deranged, and a worthless currency, rather than the ignoble and corrupting tyranny of an irresponsible corporation.

When Mr. B. had concluded, about 4 o'clock, on motion of Mr. JONES, of Georgia,

The House adjourned.

FRIDAY, JANUARY 17.

THE PENSION LAWS.

The resolution offered by Mr. CHILTON on the subject of extending the pension system, so as to include those engaged in the Indian wars on the frontier, together with Mr. BOULDIN'S amendment thereto, coming up again as the morning business,

Mr. PEYTON continued his remarks in reply to Mr. BURGES, as follows: I have but a few observations to offer in addition to those I made on yesterday. My intention has never been to make an argument upon the question now under consideration. Nothing was further from my thoughts or wishes than to have found it necessary for me to say a word upon the subject. I expected to have given a silent vote. And, I assure the House, I feel less anxious to obtain a pension for the early emigrants to the West, (richly as I think they merit it,) than to save their memory from censure and reproach, and show that it would not be wrong in itself, nor the example demoralizing, for them to receive their country's notice and its gratitude. And now, sir, after all that has been said, a vote of this House recognising them to be what I contend they are—soldiers of the revolution, would be, to those who live, the proudest day of their existence, and a grateful tribute of regard to those who are no more. It would carry joy and gladness to their bosoms, and afford the means of independence to those who scorn to live on private charity. But, sir, the gentleman from Rhode Island speaks with contempt and censure of those petty feuds and private wars which raged on the western frontiers. What does the gentleman mean by petty feuds and private wars? Does he call that a petty private war

which raged unceasingly for more than twenty years? which called forth all the savage tribes from Georgia to Canada?—yes, sir, bands united into armies of painted warriors, counting thousands? If that gentleman had been in Buchanan's station when it was surrounded by more than seven hundred Creeks and Shawanees, with only nineteen men and a few resolute women to defend the fort, I question whether it would have struck him as a petty feud, or inglorious defence. Sir, Tecumseh, since the most celebrated warrior of the red men, then but a boy, was there. This fact I learned from the grand-daughter of General Robinson—a lady who unites the spirit of her ancestor with taste and learning. Why is it that the gentleman's sympathies are all with the red men? Sir, at that time, they were as a hundred to one when compared with the whites. They used their superior strength most barbarously: at all their camps were to be seen stakes with human skeletons hanging around them—some small and short—infants who had perished with their mothers.

The gentleman spoke of retaliation: did he ever hear of a white man torturing a female or infant Indian? If he has, I beg the gentleman to set it down as false; cowards and barbarians only are capable of misusing those whom it is the duty of man to protect. Sir, no coward ever showed his face there. He spoke of retaliation, and seems to think it the duty of the Government to discourage it, as practised in the West. Was not the gentleman in favor of privateering during the late war? Did he not think it right in his own State to fit out privateers of war to capture merchant vessels—not that those vessels had done them any wrong, but because their nation was at war with ours? Yet the gentleman's patriotic blood curdles in his veins at the thought that a rude backwoodsman, with a cabin just sufficient to shelter his family, and a pony to pack in meat for their support, when robbed of all by the harassing allies of a powerful nation at war with his country, should retake his horse, or take another, not by attacking a defenceless neutral, but at the hazard of his life. Retaliation, indeed! How could Boon retaliate in 1776, when his daughter and the Misses Calloway were carried prisoners, by the savages, far, far into the deep cane-tangled wilderness? What, catch and kill an Indian girl! Could Boon do that? No; no more than he could give up his Gertrude—not of Wyoming, but of Boonsborough. They must be saved from the stake and flames! He raised his friends, and resolutely followed on; he fought and won a battle, and brought the trembling captives home to their mothers. He talked of private wars and petty piracy. The lives of a few soldiers were prized at that day in the West, and when they fell were greatly missed. The West was weak, and faint, and bleeding, and scarce of soldiers. Let us examine and see if those wars were so private as the gentleman seems to think. From 1783 to 1790, the loss of property was immense. There were killed, and wounded, and taken prisoners, 1,500 men, women, and children. This is the estimate made of the loss in seven years of that war, which raged with unceasing fury for more than twenty years upon that harassed people, which the gentleman may learn, if he ever reads a book published on the other side of the Alleghanies.

But, sir, as to the services performed by these hunters: At the most gloomy period of the revolution, when despair clouded the brow of the patriot, and hundreds were flocking to the British standard, giving up their liberty and their country's independence as gone forever—when Cornwallis was in the centre, and Ferguson had taken his position near the mountains in Carolina, encouraging the tories, and dispiriting the whigs—who drove that British general from his post? It was the hunters of Wataga. They pursued him with the impetuosity of a mountain torrent, for thirty-six hours, stopping only one hour for refreshment at the Cowpens. At King's mountain, they overtook the royal army drawn up upon its summit. Who climbed that steep, and dragged down the tyrant power; and, by the bold exploit, not only cheered the drooping spirits of the whigs, and carried terror to the tories, but made Cornwallis quail and retreat? Sir, when that conflict began, the mountain appeared volcanic; there flashed along its summit, and around its base, and up its sides, one light sulphureous blaze. That [pointing to the eagle and flag of the House] eagle's eye shone bright in victory—that banner floated proudly out. Historians give this as the most patriotic and illustrious achievement of the revolution. And, sir, need I tell that gentleman, who has at least noticed Marshall's History, that it was achieved by the hunters of the West, without the aid, or even the knowledge of Government? And upon that proud mount still let them stand. Who would drag them down to the low estate of savages? Who would tear one laurel from their brow? If you cannot spare for those who live the means of living, be it so; the West will feed her patriarchal soldiers—they are old and few. When they are gone, may their mantles fall to warm the patriot's bosom, and nerve the soldier's arm. But you dare not reproach them; their honor and patriotic worth are our richest inheritance; and, sir, we will hug and defend it as our country's honor. Let the war-worn soldier, when pressed to live, and disappointed in his expectations here, look to the West; it is what his country has done in the hour of her peril and day of her distress.

Mr. PINCKNEY, of South Carolina, next addressed the House; and, after recapitulating the propositions in the resolution and the amendment, said that it was his purpose to offer a few words on both.

As much had been said in the course of the present debate in commendation of our revolutionary fathers, he should take occasion to say that he yielded to no man on that floor, not even to the gentleman from Tennessee himself, [Mr. PEYTON,] in veneration for the character, and a grateful remembrance of the services, of those brave and patriotic men. He trusted that he valued as highly as that gentleman, or any gentleman, could do, the rich heritage of freedom we enjoyed, and as fully appreciated the price at which it was purchased by our ancestors. But he would show his veneration for their memory, not by taxing the people for whom they had won these blessings, but by maintaining inviolate the principles for which they fought, and the institutions which they established. He felt, indeed, that the gentleman who advocated the original resolution seemed to have, in this debate, the vantage ground. They had taken the captivating side of the question—a side so captivating, and which makes such powerful appeals to all the generous feelings of our nature, that even he, who was opposed to the whole ground they had taken, had felt his heart warmed by the pictures which they had presented to his imagination, and almost tempted, for the moment, to abandon his principles, and throw away the public treasure, as freely as he gave his thanks to those who had endured and performed so much. But he had nothing but his thanks to give. He remembered that he had a high and a solemn duty to perform, and he should endeavor to perform it. He must first ascertain whether the House had a constitutional authority to extend the pension system in the manner proposed in the resolution; and, if it should appear that they had none, then the proposed inquiry would not only be useless, but positively injurious, inasmuch as it would only tend to excite hopes and expectations which might never be realized.

Mr. P. went on to state that his first objection to the resolution was, that that House possessed no constitutional competency to extend the pension system in the manner proposed. Indeed, he regarded the whole pension system, in all its forms, as destitute of constitutional authority. Where was there a single provision in the constitution which conferred on Congress any such authority?

Was it to be found in the enumerated grants of power? or could it be fairly inferred as necessarily incidental to any one of them? No: He defied the ingenuity of gentlemen to show him any authority contained in that instrument for applying the public money to purposes of this description. And, if it was unconstitutional to grant a pension even to our revolutionary soldiers, who, of all others, are most entitled to our gratitude, how much more so must it be to make such provision for persons who had no agency whatever in the revolutionary war?

I hope not to be misunderstood. Far, very far, be it from me to disparage the merits of those for whose benefit this measure has been proposed. I concur fully in the eulogy so eloquently pronounced upon their patriotism, bravery, and enduring fortitude. I heartily assent to all the praises we have heard. But it is manifest that we have, in this case, no constitutional authority to act; and even if we had, it would, in my opinion, be inexpedient to use it, inasmuch as, whatever may have been the merits or the sufferings of these individuals, they were not revolutionary soldiers. I take this ground. I deny that they were, in any sense, soldiers of the revolution. They had neither lot nor part in that struggle. They contributed nothing to the attainment of our national independence. They did nothing towards laying the glorious foundations of our freedom. All they did, be it less or more, was done subsequently to the revolution. How great soever their conflicts, or severe their sufferings, they were not for the national freedom, but merely for the local protection and security of those regions of country in which they occurred. Their battles were not fought for the United States, but for their own fields and farms; and, therefore, they have no claim on that account upon the bounty of this Government. I deny that they have any claim upon it whatsoever.

But, Mr. Speaker, were the fact otherwise; did we possess the power to grant; and had they such a claim as is set up in their behalf, we ought not to adopt any measure going to extend our pension system, because it is infinitely too extensive already. Sir, what is the extent of this system? Can any gentleman tell? How many pensioners are there at this moment dependant upon the Federal treasury? I am informed that not less than from twenty to thirty thousand have been enrolled under the act of 1832 alone; and I believe it will be found that the pensioners of this Government do not amount, in all, to a less number than forty thousand. And at what expense is this monstrous army maintained? The charge upon the treasury for the last year, according to the Secretary's report, was more than four millions of dollars. And is it now seriously proposed to extend this system, and still further increase this burden on the people? Are we to enrol thousands upon thousands more? Is there to be no limit to these assumptions of authority—to this monstrous waste of the public funds?

Sir, if we have a right to pension these claimants, have we not as clearly a right to pension both the soldiers and the militia of the last war also? May we not as well pension for civil as for military services? for services in the cabinet as well as battles in the field? May we not pension for any thing, or for nothing, just as whim and caprice may dictate? Nay, sir, may we not go on until the treasury shall be literally converted into a Roman granary, and every individual at liberty to take his portion of the common stock?

And let me ask, sir, why is this proposition brought forward at this particular time? Have we money to throw away? Is our treasury overflowing? Have we nothing to provide for but those who hang upon the bounty of the Government? Sir, the President has told us, in his message, that the revenue of the ensuing year will hardly be equal to the exigencies of the Government. The Secretary, in his report, reiterates this statement; and both concur in recommending to us the strictest economy in our appropriations, and tell us that, if we indulge in extravagant expenditures, a deficiency in the revenue will necessarily occur. And yet we have before us schemes to cut off three millions from the revenue on the one hand, by dividing the proceeds of our public lands among the States; and, on the other, propositions to apply an enormous amount of money for the purchase of stock in private associations, and others for roads and canals, and to add thousands upon thousands now to the pension list! Now, what is the necessary tendency of these measures? Must they not produce that very deficiency in the public revenue against which the President has warned us? And when this shall have occurred, how can it be remedied but by increased taxation? And are gentlemen desirous to resort to that? Are we to have the tariff question reopened? Are the people of the South, heavily taxed as they now are, to be still more heavily taxed, to support a set of people who had neither part nor lot in the revolutionary war? The agitation on the subject of the tariff has now in a great degree subsided, in consequence of the compromise bill. Do gentlemen wish to re-excite it? Are we again to be torn and distracted—for a subject like this, which has nothing to do with the great interests of the country—only for the sake of giving pensions to people who have no claim whatever to the munificence of this Government?

The motto of the gentleman from Kentucky seems to be simply—generosity. Sir, I trust that, in our private capacity, that will be the motto of every gentleman here. But my motto, as a public man, is justice—justice to the people; justice to the constitution.

I will now offer one or two remarks on the amendment proposed by the gentleman from Virginia, [Mr. BOULDIN,] which is, that the committee inquire into the moral and political effect of the pension system of the United States as at present existing, and the propriety of reducing or repealing it.

Sir, I have no doubt whatever that the system ought to be reduced; and I will even go so far as to say that I should be glad to see it totally abolished. My objection to it "goes the whole." I object to it on account of its origin, its character, and its consequences. What, sir, was its origin? Is it any thing more than a mere branch of the protective system? When the tariff of 1832 was passed, and the people of the South were desperately struggling against the chains which it was attempted to rivet around them, then it was—yes, at that very period of fearful conflict for their rights—that this mammoth pension system was devised, ostensibly for the benefit of revolutionary soldiers; but, in reality, for no other end or object than to create new charges upon the treasury, and to furnish a plausible pretext for keeping up the high duties which had been imposed upon us.

The people of the South understand this matter well; and the natural consequence has been, that to them the pension system is no less odious than the tariff itself. They know perfectly well that the system was designed not for the benefit of the soldiers, but as a means of taxing the South for the exclusive benefit of other portions of the Union. And as to the character and consequences of the system, what are they? On this part of the subject, I lay down one or two propositions, to which I defy contradiction.

It is a most burdensome system. It has no parallel on the face of the earth. There is not another nation in the world taxed to the extent that we are, to maintain a system of pensioning. Besides, sir, we have now arrived at a new era in our financial history. The public debt is paid, and we have now to adapt our expenditures to a new state of things. Shall we still go on in a course of reckless and increasing extravagance? Or shall we not profit by the past, and learn, though late, the lessons of economy?

The present Chief Magistrate was supported by the South as the reform candidate. We were told by his advocates that his administration was to be distinguished by a system of retrenchment and economy; abuses were to be corrected; and the expenses of the treasury reduced to the legitimate wants of the Government.

Sir, how have these large promises been fulfilled? What retrenchment has been made? What abuses have been corrected? Are our expenditures less now than they were during the preceding administration? Or did they not swell immediately, and immensely, beyond all former bounds? I do not pretend to be in possession of accurate information on this subject; but, if I am not misinformed, the expenses of Government, which were then about twelve millions, have risen to between sixteen and seventeen millions; and, in fact, we are now told that one of the departments is insolvent, and obliged to go about, like a beggar, from bank to bank, to sustain the credit of the Government, and carry on the public business. Under circumstances like these, what is the duty of this House? To create new charges on the public purse, or to abolish such as will bear retrenchment? To increase, or to diminish the revenue? To multiply the taxes, or to reduce them to the legitimate wants of the Government? As long as the nation was in debt, the people bore their high taxes with patience; but now our debt is paid, they demand a system of economy and reform. They demand of us that we shall impose no more taxes, and make no more appropriations, than shall be absolutely necessary. And I do say, that, if there be one item of expenditure which may with truth be denominated unnecessary, it is this system of pensions.

I speak, I know, the sentiments of the South, and, I believe, of the great body of the American people, when I say that if there be a tax of which they complain, or if there be a reduction of which they approve, it is this pension system. But this system is not only burdensome; it operates unequally, and therefore unjustly. Of the whole army of pensioners now dependant on the bounty of this Government, how many are from the South? Not one in ten: no, sir, probably not one in twenty. But who contribute proportionally, most largely to the treasury? I assert, without fear of contradiction, that the greatest proportion of the whole receipts of the treasury is drawn from the southern States. What, then, is the operation of the system? What, but to draw out the substance of our wealth, and to give us little or nothing in return, while it bestows as largely upon those portions of the Union which contribute comparatively little to the public chest?

Another objection to this pension system is, that it is, in an especial degree, liable to fraud and imposition. It has been admitted, in the course of this very debate, that frauds must necessarily occur. If there is any security against the frauds to which it is exposed, that security can only be found and applied in the States where the claimants live; where their persons can be identified; and where it may be possible to distinguish an impostor from a patriot, a tory from a whig. And yet it is notorious, that, even in the Legislatures of the States themselves, the grossest impositions are practised, and have been proved; and if, even in the State Legislatures, they are subject to imposition, what may not be expected in a Government like this? Who can tell how many of those on our pension rolls fought for us, and how many for the enemy, and how many ever fought at all? Before we go to extend the system, let us first devise a mode of purging it from this fungus of imposture. Let us learn how to tell the true from the false, before we proceed to enrol thousands, perhaps, of new impostors.

But, sir, I have still another objection to the system. It swells, beyond all limit, the power and patronage of the Federal Government, and tends thereby to corrupt the people. On this topic I shall not enter into an argument. It is well understood. The power of the Government is too great already; it has literally swallowed up all other power in the country; and, by thus enlisting a host of pensioners, it secures an army dependant on its will, and ready to do its bidding. For I lay it down as a general rule, (a rule to which I admit there are exceptions,) that pensioners on the bounty of Government are only so many political partisans. It must be so. It is the natural and inevitable effect of the system. It destroys the sense of independence; it degrades the spirit of the people; it destroys their habits of industry; it generates, instead, the habits and the feelings of beggary. The people, instead of feeling that they are our masters, learn to look to us for support. Better, far better, would it be that not a soldier should ever have received a dollar at our hands, than that this deplorable system should have been fastened on the Government. But, if it must be fastened on us, if we cannot shake it off, let it at least stop where it is. Let no other fountain of corruption be opened on the country. The Government already wields a far greater patronage than is consistent with our liberty.

Sir, this identical proposition was brought, if I am rightly informed, before the last Congress, and was then deliberately rejected; and as I hope that the independence of this House will again reject it, I shall move the indefinite postponement of the whole subject. I should vote for the amendment of my friend from Virginia, but, as I have no hope of its adoption, I suggest to him the propriety of withdrawing it. The House, I trust, will reject the original resolution; particularly as they have the unanswerable ground to stand on, that, if they now extend the system in the manner proposed, they cannot refuse to pension the soldiers of our last war with Britain; and that, if the system is thus carried out, the whole revenue of the country will be absorbed for pensions. He moved the indefinite postponement of the whole subject.

Mr. BURGES said it had not been his intention to address the House again on the resolution now in debate. I should have been silent, said he, under the rebuke of the young gentleman from Tennessee, [Mr. PEYTON,] had he not, either from inattention to my remarks, or from some other cause, misrepresented what was said by me. Nor should I now be anxious to correct his error, if, in other places, and where I feel a deeper interest in being correctly understood, I had not been misrepresented on this great question—the military pension system of our country. The earliest events of my life brought me into no inconsiderable intimacy with the soldiers of the revolution, those men who are the subjects of this system. At the first session when I had the honor of a seat in this House, I was placed on that committee to which the claims of those brave and unrewarded men were submitted. From that time, until the final passage of the law of June 7, 1832, I labored, in aid of others, with unceasing diligence, and with whatever ability it had pleased God to bestow upon me, to convince this House that these men had never been paid, according to the contract made with them by the United States, for their military service rendered to the country in the revolutionary war. Every gentleman in this House, who has been here as long as I have, and who would give himself the trouble to recollect so much, concerning one so inconsiderable, might bear me witness that I have never deserted the cause of these meritorious men, or ever made a claim for them on the bounty, and not on the justice of their country.

Notwithstanding all this, men, adversary to me, have, with a most malicious diligence, misrepresented me to my constituents; and have told to them, when their purposes might require such calumny, that I had always been found in this hall in opposition to this claim of revolutionary soldiers.

Sir, although the misrepresentation in this debate, made by the gentleman from Tennessee, must have originated

in misunderstanding what I said, and not in any intention hostile to me; yet from, perhaps, too keen a remembrance, it did seem to me somewhat german to that made last summer to my constituents; and I am not without apprehension that my opposition to that extension of pensions which the gentleman advocates may, by some political transmutation, come to be represented as hostility to the whole sysem.

I regret to have been constrained, by any circumstances, to say so much concerning myself. Nothing could have induced me so far to have presumed on the courtesy of this House, had I not felt a strong assurance that the gentlemen in this hall place on that good opinion of their fellow men, which has been earned by fair and honorable diligence, too high a value to see a loss of it hazarded by any one of them, without giving to him a fair opportunity for full explanation.

The gentleman from Tennessee has, by frequent repetitions made since I sat here listening to him, charged me with speaking of the western war in disrespectful terms, and of those engaged in that arduous struggle in phraseology not sufficiently honorable to their known character for distinguished heroism.

Sir, the gentleman says I denounced their conflict as "a petty war, and those engaged in it as not distinguished for bravery." This phraseology is the gentleman's construction of my remarks, misunderstood, perhaps, by him, but, at all events, misrepresented. All may remember how often it had been said, by the advocates of this resolution, that the war with the western savages had continued twenty years. I remembered no Indian war of twenty years' duration, and therefore replied that such a war could not have been a public, a national, but must have been "a private war." Such a war, it was remarked by me, had often been waged by the frontier settlers with the aborigines; and from almost the first settlement of the country, up to a very late period of our history, there had been bloody and exterminating conflicts between white and red men, when there was no open, declared, public war, between the tribes of the one and the colonies or nation of the other. If the settlers of the West had distinguished themselves by bravery in these encounters, so had those of the East, and of every other part of the country. For this frontier began at the ocean, and every generation of men, in every State, until the red men retreated from their borders, had been exposed to the perils of first settlers; and every period of the history of our country had been distinguished by the bravery of those men, and the cruelty of that war, in every part of our land.

Sir, was there any word in all this which could fairly be tortured into an expression of disrespect for the wars, or the renowned men of the West? They were as brave as men, in the same condition, who once lived and fought, in like conflicts, for their firesides in New England. Does this gentleman wish me to say that Boon was a braver man than Church? I can only tell him that such a man never lived.

Sir, the gentleman from Tennessee tells us that this was a twenty years' war. I ask of him—for he seems to think that I either cannot or do not read; I appeal to you, and you, and you, who surround me, when did this twenty years' Indian war begin? when did it terminate? No war, declared by this nation, has been protracted for such a length of time. I therefore concluded that the gentleman who speaks of this war of twenty years must have united together many of those individual and neighborhood conflicts which have, from the first settlement of our country, so often arisen between those who inhabited the savage and the civilized frontier. If this be so, I was critically correct in denominating these deadly encounters private, individual, not public and national wars; and no gentleman can, with any justice, say that any thing said by me was, or was intended to be, disrespectful to those who, from their exposed situation, were engaged in them. My whole purpose was, not to diminish the high merit of their achievements, but to prove that they were of a kind which did not bring them within the principle of our pension system. Were they enlisted soldiers? Were they militia, called out to repel invasions of their country? Were they volunteers, who joined the army of soldiers or of militia? Had they served their country in the revolutionary war? and had that country failed to make compensation to them for that service? These are the great questions, when men claim to be placed on the pension roll of their country.

Who has called in question the bravery, the perseverance, the patriotism of the Boons, the Lewises, the Spensers, and the Robinsons of the West? They are known to fame; though the gentleman seems, by his so loud and frequent repetition of their names, to doubt it. What did these men do? They were pioneers in the wilderness. They advanced before the general range of settlements. It is true their bravery and hardihood secured those who were in their rear; while they, themselves, were so much the more exposed to the encounters of the savages. They surely did not make this advance for the sake of the war which they were thus obliged to encounter. Their object was settlement; and they, by encountering these perils and hardships, secured to themselves a greater choice of better lands, in greater abundance, and at a cheaper rate. They succeeded; and provided for themselves, their sons, their descendants, and all their connexions, a rich establishment in a great and fertile country. Is there any thing in all this which brings these men within the principle of our military pension system?

Sir, they do not come here for pensions. Their descendants do not come. They earned a rich heritage, by their toils, privations, and perils. No man denies their daring chivalry. It has added fame and honor to their acquisitions of wealth. Such men are too honorable and high-minded to ask a reward from their country for what they performed rather for themselves, families, and immediate neighborhood, than for the public community. It seems to me that those gentlemen who urge this claim with so much ardor, do, by that very course, rather tarnish than brighten the fame of those men whom they appear so desirous to eulogize.

If, as it is said, some of these men are poor and destitute, the descendants of their associates in those conflicts, who are so rich, would, I am persuaded, rather relieve the companions of their fathers, than turn them over to be provided for by the country. Nay, sir, those gentlemen who call mountains by their names, and so extol their exploits in this hall, might bestow upon them a little more bread, which it seems they want, and a little less of that praise, which they surely do not need.

Sir, the frontier of our country has always been inhabited by a race of brave, hardy, and enterprising men. They formed a wall of defence around our young settlements, and pushed back the natives, as those settlements progressed, farther and farther into the wilderness. Their points of defence may be distinguished in our oldest States; and buildings, used by the inhabitants, in those times and conflicts, as block-houses, are now to be seen in Rhode Island, and in the old colony of Plymouth. The descendants of those who defended them and that frontier, when that was a frontier, might claim pensions as justly as the descendants of the Boons and Spensers of the West.

Sir, other countries, of which literature has brought down to us the legends, had their pioneers—heroes who advanced before their settlements, and drove out or exterminated the aborigines of their regions. In Europe was a Hercules; in Asia a Samson; and the Greeks and the Hebrews have, in their books, preserved the history

of many of their heroic exploits. We are told that Hercules expelled the Pelasgi from Attica and the Peloponnesus, and established the Hellenes, his own race, in those countries. He took good care of himself and his sons, by dividing his conquest into kingdoms, and bestowing it upon them. These Heraclidæ, these sons of Hercules, retained their thrones for many years, and until the people wrested the power from their hands; expelled them from all their acquisitions, except Sparta alone; took their several dominions into their own hands; and established democracies where thrones had before been established.

The Pelasgi have left us no legends of the exploits of the daring valor of their heroes in defence of their country, their ancient and primitive seats, against their Grecian invaders. They were without letters. Their poets, orators, and historians committed their deeds of valor and patriotism to the safe-keeping of tradition; and with that tradition has perished the fame of their race.

Even Roman poets were not less partial than Grecian to the exploits of the same Hercules. One of them tells us that this great hero once drove a herd of cattle through Italy: we are not informed how, or where, he obtained them. Cacus, a giant warrior of Etruria, (probably one of the heroes of his country,) claimed this stock; and, while the Greek was amusing himself in the revels of the night, collected and secured them within his own enclosure. This was probably done according to the old rule, which tells us that to take cattle from such a drover is no stealing. By this, a state of war was produced between these two heroes. The Greek displays astonishing feats of valor; but how bravely the Etrurian defended his claim, we cannot learn: for his nation were barbarians, without letters, and the fame of their warriors has perished. Hercules, of course, triumphs; and is, by the Roman poets, celebrated as a hero—a demi-god; while Cacus is denominated a savage and a thief.

Nothing gives such a fame to a man in our country as killing Indians. If a man is only suspected of such an achievement, or has been at the killing of a great red warrior, it does actually seem as if nothing which the people could do was good enough for him. Philip, the son of Massasoit, the great warrior of the Wampanoags, was a sore adversary to the settlers of New England. He was, indeed, a great man, and for his country a true patriot; nor was he, in heroism or mental endowments, a whit behind his illustrious namesake of Macedon. In that war of extermination which, by uniting many tribes of red men, he waged against the whites, many brave and distinguished men of the colonies were engaged against him. It was believed that the country did not afford honors enough to reward him who should subdue this great chief; or that, more fatal to the peace of the settlements, there might be a contest among many heroes which was in truth the conqueror: the cautious historian, to prevent all these evils, tells us very gravely that Philip was killed by an Indian.

Sir, the spirit of hostility, with the occasion for it, is passing away in our country. Our literature may do some justice to our brave, and now perished or subdued adversaries. We shall perpetuate the names of some of their most renowned tribes, nations, and warriors; and, while the tide shall ebb and flow in the Narragansett and the Delaware, it will not be forgotten that brave and powerful nations of red men once lived on the shores of these beautiful waters. Nor will the lofty ridges of the Alleghanies, or the currents of the Ohio, the Missouri, and the Mississippi, cease to tell passing generations of white men on these magnificent mountains and streams that they received their names from mighty nations, once renowned for their valor and achievements.

Sir, look into the ornaments of your rotundo. Sculpture has done something to perpetuate the original character of the red men of this country. William Penn, the man of peace, stands in the ever-during stone, quietly discussing the terms of a treaty with the great Delaware chief. On the opposite side you see, sculptured in stone, the great hero of the West, engaged in mortal conflict with two red warriors of the woods. One of the Indians is already down; the two surviving combatants stand one on each side of him, with each a foot on the dead warrior. The sculptor, to exhibit the face of this dead chief to the spectator, was compelled, by the narrowness of the pannel where this combat is represented, to contract his legs and arms, as they might have been drawn up by a strong convulsion, but as the limbs never are when the man has space enough to extend them in the last mortal struggle. I have often thought, when looking at this interesting production of human art, that the sculptor had, without intending to do so, most strikingly represented both our national avidity to engross lands, and the hard terms which we hold out to the aborigines. Sir, this piece of sculpture tells us that we do not leave to the Indian enough of the land of his fathers to die upon.

Shall we continue to awaken and encourage the spirit of war, by chanting in our halls the praises of our own men, where no one lifts up a voice for our brave, magnanimous, but conquered foe? He has buried the tomahawk; he has retired beyond the great river; and, forgetful of all war but the chase, now follows the buffalo in the prairies of the West. Shall we still be at cost—shall we offer a bounty to keep alive that spirit of chivalry, that eagerness for battle, which has driven our great adversary far beyond our borders? The reign of peace has, I trust, commenced on the earth. Men have ceased to look after plunder for subsistence; they seem to have submitted to the will of the Creator, and are determined to live on the productions of their own labor.

It is time to lay aside all imitation of the giant heroes of antiquity. Why, in this age of the world, match our warriors with them in deeds of blood? Most men suspect the fidelity of these legends, so extravagant in praise; and when I hear it said of a warrior that he slew a thousand men with a jaw-bone, I am ready to conclude that the instrument of slaughter must have been in the head of the historian, and not in the hand of the hero.

Sir, it is not my purpose to enter further into this Indian war. I give the gentleman notice that I shall leave the battle-ground to him; for I am persuaded that I cannot win, and may lose by it. If he should triumph over me, and take my scalp, I am vain enough to believe he would exhibit the spoils of his victory as a trophy of his prowess; but, should I succeed, subdue him, and take his, I am sure I should never carry it away.

At this point, the hour for considering resolutions expired. The same subject coming up on Tuesday, January 21, Mr. PEYTON addressed the Chair as follows:

Mr. Speaker: I intended to have made my acknowledgments to the honorable gentleman from Rhode Island, for a kindness which others have so often received at his hands. But, sir, that gentleman is not in his seat—he was not there on yesterday morning—I have no remarks to make. *The absent and the dead--nature's bourne and ocean's waves*—with *me*, afford a sacred shield.

APPROPRIATION BILL.

Mr. POLK moved the consideration of the Senate's amendments to the general appropriation bill, (in part,) which had been under consideration some days ago. The House assented, and the bill was accordingly taken up.

Mr. P. then said that the Committee of Ways and Means had agreed to the amendments proposed by the Senate, except that one which proposed to strike out altogether a clause which had first been passed in 1830, and continued every year since, which restricted this appropriation for contingencies to mere stationary, &c., and the printing of such public documents as may be order-

ed by both Houses in the routine of business, unless it were otherwise ordered by a joint resolution of both Houses. Although he did not wish to originate discussion on this clause, he thought it prudently restrictive, as it tends to prevent the ordering of books, &c. without making any appropriation for them, and prevents the action of either House without the concurrence of both. But this restriction cannot extend to the vote lately passed for Elliot's Debates—its effects being solely prospective. Nor can it prevent the ordering in future any books; its object being solely to prevent such orders without the joint resolution of both Houses, which is required to make any appropriation. Appropriations may be specially made for any particular purpose; so that the clause proposed is to prevent the appropriation made for the contingent expenses of both Houses amenable to the orders of either only, in any resolution not jointly passed.

Mr. FOOT objected to the clause, and thought it should be admitted, as the Senate had proposed. It is rather singular that either House should be denied the privilege of printing what it adjudges proper to order, when that privilege is extended to all the departments, which are allowed to print *ad libitum* what is considered necessary; nor is it consistent that the Senate should be denied the privilege which is appropriated by the House. This will bring both Houses into an improper collision. He, therefore, saw no sufficient reason why they should endeavor to tie up their own and other persons' hands.

The discussion was continued by Messrs. CLAY and POLK, who supported the motion, and by Messrs. EVERETT of Massachusetts, ADAMS of Massachusetts, WHITTLESEY, and BATES, who opposed the motion to disagree to the Senate's amendment.

On motion of Mr. McKIM, the yeas and nays were ordered on the question.

The question being taken, it was decided in the affirmative by a vote of 112 to 70.

So the House disagreed to the amendment of the Senate.

The House then adjourned to Monday.

MONDAY, JANUARY 20.

The early part of the day was occupied with the presentation of petitions, &c. &c., which having been gone through with, the House proceeded to the order of the day, being the

DEPOSITE QUESTION.

When Mr. JONES, of Georgia, rose and addressed the House as follows:

Mr. Speaker: If I were to consult my own feelings, I should not trouble the House with any remarks upon the important question which is now the subject of discussion. I should content myself with a silent vote. But a sense of duty to myself, (lest the reasons of that vote should be misunderstood,) and to my constituents, requires that I should submit those reasons to the consideration of the House. I have not the vanity to believe that any suggestions of mine can influence the vote of any gentleman here; but I hope and believe that the facts which I have collected, and the principles which have been heretofore maintained, and which I will bring to their recollection, may induce some, at least, to pause and reflect, and to give to those facts and principles a candid consideration.

I cannot say that I belong to no party. I am not in the unenviable situation of the gentleman from Virginia, [Mr. MOORE.] It would be matter of extreme regret if I were. I belong—unfortunately, he may suppose—to that party, which he has told you "was prostrated in the dust by the proclamation of the President"—to that party which, in 1799-1800, with Mr. Jefferson for its leader, produced the greatest civil revolution ever known in this country; and which, though denounced by the President, and "prostrated in the dust," has risen, like Antæus, stronger from the fall. Sir, the name of rebel, opprobrious during the revolution, was rendered glorious by its successful termination; the name of democrat, a by-word and a reproach, was made honorable by the successful result of that political struggle in the elevation of Mr. Jefferson; and the name of nullifier, which our opponents have given to the State rights party, (we care not for names,) shall rise above their scorn and contempt, and become the object of their envy and ambition. Yes, sir, that party which the gentleman believes to be "prostrate in the dust," will yet command the approbation of their principles, or, clinging to the pillars of the constitution, will perish in its ruins.

I am not surprised that the gentleman from Virginia should approve the proclamation. It is of the same family and a near relation of the alien and sedition laws. That gentleman and those with whom he has acted belong to the general welfare and latitudinarian school, which approves those laws; and it is by no means strange that they should advocate the proclamation. That paper, sir, contains the most high-toned federal principles I have ever seen in any public document. It throws the alien and sedition laws completely in the shade.

Nor is this the only thing in which we differ. He disapproves the veto of the President of the charter of the bank, and fondly and vainly hoped it would have defeated his re-election. I approve all his vetoes, and, above all, his veto of the bank charter, which I consider the brightest feather in the plume of glory which shades his brows. He intrepidly threw himself into the breach, and gallantly defied the power of that most powerful institution; and, for it, he deserves the approbation of his fellow-citizens.

The President and the gentleman have both mistaken the character of our people, and the genius of this Government. This is a Government of opinion, not of force. It never was intended, and never can be, a Government of force, acting upon the States. When I was a boy, I was not a little amused in reading Æsop's Fables. That of the wind and sun contending for the cloak of the traveller is present to my recollection. The wind blew, the tempest raged, the storm increased in violence and fury, in vain. The fury and violence of the storm were unable to deprive the traveller of his covering from that fury, his protection from that force. He drew his cloak closer around him, and hugged it to his bosom with firmer grasp, as his only shield from the violence that assailed him. The tempest has passed; the fury of the blast has subsided; the sun shines out with all his warm and melting rays; and that cloak, which all the fury of the storm was unable to wrest from the firm and iron grasp, was yielded to his mild and softening influence, and laid aside without a struggle. The moral which escaped my youthful comprehension is not without instruction for maturer years. We have been rightly told, from high "authority," that the General Government should be "the simple machine which the constitution created, and withdraw from the States all other influence than that of universal beneficence, in preserving peace; affording a uniform currency; maintaining the inviolability of contracts; diffusing intelligence; and discharging, unfelt, its other superintending functions." Alas! how soon were these sentiments forgotten, and force substituted! The kind, and mild, and paternal persuasions of the message were lost in the threats and denunciations of the proclamation, and the brandished sword and glittering bayonet of its odious offspring—the force bill. Depend upon it, this Union is not to be preserved by force. These States can only be kept together by mutual forbearance, mutual kindness, and mutual interest. These are the silken cords that bind

them, stronger than brass or iron, or even "adamantine" chains. Destroy these, and no force can prevent a separation of the Union. And these are the principles of that party among whom I rejoice to be numbered.

This much I have felt myself compelled to say from the remarks of the gentleman from Virginia. But while I avow that I belong to a party, I believe I am able, and shall endeavor, to consider this question apart from the excitement of party. I shall endeavor to imitate the laudable example of the gentleman from Pennsylvania, [Mr. BINNEY,] "to discuss it gravely and temperately, as I should do, on my first entrance into this House; omitting nothing, and saying nothing," which shall excite an unpleasant feeling in any individual, or be the cause of lasting and mortifying regret to myself.

Before I present the propositions to which I intend to ask the attention of the House, I shall take leave to notice some of the observations which were made by the honorable gentleman from Pennsylvania. He depicted, in vivid and glowing colors, the prosperity of the country before the removal of the deposites. He tells us that agriculture sent forth her loaded wains, groaning beneath a plenteous harvest; that commerce spread her sails to every breeze on every sea, and brought a rich return to the merchant; that the busy spindle, the shuttle, and the loom rewarded with abundant profits industrious labor and mechanic skill; and in a moment, as if touched with the wizard's wand, the whole scene was changed; and confidence and contentment, plenty and peace, have vanished, and doubt and despondence, distress and dismay, now overspread our beloved country. And fortunate is it, sir, for us, that it has been so touched, if the people have been made to believe that all this prosperity has flowed from the influence of the Bank of the United States. An instructive lesson may be read in the gallery of paintings in this place, (Mr. King's,) which I lately visited. If you will go, sir, with the painter, in imagination, to the island of Circe, the enchantress, you will behold her lover delighted with all around him. Nature is clad in her gayest attire. Flora presents her chaplets of richest tints and most delicious fragrance. Ceres and Pomona pour out, in plenteous abundance, their choicest fruits. In the midst of all this gay and smiling scene stands the beautiful enchantress herself; and while her enraptured lover clasps her in his arms, and gazes with intoxicating delight upon her loveliness, he is touched with the wand of the enchantress, and insensibly transformed—not into a swine—but into an ass—the veriest beast of burden. So, sir, we may gaze upon the smiling scene around us; believe that all arises from the beneficial influence of the bank; be induced to continue her power for the benefits which she is able to bestow; and at last, awaking to the sober realities of life, find the owners and favorites of the bank the lords and masters of this country, and the people the merest beasts of drudgery. While on this, permit me to read the remarks of one who has lately gone hence, who has deservedly stood high, and who will long live in the remembrance of his country—I mean John Randolph, of Roanoke. His remarks are more pointed, and will have more weight, than any thing which I can offer. Speaking upon the bill for chartering the bank, in 1816, Mr. Randolph "declared himself the holder of no stock whatever, except live stock, and had determined never to own any; but if this bill passed, he would not only be a stockholder to the utmost of his power, but would advise every one over whom he had any influence to do the same, because it was the creation of a great privileged order of the most hateful kind to his feelings, and because he would rather be the master than the slave. If he must have a master, let him be one with epaulettes—something that he could fear and respect—something he could look up to; but not a master with a quill behind his ear."

We are told by the gentleman from Pennsylvania, if it be asserted that the bank has engaged in electioneering schemes, or has been concerned in putting forth any scurrilous publications against the Government or the President, he will be prepared to take issue upon the facts, and disprove the charge, or he will join in the denunciation. I will not now stop to inquire whether the charge has been proved, but merely to ask how far will the gentleman join us in the denunciation? Will he only say to the bank, You have acted very badly; you should not have engaged in such business; it is entirely foreign to the purpose for which the bank was chartered; but as it is your only offence, I will look over it: you must do so no more? Or will the gentleman join us in inflicting exemplary punishment upon the bank for this and other acts of malversation?

Another remark was made by the gentleman from Pennsylvania, which does honor alike to his head and heart: to his head for the wisdom to conceive, and to his heart for the candor and frankness to admit—that if this bank, or some other like it, is not to be chartered, now is as good a time as any for the removal of the deposites. The bank is as well prepared, and so is the country, now, as she can be at any time; and it can be of no importance to her whether it be done now or two years hence. Here I entirely agree with him, and will say, if this bank, or any one like it, is to be chartered, there can be no use in withholding the deposites; they should be restored at once—this is as good a time as any; I will go further—this is a better time. This is the proper footing on which to place it; and I, for one, and there are many around me, who can never consent to charter this, or any other bank, (while the constitution remains unaltered,) no matter how expedient—no matter how convenient—no matter how beneficial. There is a higher and more imposing obligation—the oath to support the constitution—which neither expediency, nor convenience, nor interest, shall induce us to violate. If, then, the bank is not to be rechartered, the deposites should never be restored. If they are, depend upon it, we are powerless to oppose the renewal of the charter. I may be told by some, with whom I agree upon the constitutional question, "Sufficient unto the day is the evil thereof," and that we shall be able successfully to resist the renewal of the charter. They are mistaken. Shall we surrender outwork after outwork—redoubt after redoubt? No, sir. Let us, like Randolph did a certain administration, attack it *in limine*. Let us defend the redoubts and the outworks, and we shall then know that the citadel is safe.

While the gentleman from Pennsylvania was reading his statement, to show the extent of the exchanges which had been transacted by the Bank of the United States, there was such a jumble of figures that I could not understand them; and I cannot now understand them as he seems to have done. I dissent from his mode of calculation.

I will ask the attention of the House to the statement which was used by the gentleman, and will endeavor to show that he has not only doubled, but has tripled the exchanges of the bank, to swell them to the enormous sum of $255,900,000.

"Mr. Speaker, I cannot better show the extent of the derangement which this act is certain to produce, unless it is corrected, than by a statement of the uses which the Bank of the United States has annually afforded, in various ways, to the people of the United States. I take the year 1832, for which the returns are complete as to the item of exchanges, and the years 1832 and 1833 for some other items of nearly equal moment.

The amount of domestic bills of exchange, purchased in all parts of the Union, in 1832, was $67,516,673

[The half-year from December, 1832, to June, 1833, was $41,312,982 showing a large increase in that line during the first half of this year.]

The amount of domestic bills collected for others was - - - -		$42,096,062
The amount of drafts by Bank United States and its offices on each other,		32,796,087
Drafts by Bank United States and its offices on State banks, - -		12,361,337
Notes of Bank United States and its branches received and paid out of place, viz: at places where there was no obligation to pay them, - -		39,449,527
Notes of State banks received by Bank United States and its branches where they were not payable, - - -		21,630,557
Transfers of funds for the United States,		16,100,000
Transfers of office balances, - -		9,767,667
Making a total of domestic exchanges, -		$241,717,910
Add to which the amount of—		
Foreign exchange purchased,	$9,253,533	
Do. sold,	4,203,204	
		13,456,737
Making the total amount of exchanges, by means of the Bank of the United States, within the year 1832, - - - -		$255,174,647

"The amount of premiums on domestic exchange received by the bank for the same period was $217,249 56, which is about one-eleventh of one per cent. on the aggregate amount of the domestic operations of the bank, say $241,717,910; and this has been the whole cost of this circulation to the people of the United States, by the aid of which their property of every description has been passing in a copious and uniform current, from one extremity of this nation to the other. To this extensive aid must be added that derived from the bank discounts, which, with the domestic bills purchased, amounted, in the year 1832, to an average sum of $66,871,349, and, in the year 1833, to an average of $61,746,708; and that also derived from the constant circulation of her notes, averaging $20,309,359 for the year 1832, and $18,495,436 for the succeeding year."

I am, perhaps, sir, not sufficiently conversant with the bank nomenclature to see the propriety of calling all its operations "exchanges," and counting them over two or three times for the purpose of swelling them to a large amount. Until I become so, I cannot admit the results to which the gentleman from Pennsylvania seems to have arrived.

The amount of domestic bills of exchange purchased in all parts of the Union in 1832 was $67,516,673. Was it intended by this to say that this amount of $67,000,000 was to be added to the $63,000,000 of discounts, foreign and domestic, which the bank had at the end of the year 1831? I presume not, as that would make $130,000,000, which it never had. Again: the second item reads, "The half-year from December, 1832, to June, 1833, was $41,312,982, showing a large increase in that line during the first half of this year." It will not be pretended this sum is an increase upon the $67,000,000 of the last year, which would make $108,000,000, and which is far exceeding any amount they have ever had in discounts of every character, foreign and domestic.

These then, sir, are no more than counting the bills over again, as they become due and are returned, or as others are discounted in their place.

The next item shows the amount of drafts by the Bank of the United States and its offices on each other, - - -		$32,796,087
The next, drafts by the Bank of the United States and its offices on State banks, -		12,361,337
These two, added together, make - -		$45,157,424

and can only be considered proceeds of the bills discounted, or of the bills of the bank, and of the State banks, received by the Bank of the United States. For example: a man goes to the Bank of the United States, and inquires whether he can get a check for $5,000 on New Orleans; and, being answered in the affirmative, proposes to pay for it either by having a note or draft discounted, or by bills of the bank and its branches, or of the State banks. By an ordinary man this would be called an operation of $5,000, but, by the bank estimate, it is made a 10 or $15,000 operation, as the case may be. If paid for in bank notes, it is a $10,000 operation; but if a draft is discounted, it becomes a $15,000 operation. Thus, the check is $5,000, the draft is $5,000, and when the draft is paid, it is $5,000 more, making $15,000 in all. I am well aware the House cannot be entertained with these calculations; but, as it may be instructive, I hope to be indulged a little longer.

The next item is "notes of the Bank of the United States and its branches, received and paid out of place, viz. at places where there was no obligation to pay them, $39,449,527." From this we are to understand the bank paid the bills of branches at the bank, and at branches where they were not payable, to the amount of $39,000,000. Now, it is reasonable to presume they paid as much where they were payable, and the two sums would amount to $78,000,000. Would it not make a reasonable man, who was accustomed to look at things in the natural way, and call them by their true names, stare, to learn from this same statement that the bank had only $18,000,000 in circulation, and never had more than $24,000,000? I speak in round millions. And would he not naturally inquire, how was it possible to pay $78,000,000, or even $39,000,000, when she only had $24,000,000 in circulation? The answer would be, by only working another sum in the new bank arithmetic, viz: by counting over one sum two or three times. Thus: a man pays in the bank $5,000, in New York branch notes, on Monday; on Tuesday they are loaned; on Wednesday they are paid in again; on Friday they are loaned out, and on Saturday paid in again; by which the bank will have received the bills three times in one week, and will make the $5,000 New York branch notes count $15,000 received at the place where they are not payable.

The same mistake runs through the whole; for, instead of the premium being calculated on $241,000,000, it should be on the amount of the drafts on the bank and branches and State banks, which amount to $45,000,000, and shows that $217,249 is little less than one-half of the per cent. on the amount of the drafts on which the premium has been charged and received.

The gentleman from Pennsylvania has told us the Secretary has complained, because the bank has not paid the transfer drafts in specie, but has hoarded it up in her vaults. I think the Secretary had no right to complain. But it appears to me that the reason given for this course, on the part of the bank, is not satisfactory. I agree with the gentleman from Pennsylvania, that the Bank of the United States had the right to meet those drafts with drafts on the State banks. Discount ought to be good pay among banks. It is a fair and correct business transaction for the bank to draw on the State banks indebted to her, in payment of drafts presented by the State banks; but it certainly was not necessary for the Bank of the United States to draw in her discounts to meet the removal of the deposites, if she were able to pay the transfer drafts with drafts on the State banks; nor was it necessary for her to hold on to her specie, when she had more than $10,000,000 in her vaults to protect her circulating currency, when she had only $18,000,000 in circulation. There is a recollection that runs across my mind, that Mr. Biddle, in 1832, when examined before the committee, in relation to the sale and exportation of specie, stated,

that within six months preceding, the bank had "parted with its surplus specie to the amount of $5,000,000;" and in the same letter in which the statement is made, he maintains that the quantity remaining on hand was sufficient. Indeed, the term "surplus specie" conveys that idea distinctly to the mind. In February and March, 1832, when this statement was made, the bank had about $6,500,000 in specie, with a circulation of $24,000,000. Now, I believe with Mr. Biddle, that $6,500,000 specie was amply sufficient to sustain a circulation of $24,000,000; and, therefore, I cannot agree with the gentleman from Pennsylvania, that it was necessary for the defence of the bank, and the protection of her circulating currency, that she should retain her specie, when she has more than $10,000,000, and her circulating currency is only $18,000,000. Her specie is $3,000,000 more, and her circulation $6,000,000 less than they were in 1832, when her able president thought she had an abundant supply. I am then supported by Mr. Biddle in the opinion that the bank was not acting solely in self-defence; that it was not necessary or important to hold her specie to protect her circulating currency; that she determined to carry the war into the enemy's country; to commence offensive operations; to excite apprehension and alarm, clamor and dismay, which might reach these walls, and compel the representatives of the people to reject the reasons for the removal, and order the restoration of the deposites.

The honorable gentleman from South Carolina, in the ardor of his feelings and an excited imagination, overlooking all other causes, can see none for all this distress and embarrassment but the removal of the deposites. A little reflection and calm consideration would satisfy him of his mistake.

We have been correctly told by the gentleman from Pennsylvania, "It is not the mere transfer of $10,000,000 from one place to another that has produced this confusion and alarm;" nor is it the drawing in of 8 or $9,000,000 of discounts. While they conduce to the distress and embarrassment, they are not the only causes. One, quite as important in its consequences, has been entirely overlooked—I mean the immense cash and short credit duties, under the last tariff act. All these had their influence; but the most important I have yet to mention. Here I am supported by the gentleman from Pennsylvania, of this, and by a gentleman of high standing [Mr. SOUTHARD] in the other House; and, supported by such authority, I feel that I am impregnable. It is the want of confidence in the stability of the present state of things; and I feel constrained to say, much of this has been created by the advocates for the restoration of the deposites and the renewal of the charter of the bank. It may not be, and I have no doubt it is not, the intention of many to produce this effect; but it is inevitable, from the state of doubt and uncertainty which occupy the public mind as to the ultimate decision of this House. While the question of the deposites is agitating—while they are oscillating on the line of demarcation, sometimes on one side, sometimes on the other—while darkness, clouds, and shadows hang over the ultimate determination of the representatives of the people, there must be want of confidence; and, while it remains, there must be confusion, alarm, embarrassment, and failures.

By prompt and decisive action here, confidence will return, and credit will be restored; and confusion, and alarm, and embarrassment will vanish as the mists of morning before the cheering luminary of day. By the removal from one side of the street to the other, or from one bank to another, the public revenue is not destroyed; the capital of the country is not annihilated. The State banks, when certain of the deposites, can increase their discounts to the extent of those deposites. The United States Bank can do no more. Her friends would not say that she could; they would not allow her to act so imprudently. Let this House, then, act with firmness and decision. Let it at once say the deposites shall not be restored, and confidence, and peace, and plenty will return to bless our happy land. That this may be done without the violation of any contract made with the bank, I have not the smallest doubt, and will endeavor to prove to the satisfaction of every member of this House who shall listen to the proofs which I shall present to his consideration.

In discussing this important and momentous question, I will consider;

1. The contract made with the bank;

2. The power of the Secretary of the Treasury to change the depository of the revenue of the United States, and the reasons which may authorize his exercise of that power;

3. The reasons which induced him to order their removal;

And, lastly, the importance of providing, by law, other places of deposite, and prescribing the terms upon which the public revenue shall be deposited.

Before I invite the attention of the House to these propositions, I would remark, I am well aware that many persons, and, among them, some of that party with whom I have the honor to agree upon the principles of this Government, and the construction of the constitution, entertain the opinion that, by the terms of the contract, the United States are bound to deposite the public money in the Bank of the United States; and that this was part of the consideration for the bonus of $1,500,000. Their opinions are at all times entitled to the highest respect from me; and I have no doubt this opinion has been honestly formed and entertained. My first duty, both to them and myself, is to endeavor to satisfy them of their error. Unless I can, argument upon the remaining points must be utterly unavailing. If the United States are bound by the contract to make and continue the Bank of the United States the depository of the revenue, then no reasons drawn from convenience or interest can authorize an infraction of that contract. If the United States have bound themselves, they must fulfil the stipulations into which they have entered; and if I believed that the deposites formed any part of the consideration of the bonus, I should at once, and unhesitatingly, vote for their restoration. But if I shall be able to show that the deposite of the public money formed no part of the consideration, then I may hope they will calmly and considerately examine the reasons which have been given, and which I shall endeavor to prove are abundantly sufficient for their removal. If I fail, I cannot, and shall not, expect those reasons to have any influence upon them; if I succeed, I shall then have been so fortunate as to have opened the way to dispassionate consideration.

In doing this, I place more reliance on the documents and opinions of others who stand deservedly eminent, and which I have it in my power to lay before this House, than on any argument of my own, to remove the otherwise insurmountable difficulty.

1st. Contract. In considering the contract, it may be proper to consider the remarks of the Secretary in connexion with it, and which have been deemed so objectionable by the gentleman from Pennsylvania. They will be found on the first page, and read thus:

"It has been settled by repeated adjudications, that a charter granted by a State to a corporation, like that of the Bank of the United States, is a contract between the sovereignty which grants it and the stockholders. The same principle must apply to a charter granted by the United States; and, consequently, the act incorporating the bank is to be regarded as a contract between the United States of the one part, and the stockholders of the other; and by the plain terms of the contract, as contained in the section above quoted, the stockholders have agreed that the power reserved to the Secretary over the

deposites shall not be restricted to any particular contingencies, but be absolute and unconditional, as far as their interests are involved in the removal. The order, therefore, of the Secretary of the Treasury directing the public money to be deposited elsewhere, can, in no event, be regarded as a violation of the contract with the stockholders, nor impair any right secured to them by the charter."

And is predicated on that part of the 16th section, as follows:

"That the deposites of the money of the United States, in places in which the said bank and branches thereof may be established, shall be made in said bank, or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case, the Secretary of the Treasury shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

I think I shall be able to sustain the Secretary of the Treasury, if not in terms, at least in the reason, spirit, and intention of that section, and in that most objectionable part of his remarks, which says, "the stockholders have agreed that the power reserved to the Secretary over the deposites shall not be restricted to any particular contingencies, but be absolute and unconditional, as far as their interests are involved in the removal."

We have been asked by the gentleman from Virginia whether the bank would have paid a bonus of $1,500,000 for a privilege which it was in the power of the United States to have taken away at any time? and would any one pretend the deposites could have been removed immediately after the payment of the last instalment? I answer, unhesitatingly, yes! and the bank would have had no right to complain. The bonus was not paid for the deposites, nor any part of it; and the Secretary could have removed them at any time, either before or after the payment of the bonus, which I will proceed to show. For our better understanding the nature and extent of the contract, let me solicit the attention of the House to the understanding which those men entertained of the contract who were engaged in maturing the plan and drawing the charter of the bank.

Mr. Alexander J. Dallas, then Secretary of the Treasury, was a great friend of the bank, felt all the convenience and all the importance it would be to the country, and estimated highly all the facilities it would afford to the collection and distribution of the revenue. He was very anxious a bank should be established, and cannot be supposed likely to impose any terms upon the bank which would be onerous and oppressive, unjust and improper.

In 1815, the President, in his message, called the attention of Congress to the necessity of adopting some plan for producing and maintaining "a uniform national currency." A select committee was raised, to whom that part of the message was referred, at the head of which was Mr. Calhoun, of South Carolina. That committee directed their chairman to address a letter to Mr. Dallas, who had deeply and extensively reflected, and had made an interesting report, upon the subject. On the 23d of December, the letter was written, and on the next day (the 24th) Mr. Dallas returned an answer. The dates are important, as they prove that Mr. Dallas had thoroughly considered this important subject, and was well prepared to give to the committee the outline of a plan of a national bank, and his reasons in support of the one he presented. I will read such parts of that letter as will place his views upon the point we are now discussing before the House.

"TREASURY DEPARTMENT,
"*24th December*, 1815.

"SIR: I have the honor to acknowledge the receipt of your letter dated the 23d instant, informing me that the committee on so much of the President's message as relates to the national currency had determined that a national bank is the most certain means of restoring to the nation a specie circulation, and had directed you to obtain the opinion of this department on the following points:

"1st. The amount and compensation of the capital of the bank.

"2d. The government of the bank.

"3d. The privileges and duties of the bank.

"4th. The organization and operation of the bank.

"5th The bonus to be required for the charter of the bank.

"6th. The measures which may aid the bank in commencing and maintaining its operations in specie."

On the 5th point, he says: "It is proposed that a bonus be paid to the Government by the subscribers to the national bank, in consideration of the emoluments to be derived from an exclusive charter during a period of twenty years."

In the outline of the bank, the amount of the bonus, and his reasons for fixing on that amount, are given.

"The subscribers shall pay a premium to the Government for its charter," (which he before says should be exclusive.) "Estimating the profits of the bank, from the probable advance in the value of its stock, and the result of its business when in full operation, at seven per cent., a bonus of $1,500,000, payable in equal instalments of two, three, and four years after the bank commences its operations, might, under all circumstances, be considered as about four per cent. upon its capital, and would constitute a reasonable premium." Surely, this ought to satisfy any reasonable mind that the bonus was intended and required for the exclusive privilege of banking for twenty years, and the incidental advantages resulting from that exclusive privilege, and that the deposites formed no part of that consideration. But Mr. Dallas does not leave us here to draw the correct and legitimate inference, that when one consideration is named and is sufficient, it is the exclusion of others, and we should not look for others which are not necessary. As if with prophetic eye he had peeped into futurity and foresaw this controversy, he is not content with showing that the bonus was given for the exclusive privilege, and was not given for the deposites, but he proceeds to show what was to be the consideration for the deposites. In the same letter he says: "Independent of the bonus here proposed to be exacted, there are undoubtedly many public advantages to be drawn from the establishment of a national bank; but these are generally of an incidental kind, and (as in the deposites and distribution of the revenue) may be regarded in the light of equivalents, not for the monopoly of the charter, but for the reciprocal advantages of a fiscal connexion with the Treasury." Now, sir, we have a *coup d'œil* of the whole mind of Mr. Dallas. The public advantages and the fiscal connexion with the Treasury are reciprocal; the deposites and distribution of the revenue are equivalents; and the exclusive monopoly is considered as ample consideration for the bonus of $1,500,000. But I will not add my feeble powers of illustration to the lucid and powerful demonstration of his gigantic intellect. It would be but holding up a torch-light to illumine the pathway of the traveller amidst the resplendent brightness of the meridian sun.

We are warranted in the opinion that the same views were entertained by Mr. Calhoun, who, for acuteness of understanding and distinctness of perception, is unsurpassed, and who draughted the bill in accordance with the outline which had been furnished by the Secretary; for the section which requires the public money to be deposited in the bank is wholly omitted. While the bonus was required in "consideration of the exclusive privileges and benefits conferred by the act," we look in vain for a section

which requires the deposites to be made in that bank; and, consequently, they could not form any part of that consideration. Why need I add more? If there be any one who has given his attention, and yet doubts, after this mass of strong and conclusive testimony, "he would not be persuaded though one arose from the dead."

It may be asked, how could the bank transfer the public money if it were not deposited in her vaults? The answer is easy. When the Secretary of the Treasury wished money transferred from one place to another, he could have a check on a State bank on the opposite side of the street presented, (for $500,000 for instance,) and require the Bank of the United States to place that much money at his credit in Charleston or New Orleans; and the Bank of the United States would have been as much bound to transfer the funds as if they had been deposited with her.

The section which required the deposites to be made in the Bank of the United States till the Secretary of the Treasury should otherwise order and direct, was subsequently inserted at the suggestion of a gentleman (Mr. Webster, I have been informed,) who was unfriendly to the charter, and who exerted his powerful talents to prevent the passage of the bill. It was done, not to enlarge, but to restrain the powers of the bank, lest an implication might be raised, that, as the bank had to transfer the public money, the deposites must, "of necessity," be made there; and, unless there was some provision to remove them, it might be contended, as it now is, in the face of that provision, that the Secretary of the Treasury had no power to remove them. That section, therefore, which is now relied upon to restrain his power, is the very one which has subjected them to his order and direction.

It is admitted that the Secretary has the right of removal, if the bank should become unsafe, or fail to pay checks, or transfer the funds when required. The charter has no such specification; and why are these contingencies selected? As I wish to discuss this question fairly and candidly, I am willing to admit that a failure to pay or transfer may be considered an infraction of the contract; and the United States might, therefore, claim the right to withdraw the deposites. But there is nothing in the charter about the safety of the public funds; and the bank may well say the United States have no right to declare them unsafe. The failure to pay or transfer, he contended to be the best and only sufficient proof of their want of safety; and we have no authority to declare them unsafe until the bank has actually failed to pay. If want of safety and failure to pay were the only sufficient reasons for the removal of the deposites, in the name of common sense why not say so? Why did not the section read, "until the bank should become unsafe, or should fail to pay the checks, or to transfer the public money when thereto required"? This language is plain and simple, and would convey precisely the meaning which is contended for by the advocates of the bank. The gentleman who drew that section knows well the force of words, and knows well which to use to convey his meaning. No one can misunderstand Mr. Webster. If he had intended the deposites should remain till the bank became unsafe, or failed to pay when required, he would have used the words most proper to convey that definite idea. But he was opposed to the bank, and wished to give the Government a check upon it; and, therefore, he gave the Secretary of the Treasury the right to remove the deposites whenever it was necessary to protect the interests of the people.

The deposites, then, were no part of the consideration for the bonus, and the contract was nothing more or less than this, in relation to them: that the deposites should remain in the Bank of the United States till the Secretary of the Treasury should otherwise order and direct; and when he did so, he should give his reasons to Congress. The language conveys no other meaning, and cannot be mistaken. Indeed, the gentleman from Pennsylvania did not so much object to the meaning as to the terms of the Secretary; and if the view I have taken be correct, by the very terms of the contract the stockholders have agreed that the Secretary may remove them, and the bank has no right to call for his reasons. The bank has no legal interest to warrant such a call; and it is matter of no importance whether the reasons are satisfactory to the bank; and, so far as the bank is concerned or interested, he is bound to give no reasons at all. The gentleman from Pennsylvania has told you the bank has a deep interest in the reasons of the removal. No, sir, the gentleman is mistaken; the bank has a deep interest in the fact of removal. The factor who does my business has a deep interest in doing my business, the merchant in my custom, and the mechanic in my employing him; but they have no interest in the reasons which induce me to continue or withhold that custom or business; nor have they a right to ask me why I have withdrawn it from them. So with the bank. It has an interest in the deposites as a source of profit, but it has no right to ask why they have been removed; nor can we expect any reason will be satisfactory to her which causes their removal. The Secretary may, then, remove the deposites whenever he thinks proper, and is bound to give his reasons to Congress; and it is entirely sufficient if those reasons are satisfactory to the representatives of the people. I shall proceed, then, to consider what reasons may be sufficient to authorize their removal.

It is admitted, on all sides, that if the bank fails to pay or transfer the public money, that is sufficient; or, if the bank becomes unsafe, that is sufficient. And we are told by the gentleman from Pennsylvania that "the power of removal was given to the Secretary, to be exercised for the promotion of a particular interest, or the remedy of a particular mischief, and nothing else." I shall contend farther, that when the bank does any act tending to injure the United States—to destroy the purity of elections—to prevent the Government from the exercise of its due influence in its affairs; when unconscionable demands are made on the Government, and whenever the interest of the people of the United States may require it, he has the right to interfere. To satisfy the House of these positions, I must take leave to call their attention to the construction placed on the charter in 1817, shortly after it went into operation. The opinions of William H. Crawford were fully expressed with regard to the power of the Secretary of the Treasury, in 1817, 1819, 1823, and 1824; and during a period of seven years, there seems to have been no change in those opinions. He claimed, and exercised, this disputed right of removing the deposites more than once; and the bank did not even complain. Even Ninian Edwards, of notorious memory, did not make this a charge against him, whilst he was careful to make his neglect to give his reasons to Congress a subject of censure. Mr. Speaker, Mr. Crawford deservedly stands high. It is a matter of great gratification to me to hear him quoted by all parties on this great and important question. He was inferior to no man who ever filled that office. As a statesman, he was eminent in every department; as a financier, he had no superior. His opinions have almost become law. Intimately acquainted with the nature of our Government, and the spirit of the constitution, his quick perception and acute discrimination enabled him readily to detect and unravel the mazes of sophistry; and the soundness of his judgment directed his mind to the most correct conclusions. He was the guide of my boyhood, and, I am proud to say, the friend of my maturer years. Mr. Ingham, in 1829, relies on Mr. Crawford as authority, and tells Mr. Biddle, if the bank enters the political arena for electioneering purposes, he shall exercise that power to control her. The letters of Mr. Crawford and Mr. Ingham have already been laid before you, and it is unnecessary for me again to read them. Mr.

Biddle, the president of the bank, does not deny the right of the Secretary. Aware of his power and of his strength, he acquiesces in his claim, and dares not put him to the trial. The gentleman from Pennsylvania tells you Mr. Ingham claimed, and admits Mr. Crawford both claimed and exercised, the power of removal.

But it is said this power is too great. This is not the language which the friends of the bank have always held. There has been a time when the advocates of the bank shrunk from a *scire facias*, and were glad to shelter themselves under this very power of removal. Then there were four violations of the charter reported, and, among them, was not found the refusal to pay, or want of safety of the public funds; and it was contended there was no necessity for a *scire facias*. This power of removal was amply sufficient to protect the public interests.

During the session of 1819—a year memorable to the bank from the magnitude of her difficulties—a committee was appointed to inquire into her malversations, and report the proper measures to be adopted. Mr. Spencer, of New York, as chairman of a very able committee, made an elaborate report, stating four instances in which the bank had violated its charter, and concluded by declaring a *scire facias* was unnecessary, as the power of the Secretary of the Treasury was amply sufficient to protect the interests of the United States. The friends of the bank rejoiced to get even that respite, deeming themselves fortunate that stronger measures were not recommended. I ask the attention of the House to a part of that report.

"The committee, then, are of the opinion that the provisions of the charter of the Bank of the United States have been violated in the following instances:

"1st. In purchasing two millions of public debt, in order to substitute them for two other millions of similar debt, which it had contracted to sell, or had sold, in England, and which the Secretary of the Treasury claimed the right of redeeming. The facts on this subject, and the views of the transaction entertained by the committee, have been already given.

"2d. In not requiring the fulfilment of the engagement made by the stockholders on subscribing, to pay the second and third instalments on the stock in coin and funded debt. The facts on this point are fully before the House, and they establish, beyond all doubt, 1st. That the directors of the bank agreed to receive, and did receive, what they deemed an equivalent for coin, in checks upon, and the notes of, the bank and other banks supposed to pay specie. This substitution of any equivalent whatever for the specific things required by the charter was, in itself, a departure from its provisions; but, 2d. The notes and checks thus received were not in all cases equivalent to coin, because there was not specie to meet them in the bank; 3d. That notes of individuals were discounted, and taken in lieu of the coin part of the second instalment, because due; 4th. That the notes of individuals were taken, in many instances, and to large amounts, in lieu of the whole of the second and third instalments; which notes are yet unpaid.

"3d. In paying dividends to stockholders who had not completed their instalments; the provisions of the charter, in that respect, were violated.

"4th. By the judges of the first and second elections allowing many persons to give more than thirty votes each, under the pretence of their being attorneys for others, in whose names shares then stood; when those judges, the directors and officers of the bank, perfectly well knew that these shares really belonged to the persons offering to vote upon them as attorneys. The facts in relation to this violation are in the possession of the House, and establish it beyond the reach of doubt. The committee are of opinion that no other instance of violation of the charter has been established.

"In closing this report of a most laborious investigation, the committee observe that, whatever difference of opinion can exist among them as to the results and inferences to be drawn from the facts stated, they unanimously concur in giving to the preceding statements of facts and abstracts of documents their sanction. They have not recommended the adoption of any immediate measures to correct the many evils and mischiefs they have depicted, excepting that of the bill before mentioned, because, by the provisions of the charter, the Secretary of the Treasury has full power to apply a prompt and adequate remedy whenever the situation of the bank shall require it. And if, after the stockholders have become acquainted with the mismanagement of the institution, they shall adopt no means to prevent its continuance, or the directors themselves shall persist in a course of conduct requiring correction, the committee cannot entertain a doubt that the salutary power lodged in the Treasury Department will be exerted, as occasion may require, and with reference to the best interests of the United States."

The committee, it will be seen, reported four violations of the charter, and still thought a *scire facias* unnecessary. Why? "Because, by the provisions of the charter, the Secretary of the Treasury has full power to apply a prompt and adequate remedy whenever the situation of the bank may require it; and if, after the stockholders have become acquainted with the mismanagement of the institution, they shall adopt no means to prevent its continuance, or the directors themselves shall persist in course of conduct requiring correction, the committee cannot entertain a doubt that the salutary power lodged in the Treasury Department will be exerted, as occasion may require, and with reference to the best interests of the United States."

The bill alluded to in the report of the committee was withdrawn; but Mr. Trimble, of Kentucky, submitted a resolution to institute a *scire facias*, and Mr. Johnson, of Virginia, to bring in a bill to repeal the charter. It is worthy of remark, that Mr. Sergeant, of Pennsylvania, then the able advocate of the bank, exerted all the powers of his great mind against these resolutions, and in favor of the report of the committee. The House rejected the resolutions, and the friends of the bank rejoiced even in this poor semblance of a victory. We have, then, the report of a committee, the opinion of Congress itself, and the acquiescence of Mr. Biddle, to support the conduct of Mr. Crawford and the claim of Mr. Ingham.

The gentleman from Tennessee alleged that the old Bank of the United States was charged with an interference in politics, and contended (properly, I think) that if the present bank were obnoxious to such a charge, it would afford a just ground for the interposition of the Secretary of the Treasury. The warmth and earnestness with which the old bank was defended by the gentleman from Pennsylvania excited the most pleasing and gratifying sensations. The advocate was lost in the man, and the simple defence in the glowing and animated zeal of the friend. But, sir, honest and sincere as that defence was, we are compelled, from the history of those times, to believe that the judgment of the friend was obscured by the extent of his feelings and the goodness of his own heart. The charge made by the honorable gentleman from Tennessee was not that the bank was guilty, but that she was suspected. Whether true or false, many persons believed it to be true; and the belief of its truth was a principal reason with some for refusing to renew the charter. We are supported by high authority in these declarations. Mr. Clay, of Kentucky, then a distinguished member of Congress, voted against rechartering the old, and for the charter of the present bank; and, in a speech to his constituents, explaining the seeming inconsistency, gave as one of the prominent reasons for that discrepancy, that the old bank was charged with an interference in politics, and that the charge was made out satisfactorily to

his mind. Whether this bank has been also guilty, we will inquire hereafter. But for the proof.

"The next consideration (said Mr. Clay) which induced him to oppose the renewal of the old charter, was, that he believed the corporation had, during a portion of the period of its existence, abused its powers, and had sought to subserve the views of a political party. Instances of its oppression for that purpose were asserted to have occurred at Philadelphia and at Charleston; and, although denied in Congress by the friends of the institution, during the discussions on the application for the renewal of the charter, they were, in his judgment, satisfactorily made out. This oppression, indeed, was admitted in the House of Representatives, in the debate on the present bank, by a distinguished member of that party, which had so warmly espoused the renewal of the old charter. It may be said, what security is there that the new bank will not imitate this example of oppression? He answered, the fate of the old bank; warning all similar institutions to shun politics, with which they ought not to have any concern; the existence of abundant competition, arising from the great multiplication of banks; and the precautions which are to be found in the details of the present bill."

When we look into the details of that bill, we find those precautions principally, if not wholly, in the 16th section, which gives the power to the Secretary of the Treasury to control the bank, and protect the interest of the public, by removing the deposites. The testimony, then, fully sustains both the gentleman from Tennessee and myself—him, sir, in the assertion that she was charged; me, in the declaration that the charge was believed to be true, and was a prominent reason with some for voting against a renewal of the charter. Whether guilty or innocent—whether it was a mere aspersion and foul calumny or not—is not the question; nor is it at all important in this discussion. The bank was charged; the proofs were satisfactory to some; the charter was withheld; and if the present bank has been guilty of the same conduct, the deposites ought to be withheld.

The manner in which the money has been withdrawn from the Bank of the United States has also been objected to by the honorable gentleman from Pennsylvania, and, in my humble opinion, not without reason. From an attentive consideration of the published correspondence, my mind has been led to the conclusion that the Secretary of the Treasury has not shown a sufficient excuse for omitting the transfer drafts in the weekly notices. From the instructions which had been given to the bank, the cashier had a right to expect their insertion in the weekly, though not in the daily notices: and there seems to be no difficulty existing which should have prevented it. If the object of giving these transfer drafts was the protection of the State banks from the operations of the United States Bank, as has been stated, (and I have no doubt it was,) it seems to me the notice was the more necessary. It might have prevented the very emergency on which the drafts were to be used. That they were contingent, is no reason why the notice should not have been given. It could and ought to have been given according to the facts. If the draft had been for $5,000,000 or $1,000,000, it should have been placed with the others in the weekly statement, with an explanatory note "that it was given to protect the State banks from the power of the United States Bank, if any attempt were made to use that power injuriously to the State banks; and, if not necessary for that purpose, it would be returned." This would have been fair, open, and correct. It would have been kind and courteous. The United States Bank had a right to expect it, and to complain that it was not done. While I believe the notice ought to have been given, I do not believe the omission arose from any unkind feelings, or from a desire on the part of the Secretary to deal unjustly and cruelly towards the bank.

The next objection of the gentleman from Pennsylvania is, to the period at which the deposites were removed, and the shortness of the time before the meeting of Congress. I cannot agree with him here. The time was unfortunate, but not improper. The time was unfortunate, from the immense amount of cash and short credit payments which had to be made; and would have been improper if it had not been so important. I agree with the Secretary that the deposites ought to have been removed before; and they no doubt would have been, but for the forbearance of the President towards the late Secretary of the Treasury. Had they been removed at an earlier period, that removal and the large revenue payments would not have been simultaneous; and although the United States Bank may have found it necessary to draw in her discounts, the demand being divided, the pressure would not have been so great upon the commercial community; consequently, the distress and embarrassment, which must be felt whenever the measure was adopted, would have been greatly alleviated. It had, however, been delayed too long. It was unfortunate that it should be necessary to remove them at any time; more unfortunate that it was necessary to be done at this time—absolutely necessary, to counteract the operations of the Bank of the United States. I will not trouble the House with all the reasons of the Secretary, which will be found in his report, from page 7 to 10, inclusive. I will only ask their attention to the concluding paragraphs.

"It will be perceived that it was solely through the increase of the public deposites that the bank raised balances against the State banks in New York, and was placed in a situation to take from them, at its pleasure, large sums of specie. And when it is considered that those curtailments and collections of the Bank of the United States necessarily compelled the State banks to curtail also, we shall be at no loss to perceive the cause of the pressure which existed in the commercial cities about the end of the month of September. It was impossible that the commercial community could have sustained itself much longer under such a policy. In the two succeeding months, the collections of the bank would probably have exceeded five millions more, and the State banks would have been obliged to curtail in an equal sum. The reduction of bank accommodations, to the amount of nineteen millions of dollars in four months, must have almost put an end to trade; and before the 1st of October, this pressure in the principal commercial cities had become so intense, that it could not have been endured much longer without the most serious embarrassments. It was then daily increasing; and from the best information I have been able to obtain, I am persuaded that if the public moneys received for revenue had continued to be deposited in the Bank of the United States for two months longer, and it had adhered to the oppressive system of policy which it pursued during the two preceding months, a wide-spread scene of bankruptcy and ruin must have followed. There was no alternative, therefore, for the Treasury Department, but to act at once, or abandon the object altogether. Duties of the highest character would not permit the latter course, and I did not hesitate promptly to resort to the former.

"I have stated the condition of the mercantile classes at the time of the removal, to explain why it was impossible to postpone it even for a short period. Under other circumstances, I should have been disposed to direct the removal to take effect at a distant day, so as to give Congress an opportunity of prescribing, in the mean time, the places of deposite, and of regulating the securities proper to be taken."

The gentleman from Pennsylvania has furnished us with the reasons of the bank for drawing in her discounts—"to enable her to meet the drafts from the Secretary of the Treasury in removing the deposites." I invite the atten-

tion of the House to her situation then, and for years before; which will better enable us to judge of the sufficiency of the reasons and the necessity of the measure.

I have a statement before me, extracted from the returns of the bank, showing the amount of specie, bills in circulation, and discounts, since 1824 to 1833, inclusive.

		Specie.	Notes in circulation.	Bills and notes discounted.
	1824	6,273,666 30	5,003,571 44	33,396,440 98
	1825	6,616,049 98	6,665,194 40	30,969,365 87
	1826	3,756,797 46	9,934,966 90	33,642,558 51
	1827	6,637,118 32	9,917,881 01	31,612,758 91
	1828	5,933,171 29	11,630,281 15	35,279,115 76
	1829	6,027,840 75	13,510,962 34	40,606,305 76
	1830	7,015,280 34	15,179,229 45	42,032,494 54
Dec.	"	11,089,080 89	17,649,226 90	42,402,304 24
Feb.	1831	11,169,428 24	18,799,755 90	45,869,252 10
Sept.	"	10,893,216 89	21,464,295 40	57,849,720 31
Dec.	"	7,502,250 84	22,994,355 00	63,026,452 93
Feb.	1832	6,884,825 28	24,869,920 00	67,970,407 76
May,	"	7,899,347 59	22,016,498 00	70,428,070 72
Oct.	1833	10,663,441 51	19,128,189 57	60,094,202 93
Dec.	"	9,818,529 25	18,650,912 90	54,453,104 67

Thus it will be seen that, in February, 1832, when she had $7,000,000 of specie, a circulation of $24,000,000, and discounts to the amount of $67,000,000, she was able to increase her discounts in four months to 70,000,000 dollars. How, then, could it be necessary, with more than $10,000,000 of specie, and only $18,000,000 of circulation, to reduce her discounts to $60,000,000 by October last, and to $54,000,000 by the 1st of this month? With an increase of near $4,000,000 of specie, and a reduction in her circulation of $6,000,000, how could it possibly be necessary to her safety to curtail her discounts $16,000,000? The directors certainly ought to know what is best for the interest and safety of the institution; but, surely, they ought to give us better reasons, or no reasons at all, for their proceedings.

Having endeavored to show what reasons may justify the Secretary of the Treasury in the removal of the deposites, and examined the excuses of the bank, I will now call the attention of the House to the reasons which have been given by the Secretary, and the testimony in support of them; and, I do not entertain a doubt, they can be shown to be sustained by the proof. And here, sir, I will take occasion to notice a suggestion which fell from my friend from South Carolina, "that the Secretary had no more to do with the reasons than the iron pen that wrote them." He has, in the warmth of his feelings, and heat of the argument, done injustice to the Secretary. I was astonished that a gentleman so well read in the history of the bank and of the country should have permitted himself to make so strong a remark. I am neither the advocate nor apologist of the President or Secretary. I am bound by no party ties, either to support or to oppose the administration. My only pledge to my constituents is the pledge of my principles—those principles which would confine every department to the exercise of the powers confided to them by the constitution, and which would sustain every department in the exercise of them, and them only; and oppose them in the usurpation of others with untiring industry and honest zeal. I stand prepared, therefore, to render justice both to the President and Secretary; to vindicate them when right; and, when wrong, I shall not fear or hesitate to censure them.

The gentleman from Tennessee has told you, "from authority," that when the Secretary of the Treasury was Attorney General, and long before he entered the office he now holds, he gave a written opinion, entirely agreeing with the one he now entertains. I cannot speak from so high authority, but I am prepared to say that he did, and predicate my assertion on the testimony of one whom none will question on this subject. I refer to the exposition of Mr. Duane, who tells us that, in June, the President, while on his eastern tour, where "he was receiving," according to the gentleman from Pennsylvania, "more than the honors of a Roman triumph from the happy people of the middle and northern States, without distinction of party, age, or sex," transmitted from Boston the "views and opinions" of four of his cabinet.

[Mr. MCDUFFIE asked permission to say a word in explanation. The Secretary had been so repeatedly vindicated, in the course of this debate, from imputations which gentlemen suppose I made against him, that I feel it to be due to the Secretary, as well as to myself, to state distinctly what I did say, and what I censured in his conduct. I never doubted that the Secretary was all along in favor of removing the deposites, and that he acted upon the convictions of his own judgment; and if the gentleman will recur to my speech, he will perceive that my objection was, "that the putting out of one Secretary because he would not violate his conscience and the honest dictates of his judgment, by doing a certain act, and the putting in of another, for the purpose of doing it, was, in effect, the assumption by the President of the power to do the act himself. My complaint against the Secretary was, that he allowed himself to be used for such a purpose.]

I am glad I have afforded the gentleman an opportunity of making the explanation. It is alike honorable to himself, and just to the Secretary, and places his conduct, in relation to this transaction, in a proper and correct point of view. Lest, however, that part of Mr. Duane's *exposé* may have escaped the observation of others, in justice to the Secretary I will take leave to read it. "On the 3d of June, (he says,) the President himself made known to me what was in contemplation, and that he had taken the opinions of the members of the cabinet on the point; two of whom concurred with him, two of whom did not concur, and the fifth had not yet given a written opinion. He said he would submit to me the written opinions of the four members of the cabinet, with his own views; and that he would expect me to give him my opinions frankly and freely. As if to urge me to avoid all reserve, he desired of me, in a letter dated Boston, June 26, transmitting the opinions and views, that it was not his intention to interfere with the independent exercise of the discretion committed to me by law over the subject."

It is well understood that Mr. Taney and Mr. Woodbury were in favor of the removal; that Mr. McLane, Secretary of State, and Governor Cass, Secretary of War, were opposed to it; and they have not yet been removed from office "for opinion's sake." Sir, the character of Mr. Taney forbids the idea that he could be induced to adopt a measure, and make a report to this House, contrary to his honest conviction of its expediency and correctness. He sustains a high and elevated position in that profession to which I can say, with the gentleman from Pennsylvania, "I am proud to belong; which has many distinguished members in both Houses of this Congress; a profession which the confidence and affection of this people have raised, in more than one instance, to the highest office in their gift. I will not degrade this honorable profession. I will not degrade his rank in it, or my own, however humble, by condescending to inquire what extent of compensation, either in money or in office, would induce an honorable man to sell his conscience or his principles."

It is, then, sir, his opinion that the deposites ought to be removed; and though he was so fortunate as to agree with the President, they are not the less his reasons which have been submitted to the judgment, and, it may be, to the censure of this House. In regard to the conduct of the President in dismissing one Secretary, and appointing

another, I cannot agree with the gentlemen from Pennsylvania and South Carolina. If I read the constitution aright, the President only exercised such control over the Secretary as he had the right to do. Let me be distinctly understood. The President has no right to control the opinions of any member of his cabinet, as to require him to adopt and support opinions which he does not entertain. If the President were to exercise such a power, and a Secretary were to submit to it, they would both be unworthy the stations they occupy, and the confidence of the people. But, if they do not agree on vital and important principles to be carried into execution by the Secretary, and he is so far forgetful of the respect and duty he owes to himself as not to resign, it is not only the right, but it is the duty of the President to remove him. Sir, "'tis strange, 'tis passing strange," and surprising, that gentlemen with whom I have the honor to be associated—that gentlemen of the State rights party should wish to take the responsibility from the very person to whom it belongs—from the President, who is alone responsible to the people. The responsibility belongs to him; the Secretary is not responsible to the people. Who is the Secretary of State? Who is the Secretary of the Treasury? Who is the Secretary of War? Who is the Secretary of the Navy? The people neither know nor care. They are selected by the President, and for their conduct he is responsible to the country.

This question was settled a short time after the adoption of the constitution—not in relation to any particular department, as has been contended, but to all the departments. I will not waste your time, by again reading the debate which has already been brought to your notice by the gentleman from Tennessee. I have the names of Madison, Sedgwick, Vining, Ames, and Scott, to support me; and I will only draw upon your patience so far as to read a short extract from Mr. Madison's speech, to show the principle; and from Mr. Scott's, the application of that principle to the Secretary of the Treasury.

Mr. Madison says: "It is one of the most prominent features of the constitution that there should be the highest possible degree of responsibility in all the executive officers thereof; any thing, therefore, which tends to lessen this responsibility is contrary to its spirit and intention; and unless it is settled upon us expressly by the letter of that work, I shall oppose the admission of it into any act of the Legislature. Now, if the heads of the executive departments are subjected to removal by the President alone, we have in him security for the good behavior of the officer. If he does not conform to the judgment of the President in doing the executive duties of his office, he can be displaced; this makes him responsible to the great executive power, and makes the President responsible to the public for the conduct of the person he has nominated and appointed to aid him in the administration of his department."

The principle I have been contending for is plainly and distinctly laid down; and, notwithstanding the apprehension of placing the whole Government in the hands of the President, it was applied to the Treasury Department. Mr. Scott says: "But the constitution says that no money shall be taken out of the treasury but by appropriations. This, alone, I think is a sufficient answer to all that has been said, and will serve to soften down the harsh features which the terrible picture I have just now mentioned displayed. I say, sir, our money may be in the treasury by millions; and without special appropriations by the Legislature, the President and Treasurer, either or both together, cannot touch a farthing of it, unless they steal it. This being the case, I see as little security to the treasury, in the independence of this officer, as danger arising from his dependence, without a single exception; for if the President, with a strong army at his back, comes violently to lay hold of the money chest, this officer stands but a poor security against such a power. I think the President, supported with the army and navy, making a descent upon your treasury, would be very apt to carry away the treasury, and the Treasurer too, if he stood in his way."

The principle was then settled, and has not since been disturbed, to make the heads of departments responsible to the President, and the President security for their good behavior, and responsible to the people: and this is the true democratic principle. Upon what other principle do all the heads of departments go out with the old, and others come in with a new administration? They are turned out "for opinion's sake." The President is entitled to have men around him, as his advisers, who agree with him in opinion upon fundamental points: it is every day's experience. If whole gangs may be discharged by him, why not a single one? A distinguished member in the other end of the House has placed this matter in so clear a view, that I will avail myself of an extract from his speech.

"I cannot doubt [says Mr. Calhoun] that, under the constitution, the President has the right of removal from office; nor can I doubt that the power of removal, wherever it exists, does, from necessity, involve the power of general supervision; nor can I doubt that it might be constitutionally exercised in reference to the deposites. Reverse the present case: suppose the late Secretary, instead of being against, had been in favor of the removal; and the President, instead of being for, had been against it—deeming the removal not only inexpedient, but, under circumstances, illegal; would any man doubt that, under such circumstances, he had a right to remove his Secretary, if it were the only means of preventing the removal of the deposites? Nay, would it not have been his indispensable duty to have removed him? And had he not, would not he have been universally and justly held responsible?"

And, I will add, would not those who are now censuring the President, and denouncing this measure as the exercise of unconstitutional power, have lauded the President for his fearless independence in the rightful exercise of his constitutional powers? There are more spectacles than those found by Major Jack Downing, with turning screws, to present different aspects of the same subject. There are many politicians who possess them, and, by the turn of a screw or two, can present different phases of the same transaction, with all the varied and multiplied combinations of the kaleidoscope; and, sir, the patent right is not confined to England; they may be found in this favored country, and even on this floor.

But we have been told, the sword has been committed to the President; and if we permit him to seize the purse, our liberties are in danger. This is wholly a mistake, sir. The sword is not in the hands of the President, but to carry into execution the mandates of Congress; and the purse cannot be, without the same authority, "unless he steals it." Congress holds both. The money is as much in the treasury in one bank as in another. The removal from one bank to another does not take it out of the treasury, any more than a removal from one side of the vault to the other. Not a dollar can be legally drawn out without an appropriation by law. Congress alone has the power to declare war, and to call out the militia, except in certain cases provided for by the constitution. Congress, then, and not the President, holds both the purse and the sword. I have no fear of power at the "white house" on yonder hill, till this "white house" is corrupt enough to support it; and this House dare not give that support till the people have become too corrupt to deserve that liberty purchased with the blood of their fathers. Look to the history of the ancient republics of Greece and Rome. The "loaded ass of Philip" could never enter a Grecian city till the people were depraved

and corrupt enough to receive him. Cæsar would not have dared to seize the treasury of Rome till the people were prepared to cry "Hail Cæsar!"

I am so far from objecting to this exercise of power by the President, that I should have thought him unfaithful to the trust reposed in him, and to the people, if he had failed to exercise it. I lay down this position: whenever any head of a department differs with the President, not on minor points, but on vital and fundamental principles, it is his duty to himself and to the country to remove him; and cases might occur where he would not only be unfaithful, but would be guilty of little less than treason, if he were not to remove him. I will put a strong case. Let me suppose this country and Great Britain again at war; that the enemy had landed on our coast, and were marching into the interior; and the Bank of the United States were loaning money to the commissary of the British army to enable him to furnish supplies; that the President, hearing of the fact, inquires if it is known to the Secretary of the Treasury? Yes, sir. Do you not mean to remove the deposites? No, sir; the law has confided to me the discretion, and I shall not remove them, nor will I resign. If the President did not remove him, he would be guilty of misprision of treason, and would bring down upon his head the curses of an indignant people, and deserve the execration of posterity.

Having disposed of these objections to the conduct of the President and Secretary, we shall be better able to examine the reasons for the removal.

I shall first call your attention to the old three per cents. It is not my intention, nor can it be necessary, to go into a labored investigation of the circumstances in relation to them; they are generally well understood. It cannot be denied that it was the intention of the Government to pay them, and the payment was deferred at the suggestion of the bank, and on her agreeing to pay the interest; that General Cadwallader was sent as an agent by the bank to Europe, to make arrangements with the holders of the stock for the interest of the institution; and that he did make arrangements to purchase it for the bank; that the Barings, for the purpose of completing the purchase, published a circular, which was wafted across the Atlantic, and republished in New York. We may be told that General Cadwallader exceeded his instructions, and the purchase was disavowed by the bank. This may be so. After the publication of the circular of the Barings in New York, and after some noise was made about the purchase in the newspapers, the purchase was disavowed. But it is very strange; General C. had long been a director, and sometimes president *pro tem.* of the bank, and it is reasonable to presume that he knew the intention of the Government, and that the Bank could not, without a violation of its charter, purchase the stock. It is reasonable to presume that he had full and ample instructions from the president of the bank in relation to the object of his mission. It is reasonable to presume that as soon as he had made arrangements in Europe, he gave a full and circumstantial account to the president and directors of the bank. It is unreasonable to presume that General Cadwallader violated his instructions; it is unreasonable to presume that he would violate the charter without instructions; it is unreasonable to presume that the president and directors were ignorant of his proceedings, and only came accidentally to the knowledge of such an important transaction by a publication in the newspapers. And it is drawing very largely upon our credulity and courtesy to require us to believe that, with a knowledge of the transaction, and an intention to disavow it, that measure should have been delayed till a clamor was raised in the newspapers about the purchase. It is strange, I repeat; it is passing strange! Sir, it is sometimes convenient, and we have known Governments under the necessity of disavowing the acts of their agents and officers, to prevent plunging the country into a war; and why may it not have been equally convenient for the bank, almost "*imperium in imperio*," to disavow the act of its agent in this business? I have in my mind's eye a memorable instance of a Government disavowing the act of its officer. In the Seminole war it was important, to insure complete success to the American arms, to cross the Florida line and take possession of Pensacola and St. Mark's, from whence the Indians were supplied with munitions of war; and it was very important that the United States should not be involved in a war with Spain. Orders were not necessary; a "hint" was sufficient. The "hint" was given, the line was passed; St. Mark's and Pensacola were taken; the Indians were conquered. The act was disavowed, and Pensacola and St. Mark's were restored, to avoid involving us in a war with Spain. It is somewhat remarkable, that, among the charges of violation reported by the committee against the bank in 1819, was one very like this same three per cent. transaction, and which I will read to the House: "The committee, then, are of the opinion that the charter of the Bank of the United States has been violated in the following instances: 1st. In purchasing two millions of public debt, in order to substitute them for two millions of similar debt, which it had contracted to sell, or had sold, in England, and which the Secretary of the Treasury claimed the right of redeeming."

Warned by the report of that committee, it was not only convenient, but important, that the bank should disavow the purchase made by General Cadwallader, to avoid a difficulty with the Government of the United States.

The next point I will present to the notice of the House is the interference of the bank in elections; and on this I will be brief, as it was extensively considered by the gentleman from Tennessee. I will merely recall the recollection to the republication of the reports of Mr. McDUFFIE and of Mr. SMITH in favor of a recharter of the bank. But, we are told, this was done in self-defence, and to give information to the people of the United States. It may not be improper here to inquire whether it is not the duty of Congress to publish a sufficient number of such documents for the information of the people, and whether those reports were not published as other documents? Again: immense sums have been loaned to individuals, particularly to the conductors of two papers of extensive circulation. When we take into view the time when the loans were made, the period for which they were made, and the security, or rather the non-security, upon which they were made, can any one doubt the consideration? I will not stop to inquire whether the property was mortgaged for more or less than it was worth, nor will I go into a detailed estimate of the value of the establishments; but I will submit it to the conscience of every man in this House to determine whether he does not believe it was the intention of the bank to buy up those presses, and to sustain them, that they might sustain the bank, and exert their influence and powers to obtain for it a new charter? and whether this is not entering the electioneering arena?

The gentleman from South Carolina has charged the Secretary of the Treasury with making a false statement in regard to the increase of discounts during the year 1831. The Secretary is correct, and the mistake is with the gentleman from South Carolina. The Secretary says:

"There is sufficient evidence to prove that the bank has used its means with a view to obtain political power, and thereby secure a renewal of the charter.

"The documents which have been heretofore laid before Congress, and are now on its files, will show that on the 31st of December, 1830, the aggregate debt due the bank was $42,402,304 34, and that on the 31st of December, 1831, it was $63,026,452 93, being an extension of its loans, in a single year, of $20,000,000, and an in-

crease of nearly fifty per cent. on its previous accommodations.

"And, as if to leave no room to doubt as to the motive of this extraordinary conduct, it continued to add rapidly to its loans; and, on the 1st of May, 1832, while its petition for the renewal of its charter was yet pending before Congress, they amounted to $70,428,070 72, being an increase of $7,401,617 79 in the four preceding months, and making altogether an addition of $28,025,766 48 in the short space of sixteen months, and being an extension of more than sixty-six per cent. on its previous loans. Such an increase, at such a period of its charter, is without example in the history of banking institutions."

By a reference to the table I have already placed before the House, and which is extracted from the table furnished to the special bank committee for the years 1829, 1830, 1831, and 1832, by Mr. Biddle, it will be seen that the whole discounts of the bank on the 31st of December, 1830, were only $42,402,304 34, and on the 31st of December, 1831, they were $63,026,452 93, being almost $21,000,000 increase in that year. But the gentleman from South Carolina supposes the Secretary has taken different periods of the year for his calculation, which might make a great and unjust difference to the bank; that the Secretary had run his calculation into the spring months, when the discounts of the bank are usually greater, to afford facilities for the purchase of produce. Here, too, he is again mistaken. The same period of each year is taken—the 31st of December; and besides, sir, if we extend the calculation to the 1st of May, when the discounts had increased to $70,000,000, we shall not find an increased ratio, but a regular increase, up to that time, of $67,000,000 for every four months. In February and March, 1832, with $6,000,000 specie, and $24,000,000 circulation, her discounts continued to increase to $70,000,000. Now, when the deposites are removed, with $10,000,000 specie, and only $18,000,000 circulation, and $60,000,000 discounts, she is curtailing down to $54,000,000. Can any man doubt it was the intention of the bank, by issuing publications, making large loans to editors, and extending accommodations in 1832, to interfere in the elections? It is hardly denied by the bank. Read the *exposé* published by the bank, and you will find it is not denied; but she alleges that she has done so in self-defence. Self-defence!—against what? The message of the President to Congress, in which he has expressed himself unfriendly to the renewal of its charter. He who can doubt the existence of this charge against the bank has more scepticism than ordinarily falls to the lot of man.

Another ground of objection to the bank, and urged as a reason for the removal of the deposites, is, the concealment of the proceedings of the bank from the directors appointed by the Government. This is distinctly alleged by the Government directors, and is not denied by the gentleman from Pennsylvania, nor by the directors themselves.

The honorable gentleman from Pennsylvania has given you the reasons for their almost entire exclusion from the business and from a knowledge of the proceedings of the board. Let us see whether they are sufficient, and whether the Government directors have mistaken the object for which they were appointed. You have their memorial upon your tables, setting forth their opinions, and the manner they have been treated. I can form but one opinion upon it; and to show that they have not so greatly erred, and did not deserve such treatment, and also for what purposes they were appointed, let me invite your attention to the letter of Mr. Dallas, and to the debates at that time.

He says: "The national bank ought not to be regarded simply as a commercial bank. It will not operate upon the funds of the stockholders alone, but much more upon the funds of the nation. Its conduct, good or bad, will not affect the corporate credit and resources alone, but much more the credit and resources of the Government. In fine, it is not an institution created for the purposes of commerce and profit alone, but much more for the purposes of national policy, as an auxiliary to the exercise of some of the highest powers of the Government. Under such circumstances, the public interest cannot be too cautiously guarded, and the guards proposed can never be injurious to the commercial interests of the institution. The right to inspect the general accounts of the bank may be employed to detect the evils of a maladministration; but an interior agency in the direction of its affairs will best serve to prevent them." This extract was written expressly in relation to the appointment of five directors by the Government, one of whom, according to his plan, was to be president of the bank, who was to be appointed by the Secretary of the Treasury, with the approbation of the President of the United States. Now, sir, if I understand the meaning of English words, there is the slightest shade of difference, if any, between the object for which Mr. Dallas intended their appointment, and the purposes for which the directors contend they have been appointed.

On a motion to strike out the power given to the President and Senate to appoint five directors, Mr. Forsyth says: "It was not a bank, but a bank of peculiar character, which was required; we had banks enough already: they rose, like mushrooms, from every hot-bed in the country. It was not a moneyed bank only; a bank exclusively regulated by the moneyed interest, and governed by the jealousy, avarice, and factious views of moneyed men, capable of being made the instruments of artful and designing combinations to cramp your resources, and destroy your capacity to make either permanent or temporary loans. It must be a bank having a national character, regulated by the national interest, and under the control of the national councils. If it was not of this character, its failure or success was indifferent to him. It seemed to be admitted on all hands, that we ought to have an interest in the proposed institution. It was admitted, too, that we ought to have an influence; and the dispute was between a direct influence, by the appointment of directors, or an indirect influence, by the operation of the revenue system. It would not be difficult to demonstrate that an indirect influence would be wholly insufficient." Permit me to ask, how this bank can have a national character, be regulated by the national interest, under the control of the national councils, and a direct influence, by the appointment of directors, if those directors are cautiously excluded from the important committees by whom all the business of the bank is regulated and transacted? How can that bank be national, and regulated by national councils? How can the Government have a direct influence, by the appointment of directors, when those very directors are not permitted even to have a knowledge of the business transacted, and the avowed object of that concealment from the directors is concealment from the Government and from the councils of the nation?

Mr. Telfair says: "According to these views, then, the interest of the stockholders is not to be considered as holding a priority of station to that of the Government; on the contrary, the institution is to be looked upon as the property of the nation, and that of individuals for political considerations."

Again: "The true policy, in the creation of a bank, then, is to give it a double character; to combine in it the elements of public and private interest, but to secure to the former a control over the latter; for the Government which creates this institution is responsible for its fulfilment of the great objects of its creation; and it is wiser to use means of precaution, than to rest upon ultimate means of correction. The interest of the bank should be

made subservient to the interest of the public—of the people; and hence I wish for some control in its direction." Does the interest of the public hold a priority of station to the interest of individuals? Can this bank be deemed the property of the nation, and of individuals for political considerations? Can this Government be responsible for the fulfilment of its great objects? Are the interests of this bank made subservient to the interests of the public, by a control in the direction? Can you use the means of precaution, for prevention, by an interior agency in the direction, rather than the ultimate means of correction, for the mal-administration of its affairs, when your directors are carefully excluded from all knowledge of the most important concerns, for the avowed purpose of concealment from you of its conduct, and to prevent your interposition? The gentleman from Pennsylvania must surely have overlooked the objects of the creation of the Government directors, or he never would have ventured the remark—"There is not a shadow of difference between the rights and duties, the powers or the obligations, of any of the directors."

We have been further told by him that, "when a charter commits the power of making by-laws to the whole body of the corporation, the general mass of corporators, they may delegate the power to a select body, who then represent the whole body in their acts of legislation." Sir, it is with great deference I differ from that gentleman upon legal subjects; but the proposition is only partially correct. The whole body of the corporators can have no power, even if the charter were silent, to pass any by-laws which are contrary to the constitution or the laws of the United States: but in this the charter is not silent. The very section he has read inhibits the corporators from passing "any by-laws, ordinances, or regulations, &c., contrary to the constitution, or to the laws of the United States." The whole mass of the corporators, the stockholders, not having the power, could not delegate that power to a select body, the directors. Therefore, the charter, which is a law of the United States, having provided that "not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one," the corporators have no right themselves, nor can they delegate any power to the directors, to pass any by-law making a less number than seven sufficient to constitute a board for the transaction; nor can they constitute seven, or any other number, a board for that purpose, unless the president be one, except in cases of his inability to attend, when he must depute some director to act for him. I cannot believe the gentleman from Pennsylvania will controvert this exception to his general proposition; and the question recurs, whether the business of the bank has been transacted by committees, more particularly the exchange committee, consisting of less than seven? This seems not to be denied; for almost the whole general transactions of the bank, since July and September, 1830, when these powers were enlarged, have been considered and performed by that committee. Now, a plain, common sense man would suppose, from the name, the "exchange committee" only attended to the purchase or discounting of bills of exchange; but, in the bank nomenclature, "exchange" has a far more extensive signification, and is made to embrace the discounting of notes of hand, and, indeed, almost all the business of the bank done by committees, or contained in calculations. Who discounted Webb's notes? Committee of exchange. Who discounted Burrows's notes? Committee of exchange. Who renewed Gales & Seaton's? Committee of exchange. Who discounted Noah's notes? "The committee, being authorized to discount any paper, the security of which they might approve, agreed to do them."

We may be told, this was not the business of the bank intended by the charter to be transacted by a board consisting of not less than seven. It may be, sir; but if the powers granted to that committee do not include the business of the bank contemplated by the charter, my faculty of perception is too obtuse to perceive what is that business. The gentleman from South Carolina, aware of the provision of the charter, and believing that what ought to be done has been done, has taken it for granted that regular reports were made to the board for their approval, and says, the board met so frequently, that all the business done by the committee may be said to be virtually done by the board. Even this excuse is taken away by the testimony of Mr. Biddle. When asked, "Are the discounts authorized by that committee laid before the board for their approval or rejection?" The answer is, "Not necessarily, nor generally, except for information. They are acted upon definitively by the committee."

It must be useless to pursue this branch of inquiry. The fact of concealment is admitted. The motive of that concealment is avowed, and defended by the advocates of the bank; and the defence only aggravates the offence.

The next in order, to which the attention of the House will be invited, is the French bill. The gentleman from Pennsylvania has passed lightly over this. It was best for the bank he should do so. Her conduct, in regard to it, is perfectly indefensible. I will ask for no better testimony than what is furnished in the *exposé* of the bank, and "out of her own mouth shall she be judged."

The Secretary complains of a charge made by the bank against the Government of $158,842 47, for damages for non-payment by the French Government of the bill drawn on them, and sold to the bank; and says the proceeds of the bill "remained in the bank." This is denied by the bank; and, that the facts may be fully understood, I will read a passage from the bank exposition, (page 28.) "It is not the fact that this money 'was left in the use of the bank, being simply added to the Treasury deposites.'

"Suppose that it had been, it would not in the slightest degree affect the question of damages. When a party sells a bill, and is paid for it—that is, has the funds placed to his credit, to be drawn for whenever he chooses, without further notice—the party is as much paid, the fund belongs as little to the bank, as if the party had actually withdrawn the whole sum in specie. But not only was the fund, in this case, drawn from the general resources of the bank, and placed to the credit of the Treasury, but, immediately after that was done, Congress passed a law to lend the money, and the Secretary of the Treasury issued a notice that this money was to be forthwith lent out to capitalists—that is to say, to be immediately withdrawn. The credit given to the Treasurer was on the 11th of February, 1833. The notice of the Secretary, dated on the 6th of March, offered to lend out this money after the 20th of March. Of course, the bank could make no use of it; on the contrary, as it would probably be withdrawn immediately, it became not merely useless as a deposite, but required the bank to shape its loans to others so as to provide for the immediate payment.

"Nor is this all. Not only was this sum passed to the credit of the Treasurer, not only was the early withdrawal of it from the bank announced by the Secretary, but the identical proceeds of this identical French bill were actually used by the Government for the payment of its ordinary expenses."

The issue is thus fairly made up between the parties. The Secretary says the money was not used; the bank says it was. By reference to the annexed statement, made by the bank, (on page 29,)

"The account of the Treasurer at the bank stood thus:

February 11,	- - - -	$717,264 22
18,	- - - -	1,735,460 40
(in consequence of the payment of the French bill,)		
February 25,	- - - -	1,842,658 14
March 4,	- - - -	1,620,699 89

March	11,	$1,551,627 97
	18,	1,560,783 63
	25,	1,496,907 43
	30,	1,052,862 10
April	8,	1,082,560 88
	15,	918,816 61
	22,	746,613 61
	29,	826,070 90
May	6,	814,046 61
	13,	774,630 47
	20,	431,560 43

when the money was repaid;"

We shall see that, on the 11th February, the Treasurer had at his credit, in bank, $717,264 22, to which, when the proceeds of the French bill were added, his credit amounts to $1,735,460 40 on the 18th February. On the 18th March, the amount at his credit is $1,550,783 63, and on the 25th March it is $1,496,907 43. Between those two last days, to wit, the 22d March, the French bill came back protested, as you may see stated in the last paragraph on the same page: "What makes the case stronger, is this: that on the 22d March, the day when the protested bill came back to the bank," &c. From their own statement, then, on the 11th February, by passing the proceeds of the French bill to the credit of the United States, the Treasurer had at his credit $1,700,000, which was never diminished below $1,400,000, to the 22d March, when the French bill came back protested, being $500,000 more than sufficient to pay that bill. I admit that placing it to the credit of the Treasurer was a payment to the United States as much as if it had been paid in specie. I admit that notice was given of an intention to loan it, and that it was liable to be withdrawn on the 20th of March; but I cannot agree that it was loaned and withdrawn at that time; and it is proved by their own showing that the identical proceeds of this identical French bill were not actually used by the Government for the payment of its ordinary expenses; and it is further proved that the Treasurer had at his credit $500,000 more than sufficient to pay this bill when it came back protested.

But the proposition advanced by the bank, that it has twice paid the French bill, is so superlatively ridiculous that it could not be believed by any one aware of the circumstances, if it were not made by authority of the directors themselves. Hear them:

"In the United States, then, the bank had paid the amount of the bill in its least convenient form. But when it was protested in Paris, the agents of the bank, finding a bill with its name upon it protested, came forward and paid it on account of the bank. So that the bank had actually paid for this bill twice over—once in Philadelphia, and once in Paris; that is, it had, of course, a credit for the proceeds of the sale of the bill in London, but its actual disbursements on account of the bill were upwards of $1,800,000.

"What makes the case stronger is this: that, on the 22d of March, the day when the protested bill came back to the bank, the whole amount to the credit of the Treasury, throughout the whole United States, with the exception of the Danish indemnity money, was $1,827,048 88. Now the bank had advanced $903,565 89 in Philadelphia, and $921,590 18 in Paris, making $1,825,156 07."

Really, Mr. Speaker, I am at a loss how to treat this statement—whether as a farrago of nonsense, or as a matter gravely advanced with the expectation that any one can be found so entirely destitute of common sense as to give it a moment's belief. We are gravely told, the bank paid the bill here in the least convenient form. Let me ask any friend of the bank, what form could be more convenient than to pass it from the credit of the bank to the credit of the United States, when not one dollar of it was drawn from the vault? If there be a more convenient form, I would be glad to know it. Again: we are as gravely told that "the bank advanced $903,565 89 in Philadelphia, and $921,590 18 in Paris, making $1,825,156 07." What a wonderful meaning some words have with the bank! and how wonderfully easy it is to make one transaction count two or three times! Let us put it into plain English, and see what was done. The bank bought the bill in Philadelphia, and gave for it $903,565 89; she sent it to London, and sold it to the Barings, and got her money returned, and, no doubt, nearly all the $18,000 premium which she had made out of the United States. The Barings sent the bill to Paris, and, when the French Government refused payment, the agents of the bank returned to the Barings the money which had been received from them. Now, for my life, I can see but one advance by the bank in all this, and that was in Philadelphia. Before the bill was presented in Paris, it was sold in London, and the very proceeds of the sale went to pay the bill in Paris. "But if the bank did not advance the money twice, she paid it twice." O, yes. But for whom did she pay it in Paris—for herself or the United States? For herself, truly, as endorser; and she got it back once between the two times. But we are also gravely told, those two payments "amounted to $1,825,156 07 actually advanced on account of this bill—a sum equal, within less than $2,000, to the whole funds of the Government in the bank." And yet we find that when $700,000, "the transfer draft," was added to the sum at the credit of the Treasurer on the 11th of May, which was about $750,000, and the amount of the French bill was taken from it, it left at the credit of the United States $431,560 43.

But I will leave this ridiculous, this preposterous claim, set up by the bank, and turn your attention to something more than ridiculous—it is unconscionable and extortionate. I mean the demand of $158,000, which the bank, not content with making $18,000 premium, has claimed as damages for the non-payment of the bill by the French Government. This claim is based on a law of this District, allowing fifteen per cent. damages against the drawer, when the drawer fails to pay the bill. And it is urged upon the ground that damages had been claimed by the Government against Girard, when his correspondents had failed to honor the drafts purchased by the Government.

In the first place, the law never was intended to operate upon the Government, but was intended to fix a certain rate per cent. as stipulated damages to insure punctuality among commercial men, and to prevent them from practising frauds on each other, by drawing and selling drafts when they had no right to expect the drafts would be honored. Not so with the Government. She never engages in commercial transactions, and is always ready and willing to pay all reasonable damages incurred by any of her citizens in dealing with her, and even to increase the amount, when the contracts operate hardly upon the contractors, and they incur losses by them.

But I will put this matter upon the best possible footing for the bank, and admit that she had a legal right to claim the damages; and I again say the demand is unconscionable. Let me suppose, Mr. Speaker, that you had dealings and transactions to a large amount, which would annually produce $100,000, and that your disbursements did not exceed 60 or $70,000; that you were to propose to the gentleman from Pennsylvania to become your banker, he agreeing to transmit your funds to any part of the United States, and to have the use of your surplus funds, free of interest, until you should deem it proper to withdraw your business from him. Let me suppose that you had made a large shipment to England, and that you had $100,000 at your credit in your factor's hands, which was well known to your banker; that you propose to sell him a draft for the $100,000, and agree to take $95,000, which is passed to your credit on his books; that he sends the draft to England, and sells it at a small discount; and a few days before it becomes payable your factor fails;

the draft is paid by the agent of your banker with the money he got for it, and is protested against you, and sent bank, and he claims twenty per cent. damages, making $20,000 of you, for the non-payment by your factor. Upon your representing to him the hardship of the case, he replies that the law allows it, and you must pay it. Would not your reply be, "Sir, I know the law allows it, but I have given you my business for more than sixteen years; there has always been a large balance in your hands, on which you have operated without paying me any interest, and I think it hard and unconscionable that you should exact it of me. I am willing to pay all the damages you have sustained; and if you exact the twenty per cent. I must pay it; but we will now close our business, and I will employ some other banker." I put it to the candor of every man who hears me, whether he would not take away his business from any banker who would make such a demand of him? There can be but one answer. The gentleman from Pennsylvania has told us, "The thing which passes his comprehension is, that a mere claim by the bank—a claim without suit or other act—a claim which it is the privilege of the lowest and poorest to make upon the highest and richest in the land, without incurring either forfeiture or damage—that this should be gravely put forth as a brand of faithlessness upon the bank, and a forfeiture of her right to the public deposites." Sir, the gentleman is badly informed. It is not a mere claim. The bank has not only made the claim, she has held on to the $158,000.

But, sir, admitting that the Bank of the United States is entirely safe, and has never failed to pay or transfer any money when required—and it is but justice to her to say, I fully believe and freely admit it—and admitting, what is not true, and which I have endeavored to show is not true, that the bank has acted perfectly correct, and has never been guilty of any malversations, I am clearly of opinion that the public deposites ought to have been removed, for the purpose of putting into operation and perfecting some other system of finance to supply the place of the one which has been practised through the medium of the Bank of the United States.

The charter of the bank will expire in 1836, and she can no longer perform those services. The gentleman from Pennsylvania has told us that the State banks cannot discharge the functions of a fiscal agent; that they cannot distribute and transfer the revenue throughout the Union, as the same will be wanted by the United States. I do not agree with him; but if the matter be doubtful, it is time the experiment were made. There are many on this floor, and I am one of them, who cannot consent to vote for a charter of a Bank of the United States while the constitution remains unchanged. No motives of convenience or expediency can avail. It is important that the experiment should be made. And if we find the State banks cannot supply the place of an efficient fiscal agent, an amendment of the constitution must be made, and the necessity of the thing may reconcile us to the measure. With a knowledge that the present charter will expire in two years; with a perfect confidence that the charter will not be renewed in that time; with a certainty on the part of some, and of doubt with others, as to the inefficiency of the State banks, is it not the duty of prudent counsellors to provide, by a wise foresight and timely action, for the difficulties which are before us? Will not a skilful pilot and prudent mariner regard the approaching tempest, and trim his sails to the coming storm? And shall those who are placed at the helm of state stand idle and unconcerned, and regardless of the future, and make no preparation for the difficulties which await us, and the dangers which threaten?

And where shall we find a fiscal agent which can supply the place, perform the services, and discharge the duties which have been heretofore done by the Bank of the United States? The answer to this question brings me to the amendment which I have submitted to the consideration of the House. Mr. Speaker, we have been told by the gentleman from Pennsylvania, (and I have no doubt there are others who believe so,) that the State banks will not be able efficiently to perform all the services required, and to render the necessary facilities to the Government and the community in the collection and distribution of the revenue. I believe those gentlemen are mistaken. The capital will still remain in the country, whether in a Bank of the United States or in the State banks; and the same accommodations can be extended to the commercial community by one bank as by the other. Bills of exchange have been the medium by which the United States Bank has changed her funds from one section of the Union to another, to meet the exigencies of the United States. This can be done by the State banks. It is now done every day, in every commercial city, by those banks, for the convenience of the community; and it will be only necessary to extend it commensurate with the wants of the Government. The same means of information which enabled the United States Bank to know where to contract and where to extend her business, whence to draw her funds, and where to transmit them, will be equally open to the directors of the State banks. All the banking and commercial talents do not belong to the Bank of the United States; and if they did, when that expires they will be transferred to the State institutions.

We have been also told by the gentleman from Pennsylvania that the State banks have made the attempt, and have failed; and that they will again fail whenever they they shall make the experiment, and the country will be flooded with depreciated paper, and harassed with a deranged currency. Sir, it would be unfair and unwise to argue from the attempt which was made in 1814-'15. The situation of the State banks is widely different from what it was then. The United States were struggling through a long, tedious, and expensive war, into which she had plunged without preparation—in which she continued for some years, without additional taxes, till she had almost exhausted her credit. During this long and expensive war, she had resort to the State banks; and they were compelled to issue notes, not on their capital, but on their credit, to supply the wants of the Government. While the war lasted, the credit of the banks and of the notes was sustained by the patriotic feelings of the people. When it ended, the stimulant was gone, the excitement was over, and syncope ensued. The bills became depreciated, and were returned in large numbers to the bank. The inevitable consequence was, an inability and refusal to redeem them with specie. And will any man pretend this would not have been the situation of the United States Bank? Depend upon it, sir, if the Bank of the United States had been in existence at that time, and had supplied the wants of the Government, she would have been no better able to redeem her notes. The condition of the State banks now is very different: they are in a strong and healthy state; their bills are in good credit, pass currently, and are redeemed with specie on demand. They are generally under wise and prudent management, and amply able to comply with their engagements. As well might you judge now what they are competent to do, from what they were unable to do then, as you would be competent to determine that a man of robust and vigorous health was unable to perform some feat of strength and activity, because he had attempted the same feat, and had failed, just after a long and dangerous paroxysm of fever, and before he had recovered from its debilitating and paralyzing effects.

The gentleman from South Carolina has depicted in glowing and animated language the dangers of the union of the moneyed interest of the country and the patronage of the Executive; and has told us, if he had the power to

control it, the Bank of the United States should always be opposed to the President of the United States. I entirely agree with him, and the very object of the amendment is to guard against the dangers of such a union. We need not be told of the control which the Executive would have over all the State banks, if he has the discretionary power of placing the public deposites in what banks he pleases, upon what terms he pleases, and as long as he pleases. We need not be told that such an unholy and "meretricious union" would be more deleterious than the baneful influence of the bohun upas, more destructive than the desolating blast of the simoom. In these halls, where the voice of liberty is raised, and the vestal flame of freedom is continually burning, altars will be raised, and sweet incense burnt, to the spirit of money and the spirit of despotism.

Sir, has that gentleman never thought this meretricious union might be formed between the Bank of the United States and the President of the United States? Has he never supposed that, but for the fortunate difficulties between the present Executive and the bank, there might now be that very "meretricious union;" that the bank might again have been rechartered; and all the power, and the influence, and the patronage of the Executive and the bank united to destroy the rights of the States, break down the bulwarks of the constitution, and raise up one grand consolidated empire?

The State banks have separate and distinct interests, and can never be beyond the control of the State Legislatures. The directors of those institutions belong to the community in which they live, have the same interests, the same feelings, and must be more or less under the influence of the friends and relations by whom they are surrounded; they must witness the calamity, and embarrassment, and distress, which selfish and interested measures may produce, and they cannot be insensible to public opinion. Not so the Bank of the United States. The directors can have no feelings, no interests, common with the people, except where the principal bank is situated; they have no sympathy for their sufferings; they do not hear their complaints nor see their distress; they are beyond the influence even of friends and of public opinion; and to all the complaints, in every place where a branch is situated, the single answer may be given, "We have received directions from the principal bank, and we are compelled to obey them." While it is potent for good, it is more potent for evil. There is a unity of action, with a weight of power that is irresistible. The branches, like so many powerful engines, are all propelled by one master wheel; one man controls and regulates the whole; he wills, and money is abundant—all is plenty, and peace, and prosperity. "A change comes over the spirit of his dream;" he wills, and the money is drawn into the vaults of the bank from all parts of the country; poverty, and distress, and ruin overspread the land. I will not extend the picture.

But we have been told by my honorable colleague that the State banks are unsafe; and by the advocates of a bank, that if there be no United States Bank, State banks will spring up, like mushrooms, in every hot-bed. To the last I will say, no danger is to be apprehended from the multitude of banks; the evil will correct itself. I have some experience in this matter: I can well remember when we had few banks; they did as they pleased; and if a man requested specie, he was insulted by the officers of the bank. Now you are treated with politeness, and the specie is produced, or the credit of the bank is gone, and her bills come in from all directions. To my colleague I would say: If the State banks are unsafe now, they will be equally so two years hence; they are as safe now as they will be then. When the charter expires, you must have some place of depository. Where shall it be? This question must be answered. Those who maintain the rights of the States and the unconstitutionality of the bank can never consent to the renewal of its charter. Some place of depository must be chosen, and that place of depository ought to be selected by Congress. We ought not to risk that meretricious union of moneyed power and executive patronage, so much to be dreaded.

The gentleman from Pennsylvania has told us, "if the bank is not to be rechartered, the bank is as well prepared for the removal of the deposites now, as two years hence." So are the people. Let us restore confidence and quiet to the community, by prompt and decisive action; let us by law prescribe the terms on which the public money shall be placed in the State banks, and leave nothing to executive discretion to control them; let us not give that patronage, that dangerous power, to the Executive, already too powerful. Restore them not to the Bank of the United States; depend upon it, if you do, you will be shorn of your strength—you will be powerless to oppose a charter. I call upon the gentleman from Virginia [Mr. Archer] on my right, whose uniform course in public life has placed him in the front rank—I call upon all the State rights party in this House—I earnestly entreat them to aid me in the defence of the outworks, that we may not be driven to the citadel, and perish under the ruins of the constitution.

Tuesday, January 21.

After the first business of the morning had been transacted, the House took up the resolution of Mr. Chilton, concerning

THE PENSION LAWS.

Mr. HARDIN said he did not understand the history of the Indian wars in the manner in which it was understood by the gentleman from Rhode Island. Those wars were the most desperate and bloody which history recorded, and continued, without intermission, from 1778 to 1794. He went into a recital of some of the principal events of those wars, and showed that they were connected with the war of the revolution, and grew out of the hostility of the Indian allies of Great Britain.

These were not the petty conflicts which the gentleman from Rhode Island supposed them to be. Mr. H. passed a high eulogium on the character of the Kentucky militia, as exhibited in the Indian wars, and during the late war with Great Britain. When the Governor of Rhode Island, with an army of fifteen men, was hesitating whether he could constitutionally take the field or not, the venerable Governor of Kentucky was facing the enemy with two thousand of the bravest and best of the sons of Kentucky: no constitutional scruples were felt there. The gentleman from Rhode Island deemed it a reproach to take the spoils of his vanquished foe. He had taken the idea from the story of Ajax and Ulysses, but had forgotten that part which best applied to the case. The Grecian generals awarded the arms to Ulysses, and left the old vaunting chief in mortification and despair. Mr. H. greatly regretted that this subject should be attempted to be turned into ridicule. The people of the West have as strong claims to pensions as any in America. He repeated that they bore a part in the revolutionary war, and were entitled to the same consideration with those who fought on the east side of the mountains. The gentleman from South Carolina [Mr. Pinckney] contended that the whole pension system was unconstitutional. Was it unconstitutional to pay men who are engaged in the land and naval service of the United States? If they are wounded in service, is it unconstitutional to pension them? If they die in service, is it unconstitutional to give half-pay for five or ten years to their widows? Certainly not; and, for the same reasons, it is not unconstitutional to pension those who have rendered military services. The military pension system was dictated by sound national policy.

He would never pension officers who were engaged in civil service. When a man is ordered to storm a battery or scale a fort, if he knows that it is unconstitutional for the Government to provide for his wife and family if he falls, or for himself if he is wounded, his courage and ardor are damped. But if the Government say to him, Go on, we will be a father to your family, and take care of you—he has no longer any hesitation, and braves death without dismay. He hoped never to see the time when we should be such sticklers for the constitution that we could do nothing of a useful or practical kind. Some remarks had been made as to the probable number of the persons who would be entitled to pensions under the proposed measure. The number of those engaged at different times in the wars with the Indians did not exceed twenty thousand, and of these not more than three or four thousand could now be alive; but this was a subject proper for the inquiry of a committee.

[The hour having expired, the House proceeded to the order of the day.]

THE DEPOSITE QUESTION.

Mr. JONES, of Georgia, resumed and concluded the speech which he commenced yesterday, as given in full in that day's proceedings. When he had concluded—

Mr. HUNTINGTON, of Connecticut, obtained the floor; and then

The House adjourned.

WEDNESDAY, JANUARY 22.

THE APPROPRIATION BILL.

As soon as the Journal was read—

Mr. POLK moved to take up the bill making appropriations, in part, for the service of the Government during the year 1834. His object was to propose a conference with the Senate in relation to the amendment to which the Senate had adhered, and he had no doubt that, through means of a conference, the difficulty might be settled.

The bill having been taken up, Mr. P. moved that the House insist upon the disagreement to the amendment of the Senate, striking out the clause relative to the appropriation of the contingent fund to the two Houses for the purposes of printing, and purchase of books, maps, &c.

Mr. HARDIN said that his impression was, in regard to the point of order, that a conference between the two Houses could not be asked after one of them had adhered. The Senate having adhered, the House must recede or lose the bill. For his part, he would rather recede than lose the bill.

Mr. POLK: I am not prepared to say that I would. As to the point of order, he was satisfied that the motion which he had made was strictly in order. The position in which the House was placed might be undesirable, but, being so placed, he was prepared to act. He should abstain from any debate, unless it was forced upon him. He believed that the committee of conference would settle the question in the manner in which it ought be settled, and that it was due to the Senate and to ourselves to ask a conference.

The CHAIR stated that the motion was in order.

Mr. J. Q. ADAMS said that, according to the practice of Congress for the last thirty years, when either House announced to the other its adherence, there could be no conference. We must either recede, or adhere and lose the bill; and this practice, he contended, had its advantages. The chairman of the Committee of Ways and Means has intimated that if we now insist, and ask a conference, the question will be finally settled. I ask, sir, where the honorable chairman got his information? and I pause for a reply.

Mr. POLK replied that he had proposed the conference under the impression that the two Houses would ultimately agree; because, when the conferees came together, they would find the proposition of the House so reasonable that they would agree to it. He had not received any information as to the probable course of the Senate from any member of that body.

Mr. ADAMS thanked the gentleman for the information that his impressions were not derived from that source. Now, sir, said he, if the gentleman rests upon the reasonableness of his proposition, it is my impression that the Senate will not agree to it, and he was sure that they ought not. What would be the consequence? When we send a message to the Senate asking a conference, they will reject it. It will then go before the world as a quarrel between the two Houses, provoked by the Senate. He did not expect that the gentleman had this design in view, but the effect would be to put the two before the country in that attitude. The consequences of making such an impression on the public mind would, in his opinion, be more injurious than the loss of the bill. He hoped that we should give up our provision, or adhere, and let the bill go. It would be better to lose this bill, however urgent it may be, and to get up another in its place, after much inconvenience from the delay, than to put the two Houses before the nation in a quarrelling attitude. I say it is my impression that the Senate will reject the conference, but that impression has not been derived from conversation with any Senator. The provision introduced into the bill by the House he regarded as useless and insulting to the Senate, and the House, in his opinion, ought not to adhere to it. The honor of the House, and the peace and quiet of the nation, required that the House should recede. If the gentleman was so tenacious of the provision, let him bring forward a separate bill, and enact it as a general law.

Mr. FOOT said the decision of the Chair was correct as to the parliamentary rule; but the practice had not prevailed in this country. The Senate had adhered, in the first instance, without insisting; and the door to conference was, therefore, closed. The Senate, by adhering, had signified that there was something in the bill which was insulting to the dignity of their body, and that it was a subject for further consideration. The gentleman from Tennessee supposes that the Senate will recede, but the record of their proceeding in regard to the matter does not encourage the supposition. Look at the vote on the question—

The CHAIR interposed, and stated that it was not in order to refer to the vote of the Senate.

Mr. FOOT said the whole object of a conference at this stage of the proceedings was to put on record the reasons of the two Houses for adhering. Now, he had no reason to give for the course of this House, and he was not willing to put upon record that this House had denied to the Senate the exercise of a privilege which we claimed for ourselves.

Mr. EVERETT, of Massachusetts, asked whether the Chair was of opinion that the motion of the gentleman from Tennessee was in order.

The CHAIR replied, Certainly. In the British Parliament it was once the usage not to confer after adherence, but that rule had been changed, and it was the practice to ask a conference after an adherence by both Houses. The practice here had been different. After an adherence by both Houses, it had never been the usage to ask a conference. But when one House mounted up at once to an adherence, and the other did not, the other could ask a conference. This last course was taken in two prominent instances—in regard to the Missouri restriction bill, and the judiciary bill, as he showed by reference to the journals. It was for the House now to adhere, (in which case, there could be no conference;) or to recede; or to insist, and ask a conference.

Mr. EVERETT, after some remarks upon the decision of the Chair, remarked that he had understood the gentleman from Tennessee to say that he had no doubt the Senate would give way.

Mr. POLK explained. He had no doubt that, in a conference, the two Houses would agree, and he would give a reason for that opinion. The provision would be so modified us to impose no further restriction upon the Senate than upon this House. This was the only mode of ascertaining whether the two Houses could agree without bringing forward a new bill. He asked the conference in order to avoid the adherence, and the consequent loss of the bill.

Mr. EVERETT understood, he said, that it was now admitted that the clause in question was copied by inadvertence from the bill of last session, and that the provision was of one year's standing alone. He had repeatedly stated to the House, during the progress of this bill, that the provision had not been inserted in any former bill, except that of the last year. But it was insisted upon that it had been a standing provision for four years. But he objected to any limitation of the contingent fund in this way. Let this bill fall, and some other way can be provided by which the members may receive their pay and mileage. If the two Houses must quarrel, let it be on some more important point than this.

Mr. SUTHERLAND made some remarks on the point of order.

Mr. McKENNAN said that he was opposed to the proposition of the gentleman from Tennessee, [Mr. POLK,] for the same reasons for which he resisted and voted against the restriction originally inserted by the House in the bill. He was opposed to it because he considered the restriction as casting an imputation upon the integrity of the House itself, as well as offering an insult to the coordinate branch of the Legislature. He asked what are the provisions of the bill? It appropriates about $150,000 as a contingent fund to defray the expenses of the House, and he, for one, was willing to believe that there was no danger of the majority of the House making an extravagant or wasteful expenditure of this sum placed at their disposal. He, for one, had confidence in the integrity of a majority of the House, and did not believe that they would apply the money to any other than proper objects. The proposed restriction contained a palpable acknowledgment that we are afraid to trust ourselves. He said he was not willing to sanction such an acknowledgment. He was not for tying up the hands of the House in the disposition of the fund, believing that there was no danger of a misapplication of the money. If there should be a map, or chart, or any other work, which the majority of the House should think absolutely necessary to be spread before their constituents for their information, or to enable themselves to discharge their duties in an enlightened and satisfactory manner, he was utterly opposed to being compelled to knock at the door of the Senate, (which would be the effect of the proposed restriction,) and ask their permission whether we should direct the publication, or purchase the work, which we have deemed so important. We are competent to judge for ourselves; and, he said, he could not submit to the doctrine that we must go to the Senate and ask them to what objects we shall appropriate the contingent fund of the House, without entering his protest against it.

And whilst the proposed restriction cast a reflection upon the House, it at the same time was a direct insult offered to the Senate. It contained a provision for the payment of books already contracted for by the House, but made no appropriation for discharging the debt contracted by the Senate for books already purchased by that body. It thus made an invidious distinction between the two branches of the Legislature. But, further; whilst he had confidence in the integrity and discretion of the House, courtesy and justice demanded that we should not refuse to extend the same confidence to the members of the co-ordinate branch of the Legislature. The bill appropriated about $38,000 for defraying the contingent expenses of that body, and he was willing to believe that they would expend it judiciously, and was not for saying that they should come to the House, and ask us to what objects they should apply it. We were bound to believe that they would be faithful and discreet in its disbursement. The proposed restriction by this House refused to accord to them that fidelity and discretion, and he was not surprised that they considered themselves insulted by the course adopted by the House. He believed that this obnoxious clause had been inserted by the House without due and proper reflection; it was a small business at best, and he hoped the House would recede, and permit the bill to be passed, which contained appropriations for the officers of the Government, and others, some of whom were in great need of the money.

Mr. EVERETT, of Vermont, considered it almost a loss of time to continue debating on a trifling amount concerning the contingent expenses of the House, rather than attend to the more important amounts embraced in the general appropriations.

In answer to a question—

Mr. POLK said that the proposed committee of conference would be empowered either to agree in whole or in part with the Senate, or to reject, if they pleased. Or they would be empowered to substitute another clause or amendment, as might be agreed on by the conferees of both Houses, and then ask the concurrence of their respective bodies. He considered it better thus to submit the views of either House, to avoid the collision of both. He again explained the tendency of the obnoxious clause—that it was to confine the compensation for any books which may be ordered to appropriations for the objects specified, not to have them paid for from the contingent funds; and to prevent either House from making appropriations without the concurrence of the other, as by the constitution established. The same principle contained in the restrictive clause has been consecutively adopted by both Houses during the last four years, and maintained, with but one exception, in the case of a book ordered by the House. He had not the slightest intention by his motion to offer an insult to the Senate; nor was it in the contemplation of the House to distrust themselves. The motion was in the parliamentary course of proceedings, and was meant to adjust difference rather than agitate dissension. A conference being granted can do no harm, and it may effect much good.

Mr. BARRINGER inquired of the Speaker what would be the result if the conference were granted by both Houses, and that no agreement resulted. Would there be an alternative on the part of the House to recede, or would the bill lie on the table of the Senate and be lost?

The SPEAKER said that the clause of adhering, not insisting, being connected with that for the conference, would have the effect of placing the bill on the table of the Senate, in case of refusal to compromise.

Mr. BARRINGER considered it better to insist and retain the bill, rather than adhere, and have it lost in case of refusal.

Mr. BOULDIN said he had voted for the proviso in debate, when it was originally proposed in the bill of appropriation for contingent expenses, because he expected it would limit the range of expenditure under the head of general appropriation. But finding that, instead of so limiting, it had the effect of actually enlarging those expenses and appropriations—because all not specifically prohibited are supposed to be countenanced; and the prohibition being only on the purchase of books, every thing analogous to books is supposed to be included in the general appropriation for contingent expenses—he

would therefore now reverse his vote; acting on the same principle as that which induced him originally to support the proviso. Every expense not embraced in the particular interdiction is countenanced; and therefore may adroitly be foisted into the contingent expenses. The bill was originally made on the spur of the moment, and therefore more obnoxious to error; for he remembered that Lord Coke has distinctly asserted that few good laws are ever made on the spur or excitement of the occasion. The proviso of the present bill is a proof of his assertion.

Mr. BROWN addressed a few words to the House, which were inaudible in the reporters' seat.

Mr. POLK was willing to modify his resolution so as to obtain only the committee of conference, without the clause insisting on the disagreement.

Mr. FOSTER considered that the House should have a respect for itself as well as for the Senate; and that they should have a laudable jealousy for the expenditure of the public money. The members of the House are the representatives of the people, and from them should all appropriations emanate. It was therefore the duty of the Senate to request the conference after the House had so unequivocally disagreed to the amendment on an appropriation bill; to receive it as proposed by the House, or to reject it *in toto*—not, certainly, to send it back with a message that they had adhered to their own amendment. He would prefer that the bill should be lost, rather than the dignity of the House should be lost. The Senate is not responsible to the country for the appropriations made; courtesy might therefore have prevented them from making an amendment—at least from adhering to an amendment—which met the disapprobation of that House, whose duty and right it more immediately is to control the expenses of the nation. He was reluctant to surrender the principle contained in the proviso; and rather than have it lost, he desired to have the whole bill lost, and that the responsibility should then rest on the other House. In a similar discussion in that House, he had asserted that the contingent fund ought to be more properly designated the convenient fund; and this he now repeated: for it was too well known that it was generally used as a matter of convenience, and that a dash of the pen often could draw on it for $30,000. He hoped the House would be mindful of its own privileges and rights, as well as regardful of the liberties and taxes of the people, not to concede the proviso; and he trusted that the gentleman from Tennessee would not withdraw his motion insisting on the disagreement, if he did not withdraw that demanding a conference.

Mr. FOOT asked if it would be in order to make a motion to recede from the disagreement of the House.

The SPEAKER said that such a motion was in order; and that it would have the precedence of that before the House.

Mr. BELL, of Tennessee, said, that although they should not be over sensitive of the votes of the other House, yet that members should be disposed to pay the Senate proper respect. When he had voted for the clause originally, and for the motion of disagreement, he was unconscious that the proviso made any distinction whatever between the restriction on appropriations being made by either House. Yet there is really a manifest difference; although such a distinction was not intended by the House, nor by those from whom the bill had originated. There was a reservation of funds as appropriations for books, &c. ordered by this House, which was denied to the other. He did not, therefore, wonder that the Senate, finding such an invidious distinction, had made the amendment, and afterwards sent back the bill with the message, proceeding at once to adhere, before it insisted on its amendment, from the distinction so obviously wade in favor of this House. He therefore considered it better that a conference should be granted, to rectify the proviso.

In answer to a question from the SPEAKER,

Mr. POLK said that he would not withdraw the clause of his motion which insisted on the disagreement from the amendment of the Senate.

Mr. GAMBLE said that he was not aware, in voting for the proviso, that it did not place both Houses on the same footing, or that it imposed any distinctive restrictions on the Senate which they had not imposed on themselves. He was, indeed, reluctant that any should possess a discretionary power over the contingent fund, but he desired that every anticipated expense should have its due appropriation provided in time. He regretted being often obliged to vote in the dark, or not at all, from the noise too often prevailing in the House, which prevented him and many others from not understanding the provisoes of bills, and often from not understanding even their objects, so that the members are sometimes obliged to trust to the fidelity of the movers, or to promenade about.

Mr. FOOT now moved that the House should recede from its former resolution of disagreement.

Mr. FILLMORE had voted for the proviso, but was not aware that any preference had been given to either House.

Mr. POLK explained. When the proviso was originally proposed, as it had been usually adopted in former years, he was unconscious that any distinction existed in the restrictive clause; and when he was apprized of the distinction, that no payment should be made of books except ordered by the House, instead of being ordered by both Houses, at the time the bill was returned amended by the Senate, he was anxious to alter the clause, so as to obviate the distinction, when he was informed by the Speaker that such an amendment by the House would not then be in order. It had passed unobserved through the last Congress, and it was foreign from his mind to have made any distinction whatever between either House. At present, therefore, he considered it the best mode to insist on the proviso, and ask a conference, so as to retain the bill in possession of the House, rather than adhere to the disagreement and ask a conference, which, if ineffectual to a compromise, must necessarily lose the bill altogether.

Mr. J. Q. ADAMS read extracts from a work on the routine of business in the British Parliament, relative to the results in the different stages of disagreement between both Houses, in insisting and adhering to their original motions, and asking a conference; which appeared to be at variance with the statement made by the Speaker.

The SPEAKER then maintained his own views, verifying it by the practice of Congress in its action on the judiciary bill; and by this practice he considered himself bound, although his own private opinion was in coincidence with that of the parliamentary routine read by the gentleman from Massachusetts, and had been so expressed on the judiciary bill referred to at the time of his predecessor in the Chair. But, finding that a different practice had prevailed, he saw no adequate reason to deviate from it. There are three stages in the procedure—asking, insisting, and adhering. If the House insist and ask the conference, it can retain the bill in its possession, provided the conferees of the other House do agree to a compromise; but if it adheres, when it asks the conference, it must lose the bill, if there be no agreement between the compromisers; particularly as the Senate have in this instance advanced at once to adhere, without adopting the intermediate step to insist.

In answer to a question from Mr. WILDE,

The SPEAKER said that the privileged question of a motion to recede had certainly the preference over the motion by the gentleman from Tennessee, but that an amendment on it would have the precedence over itself.

A dispute then ensued between the SPEAKER and Mr. WILDE, concerning the result of a motion to recede being carried. The Speaker considered that if the House

understood, by its motion to recede, that it was to recede from its disagreement, and give its assent to the amendment of the Senate, there could be no doubt as to the result; nor would it be necessary to have a consequent motion of acquiescence.

The question recurring to the motion submitted by Mr. FOOT, viz: that the House recede from its disagreement to the amendment of the Senate.

Mr. S. JONES inquired, if a Committee of Conference should be appointed, could they propose any amendment to the House?

The SPEAKER having replied in the affirmative—

Mr. A. MANN said, that as it appeared that if the motion to recede prevailed, it was giving up the clause in the bill inserted by a large majority of the House, he could not agree to this. Not that he felt inclined to have any difference with the Senate upon points merely formal in themselves; but he thought it was only right and proper such a clause should be in the bill, and he would have supposed that neither House should desire to have a fund of this large description to be disposed of at its sole will and pleasure. He wished a conference, by whom an amendment could be proposed, that would put both Houses on the same footing.

Mr. WARDWELL called for the yeas and nays, which were ordered accordingly by the House.

Mr. McDUFFIE rose to remark, that when the precedent was first established which was now sought to be followed out, the clause to restrict the Senate as to the purchase of books was to meet a particular case, and to prevent the Senate then from doing what the House were not disposed to ratify; but as he concurred in the sentiment expressed by the gentleman from Virginia, [Mr. BOULDIN,] "that laws made for a particular object were seldom wise," he hoped the motion to recede would be carried.

Mr. S. JONES desired to have the subject sent to a conference, and that the word "either" would be substituted in the bill for "the" House; by which alteration the Senate could perceive that no restraints were put on them which the House did not impose on themselves.

Mr. SCHLEY defended the clause, and justified his voting for it in the first instance, on the ground that the House could not be supposed to know any thing of the contracts made by the Senate, and thought the House had a right to act for themselves.

The question on the motion of Mr. FOOT was then put, and decided in the negative:

YEAS.—Messrs. John Quincy Adams, Heman Allen, Chilton Allan, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Baylies, Beaty, James M. Bell, Binney, Bouldin, Briggs, Burges, Cage, Chambers, Chilton, Choate, William Clark, Corwin, Coulter, Crane, Crockett, Darlington, Davis, Deberry, Deming, Denny, Dennis, Dickson, Evans, Edward Everett, H. Everett, Ewing, Fillmore, Foot, Fulton, Gamble, Gholson, Gorham, Grayson, Grennell, Hiland Hall, Hard, Hardin, Hazletine, Hiester, Howell, Jabez W. Huntington, W. C. Johnson, King, Laporte, Lawrence, Lay, Lewis, Love, Martindale, Marshall, McDuffie, McKennan, Milligan, Moore, Murphy, Parker, Pinckney, Potts, Reed, W. B. Shepard, W. Slade, C. Slade, Sloane, Spangler, Tompkins, Tweedy, Vance, Vinton, Watmough, Webster, E. D. White, Frederick Whittlesey, Elisha Whittlesey, Williams, Wilson, Wise, Young.—87.

NAYS.—Messrs. John Adams, John J. Allen, William Allen, Archer, Beale, Bean, Beardsley, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bull, Bunch, Burns, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Claiborne, S. Clark, Clay, Clayton, Clowney, Coffee, Connor, Cramer, Amos Davis, Davenport, Day, Philemon Dickerson, David W. Dickinson, Duncan, Dunlap, Felder, Forrester, Foster, Fowler, Philo C. Fuller, William K. Fuller, Galbraith, Gillet, Gilmer, Gordon, Graham, Griffin, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Joseph M. Harper, James Harper, Harrison, Hathaway, Hawkins, Heath, Henderson, Hubbard, A. Huntington, Inge, Jarvis, R. M. Johnson, N. Johnson, C. Johnson, S. Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Leavitt, Loyall, Lyon, Lytle, Abijah Mann, Mardis, John Y. Mason, Moses Mason, McComas, McIntire, McKay, McKim, McVean; Miller, R. Mitchell, Muhlenberg, Osgood, Page, Parks, Patton, Patterson, Dutee J. Pearce, Franklin Pierce, Pierson, Plummer, Polk, Pope, Ramsay, Rencher, Schenck, Schley, Selden, A. H. Shepperd, Shinn, Smith, Speight, Standifer, Stoddert, William Taylor, William P. Taylor, Francis Thomas, John Thompson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Whallon, C. P. White.—127.

And the question then being on the motion submitted by Mr. POLK—

Mr. CLAY said, that as there was some coloring or justification for the Senate; and as he wished, if the House were to have a quarrel with the Senate, that it should be just, he would suggest to the gentleman from Tennessee [Mr. POLK] to modify his motion, so as to remove the difficulty; after which, if the Senate should not be satisfied, he, for one, was prepared, with the gentleman from Georgia, to say, let the bill be lost.

Mr. FILLMORE said, if it was not modified, he would call for a division of the question.

Mr. POLK declined modifying, as, on reflection, he was convinced they would have, hereafter, sufficient control upon the bill to enable the House to act on it as they might wish.

The question on the motion being divided, it was put on the first part, viz: that the House insist on the disagreement, &c., and lost.

And the second part, viz: that the House request a conference; and it was carried in the affirmative; upon which a committee of five were named to act as conferees.

BALTIMORE AND WASHINGTON RAILROAD.

Some debate arose on the proper disposition to be given to the bill from the Senate further to continue in force "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio Railroad into and within the District of Columbia," now on the table of the House.

Mr. CHINN stated, that he had been instructed to move that the bill be recommitted to the Committee on the District of Columbia. It was a bill in which the people of the District had a direct and near concern, and the subject certainly pertained of right to their own committee.

Mr. McKIM explained. The bill merely proposed a revival of a former law, which had expired by its own limitation. The company had obtained a new law from the Legislature of Maryland, and they now wished concurrent legislation from Congress. That Legislature had granted $500,000 towards the construction of the road, and they had therefore added fifty cents per passenger to the rates before proposed, by way of compensation for this aid. He had no objection that the bill should go to the District Committee, although he did not see how the people of the District could expect to get any portion of the toll for a road, so small a part of which passed through the District; unless, indeed, they would, like Maryland, subscribe a part of the capital to make the road.

Mr. CHINN only insisted that the people of the District should have an opportunity of being heard.

Mr. VINTON had no objection to the recommitment of the bill, but opposed its going to the District Committee, inasmuch as it belonged, manifestly, to the Committee on Roads and Canals. He had no idea of the District Committee taking it out of the hands of the committee to

which it had been appropriately referred. As well might a bill for a road through Michigan be sent to the Committee on Territories. This was not an affair of this District merely, or mainly; this road was part of the great line of communication from Boston to New Orleans, and, as such, was under the jurisdiction of the Committee on Roads and Canals.

Mr. STODDERT said he would enter into no comparison or contest as to the relative dignity of different committees of the House; but, as one of the representatives from Maryland, he was anxious to avoid all collision of jurisdiction. The road had been authorized by the Legislature of Maryland, but its completion required the legislation of Congress, as the local Legislature of the District. The District had none other; and the place where its interests were to be presented was the District Committee of that House. That committee had no desire to frustrate the undertaking; far from it; and he, though deeply interested in all that concerned the prosperity of his own State, thought there was weight in the reason why the bill ought to go to the Committee on the District. The people of his own district were also deeply concerned in the provisions of this bill. The road passed directly through his district. There was also a turnpike road, the stock of which was partly held in Baltimore, and partly in Washington, which was likely, if not suitably protected, to be ruined by this railroad. He wished both sides of the question to be fully considered.

Mr. VINTON moved that the bill be recommitted to the Committee on Roads and Canals.

After some further conversation, the bill was sent to the Committee on the District of Columbia.

INDIAN APPROPRIATION BILL.

Mr. EVERETT, of Vermont, by instruction of the Committee on Indian Affairs, moved that the Indian appropriation bill, which had been reported from the Committee of Ways and Means, be committed to the committee of which he was a member, in order that the committee might have an opportunity to examine whether some of the officers, sub-agents, &c., for whom compensation was proposed by the bill, were or were not sanctioned by law. The committee apprehended that they were not; but wished time to examine more fully. That was a question which properly belonged, not to the Committee of Ways and Means, but to that on Indian Affairs.

Mr. POLK, the chairman of the Committee of Ways and Means, not being in the House, the consideration of the bill was, on motion of Mr. CLAY, postponed until to-morrow.

PENSION BILL.

The pension bill coming up next, the contest on the case of Colonel Combs was renewed; Mr. CLAY opposing, Messrs. HARDIN and EVANS advocating the claim: and Mr. ELLSWORTH holding that the claimant ought first to have gone to the War Department. Like the former debate, this was of an animated character; but, before any question was taken, the bill was laid over till Friday.

And then, (at near 4 o'clock,) the House adjourned.

THURSDAY, JANUARY 23.

EXTENSION OF THE PENSION LAWS.

Mr. CHILTON'S resolutions respecting the extension of the pension laws coming up again as the unfinished business for the morning—

Mr. LANE rose and said, that, should any apology be considered necessary for trespassing upon the time of the House and the patience of its members, in considering the principles involved in the resolution, that apology would be found in the importance given to the subject by the people whom he had the honor, in part, to represent.

For the few patriots affected by this resolution, who yet linger among us, there is but one feeling and but one opinion. We entertain a lively and respectful recollection of their services, and a strong desire to relieve their wants by a nation's gratitude.

This being the object of the resolution, it was expected that it would be permitted to take the usual course, unobstructed by amendments, and unopposed by objections. This we had a right to anticipate, from respect to the wishes of the western people, and to the persons sought to be relieved, if not as a matter of courtesy to the western delegation.

Such has not been the good fortune of the resolution. On the contrary, it has been resisted at the threshold. An attempt is made, not only to alter its character entirely, and prevent all inquiry, but to dash from the statute book the pension laws—from the pension list the names of all the wounded and war-worn soldiers of the revolution, and to stamp the National Legislature with folly, and the republic with ingratitude.

All this is sought to be done upon the extraordinary discovery made by the honorable gentleman from Virginia, [Mr. BOULDIN,] that the practice of nations to reward individuals for perilous and important services to the public is founded in a principle immoral, corrupt, and corrupting.

The honorable gentleman from North Carolina [Mr. WILLIAMS] has urged an objection of a very different complexion: That the resolution sought to place the soldiers of the West, for services performed since the revolution, on an equality with those of the revolution, whom he had supposed a distinct class, more elevated and meritorious than any others.

The gentleman from Rhode Island has urged other objections, equally extraordinary, and infinitely more novel: That pensions have been granted to officers and soldiers of the revolution, not as a mark of national gratitude, not as a reward for eminent services, but in the character of arrearages of pay, upon a close calculation of dollars and cents, showing the exact difference between the payments received in a depreciated and a sound currency. That, if any such war as has been spoken of by western gentlemen ever existed, it was a private, not a public war. That, if any claim existed, it was upon individual, not national gratitude. That they had been paid in the acquisition of land for themselves and children. That it was uncertain whether the white man or the Indian was the aggressor. That it could not be known whether they fought for defence or private revenge. That they were not enlisted, draughted, or regularly entered into the public service.

The honorable gentleman from South Carolina, to whom he had heretofore listened with pleasure, has still graver objections—objections which, if correct, would render the resolution fearfully dangerous. He declares all pension laws unequal, and therefore unjust. That they are calculated to substitute indolence for industry and enterprise. That they swell the patronage of the Government, and tend to demoralize the people, and this at the expense of the South.

These, Mr. Speaker, (continued Mr. L.,) are substantially, if not literally, the objections urged against the original resolution, and in favor of the amendment. That they proceed from opinions honestly entertained, I have no doubt. I will go farther, and concede the point, that, if any portion of these objections be well taken, the resolution ought not to pass. On the contrary, if met and answered, a large majority may be expected to support it.

For that purpose, (said Mr. L.,) I throw myself upon the indulgence of this House, and respectfully request the kind attention of its members while I briefly examine the several objections. Those which asserted the corrupting tendency of the pension system upon the individual pensioners, he first considered. That such was

the effect, will not be admitted by those who consider that these pensioners are from seventy to ninety years of age before the aid of the Government is extended to them. Are such men to be corrupted by a comfortable provision in their declining years? Are their habits to be demoralized by receiving a merited reward for their services? Such men are too old to learn new vices, even if they were as morally degraded as the gentleman's objection seems to imply. But this implication is inapplicable and unjust. The high character of the great body of those proposed to be relieved renders it unnecessary to answer the objection. The eminent services of their earlier years, and their old age, given only to good habits, are certain safeguards against corruption, even if such an effect were seriously apprehended.

The same answer (continued Mr. L.) may be given to the charge, that the pension system tends to substitute indolence for industry and enterprise, and to make pensioners a burden on society. What energy or enterprise can be expected from men of eighty? What indolence fostered?

Is energy checked, and indolence nourished, by rewarding services which required the highest degree of active exertions? Will the provision for their declining years render them a burden to society? Without it, many might indeed be thrown upon the charity of the community, and be forced to the wretched necessity of begging alms from door to door. It is the usage of all nations to reward those who peril their lives in the service of their country, either by civil honors or pecuniary compensations. Yet he would not rest wholly on precedent and practice, which are often at variance with correct principles of action. The wars of other nations are generally caused by the passions or interests of those who have the direction of the Government. The caprice of a single ruler has been too often the cause of national ruin. The people might well object to pension the hirelings who had been the willing tools of such a ruler. But our wars have been of a very different character. They have been deemed necessary by the people either to acquire their independence, or to secure its enjoyment. The people themselves dictate the war, and come forward to carry it on. The services were performed for the public, and have a far higher value, because they secure far more important rights, than the military services in any other country. Petty rivalry, ambition of conquest, the desire to set up or pull down a particular dynasty, or motives still more paltry, are the usual causes of ordinary wars. But, with us, our liberties, our republican existence, or sheer self-defence, are the only sufficient causes of war. To the public the service has been rendered, and by the public it should be rewarded. The same good faith of moral obligation binds the Government and the individual: if service is done, to repay; if a benefit is secured or obtained, to be grateful to him whose exertions have effected it. The same principle is binding on all. The only proper difference of opinion is as to the manner in which it shall be applied.

Fortunately, the laws already made furnish a plain and excellent rule to direct us in the application. The invalid pensioners are provided for in the first instance, and the compensation given is proportioned to the amount of disability to others, who served during the same period, until old age had disabled them from supplying their own wants; and then it is that the debt owed by the public may be paid with benefit to the veteran survivors, and with honor to the Government.

This (Mr. L. said) he believed to be the true principle of our pension system. By accident or design, the several laws made, and proposed to be made, fixed forty years as the time which should elapse after the service was performed before the pension was granted.

This principle was applicable alike to the soldiers of the West and the soldiers of the revolution. In a few months it will be forty years since the last services were performed, for which compensation is claimed by this resolution. And I hope it will be as cheerfully granted. As to the objection that revolutionary pensions are granted as arrearages of pay—as difference between payments made in a depreciated and a sound currency—a moment's consideration proves its utter inapplicability.

By the law, those who served two years are on a par with those who served seven, and receive equal amounts. The man who dies before the pension law passes, receives nothing. He who dies in one year, receives one-tenth as much as he who lives ten years.

The nice calculations of the gentleman from Rhode Island would show that the compensation should be equal to all; for, surely, the dying a few days earlier or later cannot alter the so-much-talked-of difference between a depreciated and a sound currency. It is obvious that the fancied rule of the gentleman has no application. The true principle, unquestionably, is that which has been stated. The same principle runs throughout all our pension laws, and applies to invalid pensioners, and to those whom age has disabled from exertion. The provision is proportioned, in every class of pensioners, to his inability to supply his wants. When forty years have elapsed, Government kindly steps in to supply the place of those energies which were exerted and exhausted in its service. The time has now come to apply this principle to those who fought in the Indian wars, previous to the treaty of Greenville, in 1794.

But gentlemen say that we exhaust the treasury; that we tax the South to sustain the pensioners. The number of revolutionary pensioners is, at the highest, 35,000. One-half of these will in ten years be no more; three-fourths in fifteen years, and in twenty years all will probably have died.

Those now claiming will not amount to more than fifteen hundred, and their number will rapidly diminish. The whole amount of expenditure for pensions will be increased during the first year after the proposed law passes, but will thenceforward rapidly decline; and, before the period shall arrive for applying the same principle to the soldiers of the last war, the pension list will contain the names of no revolutionary pensioners.

It has been said by the gentleman from Rhode Island, [Mr. BURGES,] that these Indian wars were private, not public. I must confess my inability to comprehend this distinction. If regular levies, constant hostilities, alternate defeats and successes, large numbers killed, and great advantages secured by a definite treaty of peace, be distinctive marks of public wars, these were public. Will the gentleman say that the campaigns of Harmar, St. Clair, and Wayne, were the incursions of a private war?

Mr. L. said he had listened with great regret to the remarks made by the honorable gentleman from Kentucky, [Mr. HARDIN,] as to the conduct of General St. Clair at Ticonderoga, and in his western campaign. The misapprehension of his character and conduct was so general, that he begged to place it fairly before the public.

On no man has the ingratitude of his country fallen so heavily and so unjustly. The revolution found him wealthy, and with every prospect of advancement that his aristocratic connexions and individual abilities could present.

He embraced the cause of his country, cast off the ties which bound him to his mother country, and placed his property and himself at the disposal of the new Government. Throughout the revolution, distinguished for his abilities, but still more for the chivalric purity of his character, he was the intimate friend of Washington, and his house was the home of Lafayette. As president of Congress, as Governor of the Western Territory, with powers and responsibilities almost unlimited, he was still the same

chivalric and capable officer. Well may it be said of him, that his misfortunes were his only faults; them alone it is necessary to explain, and heavy is the debt that public opinion owes to his memory.

The evacuation of Ticonderoga was wakened into a fault by his subsequent defeat at the West. In the long interval, he had received the strongest proofs of public confidence. It is true that the evacuation of the works was condemned in the general opinion. The public are too ready to impute calamities to the malconduct of individuals, when, in truth, the cause is found in their failure to furnish the proper means.

The defence of Ticonderoga was impossible with the force under General St. Clair. The evacuation saved the garrison, and enabled them to join the main army, and thereby secured the surrender of Burgoyne. Mr. L. then read the following extracts from Wilkinson's Memoirs; p. 199.

Extract from a letter dated Mape's Creek, July 28, 1777.

"Believe me, sir, if virtue or justice have existence, the man (General St. Clair) who stands condemned for retreating from Ticonderoga will ere long be thanked for the salvation of 3,000 men, who, instead of being in captivity, are now opposing the enemy."

Again, page 216, General Wilkinson says:

"I shall ever believe that General St. Clair, by the abandonment of Ticonderoga, laid the foundation of our good fortune in the convention at Saratoga."

The court-martial which inquired into the conduct of General St. Clair, and of which Major General Lincoln was president, found as follows:

"That, having duly considered the charges preferred against Major General St. Clair, (in reference to the evacuation of Ticonderoga,) and the evidence, are unanimously of opinion that he is not guilty of either or any of them, and do unanimously acquit him of all and every of them, with the highest honor.

B. LINCOLN, *President, and Major General.*

Mr. L. read extracts from Marshall's Life of Washington, corroborating the correctness of General St. Clair's conduct, and giving the reasons for the act, showing that it was unavoidable, was done with the approbation of a council of war, and was productive of the happiest consequences.

Mr. L. quoted extracts to the same effect from Ramsay's History: "Subsequent events clearly proved the wisdom and propriety of the retreat from Ticonderoga." Vol. 2, p. 35.

Mr. L. remarked, that all concurrent testimony clearly showed that this was an act characterized by General St. Clair's usual sagacity, and one which entitled him to gratitude, not censure.

The other misfortune, which has blighted a long life of useful and eminent service, and withered, in the public estimation, a reputation more nearly allied in purity, ability, and common achievements, with those of Washington and Lafayette, than that of any other man, has been equally misrepresented—equally misunderstood. Mr. L. said he would not detain the House by an examination of the circumstances connected with St. Clair's defeat. It need only be remembered that he was stricken in years; that public opinion inconsiderately and most unjustly decided against him; that the then Secretary of War, to whose misconduct the defeat was mainly owing, endeavored to cast the whole blame on General St. Clair. The examination was made by a committee of this House, and at its head was Giles, one of Virginia's most distinguished sons. After a full and careful investigation, that committee made the report which I hold in my hand. The Secetary of War, on whom the blame was, by this report, justly thrown, obtained a re-examination; the result of which was alike complimentary to General St. Clair, and condemnatory of himself.

Mr. L. then read the following extract from the report of a committee, made on the 8th of May, 1792, on the causes of the failure of the expedition under Major General St. Clair:

"From the foregoing state of facts, the committee suggest the following, as the principal causes, in their opinion, of the failure of the late expedition under Major General St. Clair:

"The delay in furnishing the materials and estimates for, and in passing the act for the protection of the frontiers; the time after the passing of which was hardly sufficient to complete and discipline an army for such an expedition, during the summer months of the same year.

"The delays consequent upon the gross and various mismanagements and neglects in the quartermaster's and contractor's departments; the lateness of the season at which the expedition was undertaken; the green forage having been previously destroyed by the frost, so that a sufficiency of subsistence for the horses necessary for the army could not be procured.

"The want of discipline and experience in the troops.

"The committee conceive it but justice to the commander-in-chief to say, that, in their opinion, the failure of the late expedition can, in no respect, be imputed to his conduct, either at any time before, or during the action; but that, as his conduct in all the preparatory arrangements was marked with peculiar ability and zeal, so his conduct during the action furnished strong testimony of his coolness and intrepidity.

"The committee suggest, as reasons for leaving the numbers of troops at particular periods, and the dates of some facts, blank, the want of sufficient time to complete the report with minuteness, and, in some instances, the want of the necessary evidence."

"7th November, 1792—committed to a Committee of the Whole House on Wednesday next. 14th November, 1792—Committee of the Whole House discharged, and report recommitted to a select committee. 15th February, 1793—amendatory report made, stronger in its character, and more highly complimentary to General St. Clair."

The history of General St. Clair is a humiliating lesson of injustice and ingratitude. One of the ablest and best of all our public men; his services important and long continued; his character above suspicion; his fortune and his life spent in the public service—and all this could only procure him contemptuous disregard of just claims while he lived, and the mockery of scorn after a death in indigence and sorrow had relieved him from the weight of a nation's ingratitude.

Mr. L. said he was sure that the honorable gentleman from Kentucky [Mr. HARDIN] was not aware of these facts. He felt sure that had that gentleman known, as he knew, the descendants of that distinguished man, respect for them would have prevented him from wounding his memory. General St. Clair, unfortunate in all things else, has the rare merit of being truly represented in integrity and ability by his posterity. To them this country owes a heavy debt of reparation. But there is in my eye an honorable gentleman, [Mr. DENNY, of Pennsylvania,] who can far better than myself tell the tale of injustice and ingratitude.

Mr. L. then proceeded to answer the objection that the law proposed, and pension laws generally, conferred benefits on the worthless. This, he said, was an abuse in the administration of the public bounty, and required to be vigilantly guarded against. But the perjury of a few impostors should not be allowed to militate against the legitimacy of the provision. It should not be allowed to deprive the really deserving of the recompense to which they were fairly entitled. Such an argument will

apply to every possible law. Yet, surely, the fear of abuse is not a sufficient argument against an equitable law.

[Here the hour allotted to morning business having expired, Mr. L.'s remarks were suspended. The same subject coming up again next day, Mr. L. resumed and concluded what he had to say, as follows:]

Mr. L. said that, in conclusion of his yesterday's remarks, he begged leave to say that he was not a little surprised at the quarter from which proceeds the opposition to this resolution. Have the constituents of the gentlemen from the East and South reaped no advantages from the services proposed to be remunerated? Have they enjoyed no benefits from the pension system? Who have found homes in the great valley which was the theatre and the prize of the contest? They are emigrants from the East and South, and who, while enjoying all the advantages which their position and their enterprise have secured to them, will gladly yield aid to the few old men yet living of those whose exertions won the country from its savage possessors.

It is said they should not be classed with the soldiers of the revolution. It is unnecessary to institute a comparison, if they be found to have sufficient claims upon the national gratitude. If pensions were granted, as the gentleman from Rhode Island avers they are, solely on balances proved by accurate comparison of debits and credits, and should he, on this basis, adjust the balances due those whom the resolution proposes to compensate, the treasury of the United States could not pay the debt.

The whole West, with its millions of acres of improved land, its invaluable channels of commerce, its profitable produce, and acquired wealth, is on the one hand; and on the other, a few decrepit veterans, whose youth and manhood were passed in the wilderness, in daily contest and hourly privation.

But, says the gentleman, [Mr. Burges,] they were not regularly enlisted and draughted. Those who lived in the West thirty years ago will smile at this objection. I would refer the gentleman to my honorable colleague, [Mr. Boon,] who will tell him that the pioneer of the West, Colonel Boon, whose name has been immortalized by the greatest poet of the age, spent his life in incessant contest; and, strange as it may seem to the well-drilled notions of the gentleman from Rhode Island, never was enlisted in the service.

We of the West have been weak enough to suppose that we might be permitted to defend our homes and our families, to serve our country, and aid each other, without a regular enlistment. We have carried our weakness still further, and thought that, if privations were endured, and dangers encountered, it took nothing from our merit that we might have slunk away without the risk of being shot for desertion.

But these objections carry their answer upon their face.

Mr. L. proceeded to say that he begged leave to add a few words to what he said yesterday in reference to the objection that the provision would occasion a large draft upon the treasury.

Under the act of 18th March, 1818, eleven thousand and thirty-four revolutionary soldiers were placed on the pension list.

Under the act of 7th June, 1832, twenty-three thousand three hundred and forty-eight have been enrolled, including one hundred and seventy-seven who relinquished old pensions and came in under this act. The claims not yet decided will swell this number to twenty-five thousand.

The whole number of pensioners may be estimated at thirty-five thousand.

An examination and comparison of the several censuses of our population show, that of a class of men between twenty and forty-five years of age, seven-eighths will die in forty years; one-half of the remainder will die in the ten years ensuing; one-half of this remainder in the succeeding five years; and five years more, making the full period of sixty years, will remove them all.

Forty years has been fixed by custom as the period which shall elapse after the service is performed, before the pension is granted. One-eighth of those who served alone survive, and they rapidly drop off in the ratio stated.

The number whom the proposed law will place on the pension list will not exceed fifteen hundred. This will more than supply the vacancies caused by deaths of revolutionary pensioners during the first year after the passage of the law. In the succeeding year it will be reduced to nearly its present number; and, subsequently, the diminutions will go on rapidly, until, in twenty years, our pension list will be clear from all, save the invalid pensioners of the last war.

From this view, it appears that this dreaded draft upon the treasury amounts to a few thousand dollars during a single year.

Supposing the same principle applied to the soldiers of the last war, (as in justice it must be,) not more than ten thousand will survive to receive the benefits, and these will not come upon the pension list until death has stricken off all the old pensioners. This fearful draft upon the treasury is, therefore, only in the gentleman's imagination. The expense under the head of pensions is, with the slight exception noticed, now at its maximum. Time will rapidly diminish it, despite the gentleman's forebodings.

But, even if the supposed law did increase the expense, Mr. L. said he should support it. The question, in his opinion, rests on principles not to be affected by such an objection. A few thousand dollars, more or less, are to this nation of trifling import, compared with the preservation of its good faith and general policy. He had already said that our wars are made for national defence, and not to gratify the passions of a single ruler. Our soldiers are not as the soldiers of other nations. Our wars will probably be very few, and a great incentive to exertion would be lost if our pension system were abandoned.

The profession of a soldier is at all times unpleasant. In peace, he who is unfortunately thrown into the ranks of the army is deprived of all social enjoyments; is shut out from the sympathies and the acquisitions which are the aim and gratification of other men. When grown old and decrepit, they are thrown upon the cold charity of the world for support. I have been pleased to see a bill introduced, providing an asylum for their old age.

If such be the state of the regular soldier in time of peace, what is the condition of the citizen, forced from his home and his family, to encounter privation and danger foreign to his habits?

We have already declared, by laws universally approved, what should be done. We have provided for the soldiers of the revolution, and for the invalid soldiers of the last war. The pension laws constitute a system consistent throughout.

The soldiers proposed to be relieved stand on the same footing before this Congress as did the soldiers of the revolution before the Congress which passed the pension laws for their benefit.

Consistency with existing laws, and justice to these individuals, imperatively call on us to make the provision contemplated by the resolution.

It is true that we cannot mete out to each service its exact reward. It is true that we may benefit a few unworthy in providing for the many who are worthy. The same objection will apply to every law; and such an argument is a paltry evasion of a just debt.

Mr. L. proceeded to say that the gentleman was mistaken in supposing that these men had been paid in land. If they have the good fortune to possess any, it has been purchased at the Government price; which price, with the

fifty millions proceeds of the sales of public land, has been drained from the West, to be expended on the seaboard, for the benefit of the constituents of the gentlemen who urge the objection.

It is also said that they were merely frontier settlers, and not distinguishable from other frontier settlers. Can this be true? All the frontier settlers, from Plymouth to the mountains, when attacked by the Indians, could retreat to the settlements. Not so with those west of the mountains; for twenty years, those men, without aid, or the possibility of retreat to the settlements, were engaged in incessant warfare.

The Indian enemy could shelter himself from pursuit, in the forest, or under the protection of their British ally; while the last stand of the white man was at his cabin door in defence of his family.

Mr. L. said that he was most surprised, not by the low estimate made by the gentleman of the services of these western soldiers, but by the eulogy which he had pronounced upon their Indian enemies.

According to the gentleman's statement, the Boons, the Wickliffes, and the Spensers will be forgotten, while the names and the deeds of the Indians will be remembered. The gentleman asks, where is the history of these twenty years of war? where the memorials of their battles and sufferings?

I am happy in being able to tell the gentleman that there is a history written by a distinguished citizen of Kentucky, that faithfully records them all. [Marshall's History of Kentucky.] To it I refer the gentleman, and am sure that he will agree that the sufferings of these pioneers of the West, so far from being exaggerated, have never been fully appreciated.

Mr. L. said he wished the gentlemen who had endeavored to depreciate the advantages of these services would look to the present condition of the West for their answer.

The motives, the conduct, and the consequences of these services, are alike honorable to those who performed them. Mr. L. said that he wished, for the honor of the nation, that those whom the gentleman so unjustly underrated had been near this city, with their sons and grandsons, some years since, to second the efforts of a Barney, in defence of this city: had they been, this capitol would not have been in flames, nor a British admiral in the Speaker's chair.

Mr. L. said he had omitted to notice an objection of the gentleman from South Carolina, [Mr. PINCKNEY,] that all pension laws were unconstitutional, and who asks that the clause may be shown which gives to the Government the power to make such laws.

In return, Mr. L. said he would ask the gentleman where he would find the clause giving to Government the power to grant to the crew the value of the ship they capture; to pay the citizen for property taken by the enemy; to expend the money of the people for the rich drapery and costly furniture in this hall—more for show than convenience; to expend millions, on and around this capitol, for the same purpose? For all this there is no clause in the constitution, yet who ever doubted that the power was given?

Mr. L. said he was not among those who approved the modern doctrine of implication. But he was inclined to believe there was more danger to be apprehended to the republic and the constitution from a captious adherence to a literal construction, instead of its plain and obvious spirit, and the equitable intent of its framers.

The limitation contended for is at variance with the simplest and most necessary powers of the Government—powers which are the indispensable attributes of every Government.

The power to carry on war, of necessity, gives the power to pay the soldier, by such allowances or pensions as may be proportioned to his services and wants. Powerless, indeed, would be that Government, and limited that constitution, which could not reward the soldiers by whose exertions they have been established and supported.

Mr. L. concluded by expressing the hope that the amendment offered by the gentleman from Virginia [Mr. BOULDIN] would be rejected, and that the original resolution would be adopted.

THE DEPOSITE QUESTION.

At one o'clock, the House proceeded to the stated order of the day; when

Mr. HUNTINGTON, of Connecticut, addressed the Chair, in substance, as follows:

Mr. Speaker: Since the adoption of the constitution under which we are here assembled, there has seldom arisen a subject of more deep and thrilling interest to the people of this country than that which is now submitted to the consideration of their representatives in this hall. This is not a subject of local concern, of sectional interest, of the appropriation of a few thousand dollars more or less, or one regarding which the injurious effects of hasty legislation may be speedily corrected. It is one in which every portion of the community is deeply interested, for it takes hold of the value and security of property of all kinds, of the price of labor and its reward. It is most intimately connected with the currency, the standard and measure of the value of all property and all labor. The humblest individual who has settled on your public lands, the soldier who garrisons your forts and defends your frontiers, the sailor who carries your flag over every ocean, the mechanic, the farmer, the manufacturer, the day laborer—all—all of them have a direct interest in the proper disposition which we shall make of this great subject. "The smallest of all politicians know that the currency of a nation is as delicate as a lady's honor; and those are the least of all, who suppose that the hand of violence can be applied to it without doing mischief." And I am gratified that the subject is placed before us in a form which admits the fullest examination and freest discussion. This is due to the importance of the subject, to the character of this House, to the plighted faith of the nation; above all, it is due to the great interests of our citizens, which it is our duty to cherish, and protect, and promote, by all the means which the constitution of the country has placed within our reach, and which are now suffering, to an extent almost unparalleled in the history of the Government, and which are threatened with speedy and almost entire extinction. Look, sir, at the two propositions submitted to us. One of them has for its object to place the public moneys, the treasure of the people, collected from them, and to be distributed as the legislation of Congress may direct, in the Bank of the United States—a corporation created by the authority of Congress, in which the United States are a large stockholder; a bank of a safe and solid capital, of great, and undoubted, and ample resources; which has always redeemed all its obligations to the country, without expense and without loss to the people of a single dollar; and which, by the admission of its opponents, has kept the public moneys safely, and paid them whenever required by proper authority: a bank, also, which is subject to a salutary control from the Executive, Legislative, and Judicial Departments of the Government—a control, I had almost said, greater than that which any monarch in Europe can exercise over any moneyed institution within his dominions. What, sir, is that control? Examine the charter of this bank, and you will find that the President, whenever he shall have reason to believe that the charter has been violated, may order a *scire facias* to be sued out of the circuit court, that if, upon proper examination, such violation is made to appear, its charter may be adjudged to be forfeited and annulled. The same power is vested in Congress; and thus the judicial tribunals of the country

may exercise a proper control over the institution. This is not all: a committee of either House of Congress, appointed for that purpose, are authorized to inspect the books and examine into the proceedings of the corporation, and report whether the provisions of the charter have been by the same violated or not. The officer at the head of the Treasury Department is to be furnished, once a week if he require it, with a statement of the amount of the capital stock, the debts due, the moneys deposited, the notes in circulation, the specie on hand, with a right to inspect such general accounts in the books of the bank as relate to such statement; and, finally, for proper reasons, to order and direct that the deposites of the money of the United States shall not be made in the bank or the branches thereof. I need not comment on the extent of the power thus reserved, to make this institution a safe place of custody for the public moneys; a faithful fiscal agent in the disbursement of these moneys; and to subserve all the great and important purposes for which it was created. Such is the bank where, until lately, your treasure has been placed, and where the instructions moved by the gentleman from South Carolina propose that it shall hereafter be placed. What is the substitute provided for it? Where are your moneys now deposited, and where is it proposed that they shall continue to be deposited? In the local banks, created by State authority, in which the United States have no pecuniary interest, over whom they have no control, into whose situation and affairs they can make no examination, (except by contract with those institutions, and the performance of which is dependant upon their sense of propriety,) who have no unity of design or action, whose interests are often in opposition, whose notes are limited in their circulation, "floating around the points where they are redeemable," and of whose solvency and ability to discharge the trust committed to them the Government have no peculiar means of knowing.

I submit to this House, whether any individual member of it, or any man of ordinary prudence having moneys to deposite and to be disbursed, would, if he had the conservative power possessed by the Government of the United States over the bank, select that, as the most suitable, proper, and safe institution to subserve his individual interests in the custody and transfer of his private wealth? or would prefer the State banks, over whom he had not even the shadow of control? Would there be any hesitation or doubt in his mind to which corporation to give the preference? And shall we, who are the guardians of the public moneys, whose duty to keep them safely is as sacred as it is obvious, do with the treasure of our constituents what we would not do with our own under similar circumstances? Shall we be less prudent, and discreet, and watchful, in the selection of a depository, acting as public men, than when we are consulting our private interests? Shall we give the custody of the money of the people to institutions to whom we would not, in similar cases, intrust our own? These are questions of grave import, and are directly presented to us by the opposite instructions to the committee, which are proposed for our adoption; and I rejoice that they are put in a form and in language so plain, that the freemen of this country can understand them. They have intelligence, and can comprehend their nature and import, and will take care that their rights shall be acknowledged, and their interests promoted, by those to whom they have been committed. This great subject, which now occupies almost the undivided attention of Congress, and which engrosses the thoughts of almost every citizen of the country, should be examined and disposed of in that spirit which its importance demands. In presenting the view of it which I entertain, I have neither private interests to promote, nor political objects to attain. In the stock of the Bank of the United States I have never had the remotest interest. The subject rises infinitely above all party considerations. It should have no connexion with the politics of the times. It is one in which men of all parties have a common interest. It affects, more or less, all classes and all individuals—the man of wealth and the man of moderate property; him who is poor, and him who is rich; the man who is in affluence, and him who, by his daily labor, earns a comfortable subsistence for himself and his family. And I hope that in the discussions to which the subject has given rise, and in the results to which we may come, we shall look away from every thing which is not connected with its merits, and decide as our consciences shall dictate and our high responsibilities require.

The honorable member from Tennessee [Mr. POLK] stated, and more than once repeated, that, in regard to this subject, the issue was formed between the Government and the bank. I differ with him as to both the parties which he has named. If he means by the term "Government," that which is so called by the travelling agent of the Treasury—one branch of it only, the Executive, or simply the Treasury Department—he has rightly named one of the parties; but if he uses the term as freemen understand it, as including the Executive, Judicial and Legislative Departments, then the Government is no party to what he calls the issue which has been closed. Congress has declared the bank to be a necessary and useful corporation. The Supreme Court has decided that it is a corporation rightfully created under the constitution. The House of Representatives, by a large majority at the last session, declared it to be a safe place of deposite for the public moneys; and the Executive only has been found in opposition to it as unconstitutional and inexpedient. The Government proper, therefore, has not made itself a party to the removal of the deposites. The honorable member is equally in an error when he affirms that the bank is a party. However great and unwearied the efforts have been to destroy its credit and usefulness, both at home and abroad; however unceremoniously the characters of the honorable and virtuous men who manage its affairs have been traduced and slandered; however wanton have been the attacks on the institution and its directors, the whole dwindles into insignificance compared with the results which have followed to the country from the hostility of those who should have been its protectors and friends. The issue is closed between the Treasury and the people, and it has been tendered by the former; and by this House and the Senate is this issue to be tried, and judgment rendered; and in its determination, the bank, as such, and in regard to its own rights, is comparatively a cipher—a matter of no moment. The question is, whether the Treasury shall govern, or the people? The observations which I propose to submit to the House will be comprised in answers to the following questions:

What was the condition of the country previous to the contemplated change in the place of deposite of the public moneys?

What is that condition now?

What is it to be if the deposites are not restored?

What causes have produced the present distressed condition of the country, and the alarming forebodings of calamities still greater to befall it?

What is the remedy for these evils?

Shall Congress apply it?

There is not one of these questions which is not full of meaning, and worthy our most serious consideration.

What, then, was the condition of every portion of this great nation while the public moneys were in their legitimate place of custody, and the power of the Treasury had not been applied to disturb and remove them?

It was one of unparalleled quietness, ease, and prosperity. Every channel of industry was filled. Full employment was given to the laborer, who earned his daily bread by the sweat of his brow—to the mechanic, who

worked in his shop, and furnished the necessaries and comforts of life for himself and all in his employ—to the manufacturer, who rewarded the industry of thousands connected with and dependant upon the successful pursuit of his business—to the merchant, who was engaged in prosperous commercial enterprises—to the farmer and planter, who found a ready and profitable market for the products of their labor. Payments were made for the productions of agricultural, mechanical, and manufacturing labor through the domestic exchanges of the country, at a trifling expense; and in like manner were payments made for imported merchandise scattered over every portion of the Union. The Bank of the United States, sustaining its amicable and confidential relations with the Treasury, acted the part of a balance wheel, regulating all the movements of the whole machinery of currency and exchange, keeping it in order, preventing the over-issues of the State banks, and yet befriending them; distributing the public revenue in every direction to pay the debts of the Government; and, through its loans and exchanges, giving and continuing health and soundness to every part of the country, and creating and sustaining a currency more perfect than any which ever existed in the most finished periods of the commercial prosperity of Europe. Our country presented a scene which we might and did contemplate with delight, and which called forth our thanksgivings to the beneficent Author of all Good for such distinguished mercies. There was not a dark shade in the picture of our country's prosperity; all—all—was bright, delightful in fruition, cheering in prospect.

And yet it has been suggested as matter of congratulation that the magic wand had been applied to it, for it evinced that our prosperity had been the result of our own abject submission. The bank, (the modern Circe,) it was said, had transformed us into beasts of burden.

I do not envy the feelings of any one who could witness such a state of high prosperity as I have described, and rejoice that it had ceased, and been succeeded by one of deep depression; nor can I well conceive the nature or degree of that "abject submission" which avails itself of all honorable and lawful means (even if they exist through the facilities furnished by the Bank of the United States) to sustain and increase the industry and wealth of the nation. And should it be true that this great moneyed aristocracy has converted us into animals of the description which has been mentioned, it would be gratifying to know whether our ears would be less long if we should be in subjection to the State banks, and derive that measure of prosperity which it is supposed we should then enjoy under their kind and republican government. If the people of this country are to be the slaves of any banks, it would be the part of wisdom to select those over whom they can exercise some power, rather than those whose conduct they cannot in any manner control.

What is now the condition of the country?

Changed, greatly changed; almost wholly reversed. Every channel of industry is now partially choked. A paralysis has settled upon our principal commercial cities, and is rapidly extending itself in every direction. Business is suspended; no new contracts are made; the arm of labor has become nerveless; the currency is disordered, and money not to be obtained; a universal panic exists; fear and alarm are apparent in the countenances of all; frequent bankruptcies occur; commercial credit is impaired; and the whole country is in a state of agitation, excitement, alarm, and fearful apprehension. Is not this statement true? Does not every day's post bring us confirmation of it? I am aware that the gentleman from New York, [Mr. BEARDSLEY,] after asserting in very unmeasured terms the hostility of the Bank of the United States towards the local corporations, in its attempts to embarrass and prostrate them; its utter recklessness of private credit, in its efforts to destroy it, and with it all commercial transactions; its disregard of individual prosperity, by meeting the removal of the public deposites in a spirit of anger and menace—all of which, he said, was palpably evident, but of which he furnished no evidence, and did not profess that he possessed any; and which he cannot tax our credulity to believe, as he does not know it by intuition, nor by testimony to which he has referred us—concluded his denunciations against the bank with the declaration that, notwithstanding all the power of the bank, exerted for the purposes which he named, our cities were now brought to a "tolerably healthy condition." Let us examine, and see what that healthy condition is.

The price of bills on England has fallen from seven and a half per cent. premium (last of September) to one and a half per cent., which is lower than at any period within fifteen or twenty years; the notes of merchants of undoubted solidity, with the most ample security of endorsers, payable at ninety days to six months, from one and a half to two and two and a half per cent. interest per month, and more offered than purchased; almost all kinds of agricultural productions and manufactures unsaleable for cash, and nearly so on credit; loans, on mortgage of the most desirable city property, solicited at from twelve to eighteen per cent. per annum, and refused; the auctioneers and commission merchants declining, except to a very limited extent, to accept drafts or make advances against the consignments of mechanics, manufacturers, and country merchants and dealers; the prices of every article on sale fallen—indeed, almost nominal; a great reduction in the price of all stocks of unquestionable solidity; private capital almost entirely withdrawn from employment, investment, or loan; it is hoarded up, not lent; orders for foreign goods countermanded; extensive failures almost daily occurring; the discount on country bank notes increased; the notes and bills offered for discount greatly exceeding the ability of the banks to purchase; the state and rates of exchange between the commercial cities and the interior suspending all business dependant on them. I am informed that the Bank of the United States buys drafts to some extent on the Atlantic cities to the South, where it has branches. Beyond this, however, there are no sales, unless on terms extremely injurious to the holders. The brokers, who are willing to give their notes, may purchase, to a limited extent, at a considerable discount; and these notes are endorsed by the sellers, and sold at the current rate of interest, (two to two and a half per cent. per month.) This operation, however, is so severe, that, if it be not already, it must soon be discontinued.

This, sir, is the "tolerably healthy condition" of our principal cities. I hope we shall not witness a great redundancy of such health. But this is a condition, to speak of which with levity is inexcusable; it is one which calls for the exercise of every feeling of sympathy, and the exertion of every lawful power to change it; it is one of imminent peril and danger.

This, however, is but the commencement of evils still greater to follow, unless an immediate remedy be applied by the action of Congress. And this leads to the inquiry what is the prospect before us? What is to be the condition of the country, if there be not a reaction, if business do not revive, confidence be not restored, the usual course of industry and enterprise be not pursued, the currency be not restored to its former sound and healthful state, and active employment be given to the labor of our citizens, with a reasonable prospect of a fair and certain remuneration?

That condition, it is to be feared, will be one of general bankruptcy, and, perhaps, a suspension of specie payments by most of the local banks; the present state of things, gloomy and fearful as it is, cannot long continue;

the pressure will be more severely felt; the causes which have produced it will not cease to operate, but will accumulate strength, and produce still more deleterious effects; the cord is fast drawing to its ultimate power of tension; in a few months it will part. And what will be the result? Will it not be one which will jeopard the capital of the State banks, or compel them to refuse the redemption of their notes in coin? Can the local banks redeem their circulation and pay their deposites, without calling upon their debtors to make frequent and large payments? They have not the power to coin money, nor can they raise it on their credit. And can these debtors pay without effecting loans elsewhere, or obtaining money by the sale of their crops or their manufactures? And are these the resources which are at hand? The banks, instead of loaning, are curtailing their accommodations; private capitalists will not lend; sales of the products of labor cannot be made. In what manner, then, is provision to be made for the payment of bank loans? And if none can be made, the local banks must resort to other means than collections from their debtors to provide for the redemption of their own debts—and they will look in vain for any such means. It is also not to be forgotten that the whole system of banking operations in this country has its foundation in public confidence and credit. It is well known that the banks cannot redeem all their issues in coin, if demanded at once; but the community feel a security in the integrity, and intelligence, and prudence of those who have the management of these institutions, and a certainty that the notes will subserve all the purposes to which they wish to apply them, and thus be equivalent to coin. While these feelings of security and certainty continue—while all the banks are disposed to be liberal and friendly to each other—while the business of the country is carried on with its accustomed industry and prosperity, and the revenues of the Government are disbursed equally for the benefit of all, and the domestic exchanges continued with their usual frequency and rapidity, and without loss, and the currency is preserved pure—all will be well, as it was before the Treasury order relating to the public deposites was issued. But when the time arrives that money cannot be obtained in any form to meet outstanding engagements; when such a state of alarm shall exist as that the vaults of the local banks are to be opened to redeem their notes; when speculators in bank notes shall commence the purchase of them at a large discount, to demand their payment in specie; when this period arrives, then will most of the State banks be compelled to close the doors of their vaults, and the scenes of the years 1814 and 1815 again be witnessed. And though I believe the Bank of the United States—that monster and tyrant, as it has been called, which was to crouch at the feet of the Treasury an humble suppliant for favor—will ride out the storm without the loss of a spar, or a sail, or a yard, it is greatly to be apprehended that the broken fragments of most of the State banks, which will be seen every where floating, will evince what desolation and ruin have befallen them.

I would not be understood to express doubts as to the solvency of the greater portion, if not all, of the State banks, nor of the prudence and fidelity with which they are managed. I believe them to be sound, and honorably and honestly conducted. I am viewing their condition when subjected to the action of a strong pressure upon the money market, and a general want of confidence and a state of alarm and great excitement in the community; and none can fail to see that the "signs of the times" clearly indicate the rapid approach of the period when that pressure will be too great to be any longer endured, and that want of confidence and that alarm and excitement be such as that its effects cannot be resisted nor obviated.

And now, sir, I will proceed to the inquiry, what causes have produced the present distressed condition of the country, and the apprehended calamities, of still greater magnitude, which impend over it?

This is a part of the subject under consideration which demands the closest investigation and the most attentive examination of the House. If we do not ascertain the true causes, it cannot be expected that we should apply the most salutary and appropriate remedy.

I take leave to say what are not the causes for which we are seeking.

They have not arisen, as has been suggested, from the substitution of cash duties on the importation of certain foreign merchandise. It is doubtless true that these have been considerable, though I have not the means of ascertaining their precise amount; and it is also true that, to the extent to which they have been paid, it has created the necessity of the application of money to that amount; and this is one of the reasons why the period selected for the change of the place of deposite of the public moneys was not the most suitable. But they are "as the small dust of the balance" when compared with the moneys required for other purposes; and if the ordinary operations of the Bank of the United States, in distributing the moneys of the Government, not immediately wanted, in loans and exchanges, had been suffered to proceed, the cash duties would at once have been put into active employment, and therefore not withdrawn from circulation.

Nor have these causes proceeded from the mere withdrawal of eight millions of the public treasure from the Bank of the United States; for it is well known that much larger sums have been heretofore withdrawn from the bank, almost without the knowledge of the people, and certainly without producing any sensible effect upon the operations of the State banks, or creating much, if any, pressure upon the community. You recollect, sir, that Mr. Rush, in his report of December, 1828, referring to the conduct of the bank in making the "heavy payments" of the public debt in the preceding year, says: "So prudently, in this and other respects, does the bank aid the operation of paying off the debt, that the community has hardly a consciousness that it is going on." Mr. Ingham, too, in writing to the bank in July, 1829, expresses his satisfaction at the course adopted by the bank, relating to the "heavy payment" of the public debt, "at a time of severe depression on all the productive employments of the country, without causing any sensible addition to the pressure, or even visible effect upon the ordinary operations of the State banks." The President of the United States also adds his testimony, of a similar character, in his annual message in 1829, in which he states that "the payment on account of the public debt made on the 1st of July last was eight millions seven hundred and fifteen thousand four hundred and sixty-two dollars and eighty-seven cents;" and, adverting to the apprehensions entertained that it might injure the interests dependant on bank accommodations, when there was an unusual pressure on the money market, adds, that "this evil was wholly averted by an early anticipation of it at the Treasury, aided by the judicious arrangements of the officers of the Bank of the United States." During the year 1832, including the last day of the year 1831 and the 1st day of January, 1833, the payments through the bank of principal and interest of the public debt exceeded twenty-four millions of dollars, of which between eight and nine millions were owned in Europe; and yet, in consequence of the "judicious arrangements" of the bank, there was neither pressure nor distress felt by any portion of our citizens.

Nor has the present condition of the country been caused by any systematic, or unusual, or unnecessary curtailment of the loans of the Bank of the United States. I know that this has been the reason assigned here and else-

where. I am aware that every effort has been made to produce a conviction that in this is to be found the true cause of all the embarrassments and distress which exist; and I am sensible that those in "high places" have also set this forth as the "root of all the evil." It is my intention to exhibit the evidence which exists, (and which I consider conclusive,) which clearly evinces that no designed action of the bank, no threats of intended retaliation, no course either pursued or proposed to be pursued by the bank, at the time of the removal of the deposites, different from that which had been usual during successive years of its existence, nor since pursued unnecessarily or oppressively, have had the remotest effect in producing the present state of unexampled distress. And this evidence is found in printed documents on our tables, and within the reach of every member of the House. And I shall refer to this testimony, not because the bank is interested in it, but that the truth may be known, and the public mind be disabused, in relation to a matter on which the partisan presses of the country particularly have been very clamorous; and that we may be the better enabled to apply the appropriate remedy for existing evils, by ascertaining the true cause of them, rather than assuming one which is false. This is a piece of base coin, which, though it may not have been known by the Secretary to be counterfeit, every consideration of public duty requires, since its detection, should be nailed to the counter.

The Secretary of the Treasury, in reporting his reasons for the order in relation to the public deposites, states that "under other circumstances, he should have been disposed to direct the removal to take effect at a distant day, so as to give Congress an opportunity of prescribing, in the mean time, the places of deposite, and of regulating the securities proper to be taken." What the existing circumstances were, which made an immediate removal in his opinion necessary, and which led him promptly to resort to the power given him, are substantially these, as stated in the report: About the 1st of August, 1833, the bank changed its course of policy in regard to the amount of its discounts. From December, 1832, to this time, they had been enlarged more than two and a half millions; and at the latter date, the situation of the mercantile claims," and other causes, "rendered the usual aids of the bank more than ever necessary to sustain them in their business; but in the months of August and September, 1833, its discounts were reduced more than four millions of dollars, while the deposites of public moneys had increased more than two millions, and its specie more than six hundred thousand dollars; and the balances from the State banks increased, from a little more than 360,000 dollars, to upwards of two millions. These drafts upon the community had required a probable curtailment of the State bank accommodations, from two to three millions of dollars. The Secretary then adds, that "we shall be at no loss to perceive the cause of the pressure which existed in the commercial cities about the end of the month of September. It was impossible that the commercial community could have sustained itself much longer under such a policy. And if the public moneys received for revenue had continued to be deposited in the bank for two months longer, and it had adhered to the oppressive system which it pursued during the two preceding months, a wide-spread scene of bankruptcy and ruin must have followed."

I shall not stop here to examine what would seem to be an obvious inconsistency between the complaint which the Secretary makes, that the bank did not, about the 1st of December, 1832, take steps to prepare for its approaching end, by reducing its discounts and arranging its affairs with a view to wind up its business, and the complaint that it had reduced them in the months of August and September, 1833. If it was wrong in the bank to have enlarged its discounts when it should have curtailed them, it would seem that it should have credit for a returning sense of duty when it did in fact reduce them. My object now is to ascertain whether the Secretary is not in error when he says that the bank, about the 1st of August, "changed its course," and "pursued an oppressive system of policy" during that month and the month of September, and in which it was feared it would persist, and which required his prompt interference, by the removal of the deposites.

Will it not surprise the House to learn that just this "oppressive system of policy" was pursued in the months of August and September, 1832, and yet there was no pressure upon the commercial community, no danger apprehended that it would not sustain itself, no wide-spread scene of bankruptcy and ruin followed? It is very obvious, from an examination of the course pursued by the bank in the months of 1832, corresponding with those in 1833, mentioned by the Secretary, that there was nothing unusual, nothing done by the bank different from what always existed at that season of the year, when, by the regular course of business, its loans were always diminished. I will ask the attention of the House while I examine the statements now on our tables sent from the Treasury, of the operations of the bank during the months of August and September, 1833 and 1832.

In August, 1833, its discounts were -	$64,160,349 14
In October, 1833, they were - -	60,094,202 93
Reduction in two months, - -	$4,066,146 21
In August, 1832, its discounts were -	$68,008,988 81
In October, 1832, they were - -	63,693,310 50
Reduction in two months, - -	$4,315,678 31

So that there was collected from the community in August and September, 1832, $249,532 10 more than in the corresponding months of the year 1833. This does not exhibit very striking evidence of a "change of course" on the part of the bank, or a design to pursue a new and "oppressive system of policy."

In August, 1833, the deposites of public moneys in the Bank of the United States amounted to	$7,599,931 47
In October, 1833, to - - -	9,868,435 58
Increase in two months, - -	$2,268,504 11
In August, 1832, to - - -	$12,137,908 17
In October, 1832, to - - -	13,661,193 01
Increase in two months, - -	$1,523,284 84

The amounts collected from the public in the two months of 1833 exceeded those of the corresponding months of 1832 only the sum of $495,687 17.

In August, 1833, the bank had in specie	$10,023,677 38
In October, 1833, - - -	10,663,441 51
Increase in two months, - -	$639,764 13
In August, 1832, - - -	$7,346,292 66
In October, 1832, - - -	8,078,851 07
Increase in two months, - -	$732,558 41

Increase in 1832, more than in 1833, $92,794 28.

In August, 1833, the balances due from the State banks were - - - - -	$368,969 98
In October, 1833, - - -	2,288,573 19
Inerease in two months, - - -	$1,919,603 21

In August, 1832, - - -	$602,795 19
In October, 1832, - - -	2,820,114 56
Increase in two months, - -	$2,217,319 37

Exhibiting an increase in 1832, more than in 1833, of $297,716 16.

It is thus apparent that no action of the bank in August and September, 1833, different from that in the same months in 1832, took place. There were about the same reductions in both years; and these, with the comparative amount of its specie, and its balances against the State banks at both periods, were the natural result of its usual and ordinary operations. In 1832 they produced no alarm, no pressure, no change in the business of the State banks, no fears of bankruptcy or ruin. They could not, and did not, produce these evils in 1833.

And now, sir, I put the question to the House: is it not apparent that the curtailment of the discounts of the bank in August and September, 1833, was neither extraordinary nor unusual, and could not have had any operation in causing a pressure in the money market?

Had the Treasury, before the deposites were removed, been informed that the bank intended still further to reduce its loans? Or had the Secretary any reason to believe that an order to that effect would be made? The very reverse of this is true.

In the letter of the Government directors to the President, dated September 3, 1833, they state that "some time since, a resolution was adopted, instructing" a committee "to inquire into the expediency of making a gradual reduction in the accommodation paper of the bank, and to report to the board a scale" of reductions; that "no report was made;" that on the 13th of August resolutions were offered and passed, that "the amount of bills discounted" should "not be increased at the bank and the several offices," limiting the time of bills purchased at the bank and all its offices, except the five western offices, to ninety days, and prohibiting the latter offices from purchasing any bills, except those payable in the Atlantic cities, at ninety days or less, or those to be received in payment for existing debts to the bank and offices, and not having more than four months to run. These directors "concurred entirely in the propriety and expediency of reducing the business of the institution," but disapproved of the mode suggested in the above resolutions, and were of opinion "that a system of reduction should and might be founded on a broader and a more equal basis;" and on the 16th of August proposed a resolution, "that the committee on the state of the bank be instructed to report to the board, at as early a day as possible, a system for the gradual reduction of the business of the institution throughout all sections of the country, having regard to the interests of the stockholders, the debtors of the bank, and the community in general;" which resolution was at once refused to be considered, all the directors present, except the Government directors and one other, voting against the consideration of the proposed resolution. And on the 1st and 8th of October, (after the removal of the deposites,) resolutions were passed authorizing the committee on the offices "to direct such measures for the reduction of the business of the institution as they should deem best."

It is thus manifest that, before the removal of the deposites, the bank had made no order for the reduction of its accommodation paper, nor for reducing its bills discounted, nor for curtailing the amount of its domestic exchanges, excepting in bills (other than those received in payment of debts due the bank) offered at the five western offices, and not payable in the Atlantic cities; and that no authority was given for a general reduction of the business of the bank until after the order for the removal of the deposites had issued. And during the whole period, and up to the present time, unlimited authority was given, and now exists, to purchase bills on the commercial cities on the Atlantic, to any amount, so as to enable the whole western country to obtain the facilities of this (to them) important medium of exchange. Can it, then, be affirmed with truth, that it was necessary to withdraw the public deposites on the 1st of October, on account of the existing pressure produced by the unusual policy of the bank in its curtailments, or from any well-grounded fear, arising from the acts of the bank, that it would adhere to such an "oppressive" system of reduction? So far from any "unusual" curtailment having taken place, so far from any order for a general reduction having been given, which would create pressure and embarrassment, and excite fears of evils still greater to ensue, it is apparent that no such course had been adopted, nor was it to be apprehended from any act of the bank. Why, then, I ask, is this set up as the cause of the removal on the 1st of October, especially when the agent of the Treasury had communicated to the Secretary, in his letter dated the 4th of September, 1833, that "if it be determined not to remove them," (the deposites,) "it is supposed the Bank of the United States will resume its wonted course, and cease to distress the community?" The Secretary had only to declare that the deposites should not be withdrawn, and the money market would be restored to its wonted state of ease, and all apprehension and alarm would vanish.

And what has been done by the directors of the bank since the 1st of October, which they ought not to have done, as faithful agents to the stockholders and the public? What amount of reductions has been made, and why was it necessary to make them? What unnecessary curtailment has been ordered? The House will recollect that the bank, after the withdrawal of the deposites, was to make provision for the payment of the public moneys then on deposite, whenever requested by the Government, and almost all of which has been withdrawn. It had also to provide for the reduction of its private deposites, and for the redemption of its circulation of nineteen millions. It had to do this while the Treasury was hostile to the institution; while attempts were making to impair its credit; while fears existed that its notes might be concentrated at certain points, and heavy demands be made upon its specie. And what, even in view of all these circumstances, has the bank done? It has reduced its business less by nearly two millions of dollars than the sums which have been taken from it. It has reduced its specie more than six hundred thousand dollars, and increased its circulation eighty thousand dollars. So far from exerting a power to injure and distress the community, it has manifested a spirit of forbearance hardly compatible with the great duty of self-preservation; and its directors, instead of being reproached for the rigor and severity of their curtailments, are entitled to the thanks of every class of our citizens for the moderation which they have exercised under such a combination of adverse and hostile measures with which they have had to contend. And it is well worthy our serious consideration whether it is to be expected that the bank, consistently with the duties which it owes to its stockholders, can any longer continue to afford facilities to the extent in which they are now furnished.

If any further proof were requisite to show that the bank, since the removal of the deposites, has not had an agency in continuing and increasing the pressure upon the community, it is to be found in the implied admission of the Secretary, and which is more fully stated in the report of his agent, on file in his office, before they were withdrawn. In the letter of the agent, dated September 4, 1833, he remarks, that by an immediate transfer of the collections to the State banks in the principal cities, and by depositing in them the proceeds of the cash duties, immediate relief would be afforded. "The Bank of the

United States can then only press its own debtors, and the consequence of oppressive calls, which cannot be met, will fall upon itself; stripped of the power which the Government give it, almost its whole strength would be lost. If it shall be resolved to remove them," (the deposites,) "and that resolution be followed by immediate action, that bank will no longer have the power to create any general distress." If these opinions be correct, (and it would seem that the Secretary considered them so, by his almost "immediate action,") how can it be said, with truth, that the evils the country now experience are justly attributable to the exercise of the power of the bank, even had it manifested the disposition to exercise it? Was it not "stripped of the power which the Government" gave "it," and thus "almost its whole strength lost?"

I have thus, sir, endeavored to show to what causes the present embarrassed and distressed condition of the country is not to be attributed; and this, I repeat, I have done, not for the purpose of vindicating the bank, but to ascertain the true causes, that we may be enabled to apply a proper remedy.

What, then, are these causes? They are to be found in the entire change of the relations of confidence and friendship which formerly existed between the Treasury and the bank. Where were once harmony, and union, and confidence, is now, on the one part, hostility, not to say oppression; and on the other, distrust, and consequent prudential measures. You know, sir—we all know—the systematic attempts which have been made to destroy the credit of the bank, to impair its usefulness, to create groundless jealousies, and to excite groundless fears of its power and disposition to do evil, rather than to subserve the purposes of its creation; to vilify and slander the honorable men who are intrusted with the management of its affairs; to represent it at home and abroad as under the control of political swindlers, and to break it down and destroy it. I need not point out the means resorted to by the public press to further these views; they are printed in characters which no reader can misunderstand, and they will be remembered by those who have fallen victims to the consequences of this warfare, as long as poverty, and distress, and ruin shall be their portion. But it was the act of the Treasury in removing the public deposites, connected with the avowed objects of the removal, and the disruption of the amicable relations once subsisting between the Treasury and the bank, which has brought the country to its present state of gloom and despondency. The bank could probably have withstood the war of words which was waged against it. No expressions of doubt as to its solvency from those in high places, or in the kennels, could have shaken the public confidence in its stability; no slanders, written or spoken, of the men who conducted its affairs, could have arrested their course of usefulness. Our citizens had felt the beneficent results of their services, and would have sustained them, and the institution with which they were connected, while faithfully discharging their duties to the stockholders and to the community.

And how has this removal, connected with the purposes and objects in view, and the discontinuance of the amicable relations between the bank and the Treasury, produced the present state of distress, and consternation, and fear?

I have before remarked that the time selected was not the most propitious, when it is considered that cash duties were to be paid in considerable amounts; that commercial operations were much extended, growing out of several years of successful operations; that there was to be a reimbursement of State and United States stocks; and that an unusually large amount of Southern and Western stocks had been created and paid for in the commercial cities, particularly in New York. All these circumstances evinced that, though there might not be a scarcity of money, there would be more than a usual demand for it. This state of things was succeeded by the withdrawal of the public moneys from the Bank of the United States, and, with it, a partial derangement of the financial interchange connected with the extensive commercial operations of the country. The admirable system of checks and balances, of commercial exchanges, of a uniform and sustained currency, was broken up. A curtailment of the loans of the bank was indispensable to enable it to redeem its notes, and make payment to the public and private depositors; and it is matter of surprise that this curtailment has been so small. This caused a partial disuse of the credit of the bank, which had been employed in the purchase of domestic bills, in the disbursement of the revenue by drafts on the different branches, and on each other; and which, being rapid and safe in their transmission, and unattended with expense—had produced the most beneficial results; and for them were substituted the notes of the local banks, current only in the neighborhood of the places where they were issued, and incapable of use as remittances to remote places. The most important effect, however, of this measure, was the announcement of the fact, that hereafter the country was to suffer the evils of a State bank paper currency, a circulating medium of local bank notes. This destroyed public confidence. It suspended the performance of old contracts, and prevented the formation of new ones; it alarmed capitalists; and money was hoarded up instead of being lent. The State banks began to exhibit evidence of a state of feverish excitement, and to curtail their loans. The confidence of the community in the ability of the banks to make any loans, or to redeem their notes in specie, was shaken; and thus all the fearful consequences of a base and vicious currency were apprehended. Can we be at a loss, in view of these facts, to what causes to ascribe the sudden and rapid change from a state of high prosperity to one of deep despondency and distress? Do we not perceive that had the Treasury permitted the bank to pursue its usual course in the distribution of the revenue in loans and domestic exchanges, in sustaining and continuing a sound currency, in co-operating with the local banks in all proper measures to meet the wants of the community, in preventing the awful catastrophe of a local bank paper system, in preserving its relations of kindness, and confidence, and good feeling with the Treasury which it had heretofore enjoyed, "all would have been well?"

I have thus attempted to trace the causes of the evils which we now suffer, and the still greater ones which, it is to be feared, are to befall us. Is there any remedy for them? and, if so, what is it?

Simply to remove the causes which have produced them by directing the public moneys hereafter collected; to be deposited in the legitimate place of custody, and by restoring the former amicable relations subsisting between the Department of the Treasury and the bank. "Then there could and would be an immediate prompt employment of the credit and capital of the bank, at all points. This would exempt local banks from peril, supply all the necessary means of remittance, inspire universal confidence in the value of property of every description, and in the soundness and sufficiency of the currency. The credit of the bank, equal to, and indeed better than specie every where, would restore, and continue to furnish all the needful facilities."

Such would be the results, merely by restoring every thing to the condition in which it was previous to the removal of the deposites. Will the same results follow through the agency of the State banks? Will the plan of the Secretary insure confidence, resuscitate business almost annihilated, and furnish a sound currency, and a well-arranged and well-balanced system of domestic exchanges?

If this plan can be made effective, it must be by the agency of the State banks, through the medium of their notes or their credit, or by both united. I call the attention of the House to a brief examination of this new "system," that we may see whether it will probably "work well."

Will the bank notes of the State institutions be current at all points? And here it is to be remembered that the deposite banks decline entering into a guaranty for each other, and have not yet stipulated to honor each other's notes in all transactions of business. What is the voice of all past and present experience on this subject? Are the notes of sound banks in the interior current at their par value in our commercial cities? Examine the bank note table which is almost daily furnished us in the public prints, and you will see at what an enormous discount many of them are received, and all of them at some rate of discount. Can the local banks make their notes current, by issuing them payable in the commercial cities? This experiment has been tried, and failed; and the reason is, that all of them will not adopt this course, and those who refuse will have the benefit of circulation; and those who adopt it will furnish, at their own expense, all the remittances. Such a system cannot continue long. It has heretofore been pursued by some of the local banks, and has been abandoned. If, then, the State institutions cannot make their notes current every where; if their circulation will, of necessity, be limited; if they will accumulate in their immediate vicinity, is it not obvious that those banks which receive the public deposites will be weakened instead of strengthened by them, inasmuch as, when required to disburse the funds thus received, they will be compelled to furnish specie at the remote points? And is it not equally obvious that these notes will not answer the purposes of remittance, or be advantageously substituted for the notes of the Bank of the United States?

Can the State banks furnish the necessary facilities by means of their credit? I cannot well conceive how this is to be effected in the way suggested. The local banks, having no interest in common with each other, have no common fund on which to draw, as exigencies may require. Their credit is not expansive like that of the Bank of the United States, having a board at one place to supervise the whole institution, and branches established throughout the country to aid the different interests which are to be promoted by bank facilities. As their circulation is limited, and returns to them to be redeemed, they must reduce it. This will rapidly, and to a vast extent, diminish business and labor; and then will follow all the deplorable consequences which never fail to ensue from a great and sudden reduction of the circulation.

I have now, sir, finished my remarks on that part of this great subject which relates to the existence of the present and apprehended distress in the country, the causes of it, and the remedy for it. It has been my object to present, faithfully, and as an honest inquirer after truth, and to enable us to decide correctly the questions now presented to us, and upon which we shall be called to record our votes, the prosperous condition of this nation before the public deposites were withdrawn from the bank; the distressed and alarming condition in which it now is; the still greater distress we have reason to apprehend; the causes of it, as arising from the removal of the public moneys from the bank, connected with the open and undisguised objects of it; and the loss of public confidence necessarily resulting from the cessation of the friendly relations between the Treasury and the bank, and the remedy suitable and proper to be adopted, by putting an end to these causes.

Congress possess the power to make an application of this remedy: shall it be exercised? I do not doubt an affirmative answer will be given to this inquiry, unless imperious reasons exist which render its exercise unwise and inexpedient. If any such reasons do exist, they are to be found in the report of the Secretary of the Treasury; and a brief examination of them will conclude all which I have to say on the whole matter before us. This paper contains official notice to Congress that the Secretary of the Treasury, in pursuance of the power said to be reserved to him by the act incorporating the Bank of the United States, has directed that the deposites of the money of the United States shall not be made in the bank or its branches; and the reasons for that order. In the examination which I have made of this document, I have been equally surprised at the extravagance of the power which is claimed, the bold manner in which it is set forth, and the insufficiency and unsatisfactory nature of the reasons which have led to its exercise. Let us, sir, look at the principles assumed, and the reasons which are set forth.

A portion (not a small one) of the report of the Secretary consists of certain principles advanced and assumed to be correct, which are made the basis of an application of assumed facts, and which are set forth as well to explain the nature and extent of the power which is granted to him, as to justify its actual exercise in the removal of the deposites.

These principles are now to be considered.

The first to which I shall call the attention of the House is that which asserts the Treasury Department to be an executive department, and therefore subject to the supervision of the President, who is required to take care that the laws be faithfully executed. Whether this is advanced with a view to sustain the authority exercised by the Chief Magistrate in his indirect control over the public treasure, by means of the power which he possesses over the Secretary of the Treasury, by removing him if he does not perform what is commanded, it is not material to inquire. It is now not denied that the predecessor of the present Secretary was removed from office because he would not give the order for the removal of the deposites, in pursuance of the advice and direction of the President. And, in this report, this advice and direction are not only justified as lawful, but required by the constitution as one of the duties to be performed by the Executive. It is true that the President, in words, claims no authority to direct or control the Secretary in the discharge of the high trust committed to him relative to the withdrawal of the public moneys from the bank. In practice, however, he asserts it; for when the refractory Secretary insists on exercising his own discretion, instead of following that of the President, he is informed that his official services are no longer required. Advocates of this controlling power in the Executive are not wanting here, or elsewhere; and most, if not all, of those who have addressed the House, and approved the reasons of the Secretary for the withdrawal of the deposites from the Bank of the United States, have asserted, in unqualified terms, the right and duty of the President to direct the head of any department in the performance of any and every executive duty, or in the exercise of any authority given him by law. The member from New York [Mr. BEARDSLEY] asserted that it was the duty of the Secretary to give effect to the will and judgment of the President, not to his own. The member from Georgia [Mr. JONES] said that the President, being responsible to the people for the execution of every law, has the right to exercise a control over the Secretary, who is bound to comply with his wishes. The very statement of such a doctrine, as applicable to the power granted to the Secretary of the Treasury over the public moneys, and especially when taken in connexion with the reasons urged in support of it, is sufficient to startle any citizen of this republic who has hitherto supposed he was the subject of a Government having free institutions, and a written constitution establishing different departments of that Gov-

ernment. Let me briefly examine this, to my mind, most extraordinary proposition.

I will not stop to inquire whether the Treasury be an executive department, though the act organizing it, in its title, in the duties required of him who presides over it, in the provision that his reports are to be made to Congress, in the very nature of the trust committed to him—all prove that it was not intended to be made subject to the action of the President in every form. To this might be added the distinction which, I think, has always existed between the Treasury and the other departments, in this particular. Whenever an act is to be done under the authority either of the State, War, or Navy Department, the official communication states it to be by order of the President. No such language is ever found in any act emanating from the Treasury Department, unless in a case where the law, in terms, makes the consent or order of the President necessary; as in the tariff act of 1832, where certain rules and regulations are required to be made by the Secretary of the Treasury under the direction of the President, and such as he shall approve—a very unnecessary provision, it would seem, if the President possessed a general supervisory power over the official acts of the Secretary. Let it be admitted that the Secretary of the Treasury is strictly an executive officer. Why may the President direct him in the discharge of his official duties? Because, it is said, the President must appoint, and may remove him from office, and is bound to see that the laws are faithfully executed. If this reasoning be sound, there is but a single department in our Government, and that is the Executive. We live under the forms of a republican government, without a vestige of it in fact.

The constitution provides that there shall be a Judicial Department. How are its orders and decrees to be executed? By one whom the President must appoint, and whom he can remove. Can he control the official acts of the marshal, because of his power over him in regard to the tenure of his office?

The territorial judges are appointed by the President, and, holding their offices for four years only, are, as some suppose, removable; or, if not, the President is not bound to re-appoint them. Are they subject to the direction of the President?

The librarian of Congress is appointed and removable by the President. Who controls his official acts? The President, or the joint committee of both Houses of Congress?

In all the cases stated, it is very clear that the President can exercise no authority, though the power of appointment and removal is in his hands, and though he is bound to see that the laws are faithfully executed. And why cannot he interfere in these cases? Merely because the responsibility in all of them devolves upon others, and not upon him.

And in relation to the power of removal of the public deposites: to whom is the discretion confided, and on whom is the responsibility cast, by the act of incorporation? Is it not, in terms, the Secretary of the Treasury? And is it not him alone, when the spirit and reason of the act, as well as its letter, are consulted? Can individual discretion ever be exercised, when it is controlled by others? Can a law, which depends for its execution upon the discretion of one person, be "faithfully executed" when the discretion of another is substituted? Besides, the provision which requires the reasons of the Secretary to be given to Congress is very conclusive to show that the President cannot interfere with him in the discharge of his duty depending on discretion. Whose reasons are to be given? Those of the President or the Secretary? What should we have thought if the present Secretary had announced to us that he had ordered the deposites to be removed, and that his reasons were to be found in an accompanying order of the President directing it to be done? Would that have been a compliance with the law? It would have been if the Secretary is bound to consult the opinions of the President, to speak his language, to execute his mandate, to obey his order, to be governed by his discretion.

The Secretary commences his report with declaring that he has withdrawn the money of the United States from the bank, in pursuance of a power reserved to him in the act of incorporation. And he afterwards explains how this is a power reserved, not granted to him. He affirms that whenever there is no expression of the legislative will in regard to the place of deposite of the public treasure, the Secretary of the Treasury is the keeper, and has the custody of it, and that the law incorporating the bank has reserved to him, in its full extent, the power he before possessed. It will be perceived that this assumption as to the reserved power of the Secretary is intended to fortify and strengthen another position which he has advanced, which is his uncontrolled power over the deposites, so far as the interests of the bank are involved in their removal. This I shall notice hereafter. My object at present is, to show that the power in question, whatever may be its extent, is one granted to the Secretary, not one previously existing. To what officer of the Government, previous to the bank charter, was the custody of the public moneys committed—to the Treasurer of the United States, or to the Secretary of the Treasury? Or had Congress omitted to legislate on this subject? Nothing is more clear than that the power of Congress extends to the place where, and the person by whom, the moneys of the United States shall be kept. In the year 1789, they provided that the Treasurer should keep their moneys, and pay them only when required by law; and a bond was to be given for the faithful performance of his duties, and for the fidelity of the persons by him employed. Here was the first legislative provision on this subject, and it vested the Treasurer with the power to select the place of deposite, and made him responsible for it. When the Bank of the United States was incorporated, both the discretion and responsibility of the Treasurer, as to the custody of the public money, ceased during the whole period in which the money should remain in the bank, where, by the act of incorporation, it was directed to be deposited. The legislation of Congress varied both the duties and responsibilities of the Treasurer; for it had taken from him the power, and consequently relieved him from the responsibility, of selecting a safe place of deposite, by making the bank the depository, "unless the Secretary of the Treasury" should afterwards "otherwise order and direct; or, in other words, until the Secretary, for proper reasons, should declare the right of the bank to continue to be the depositary at an end. The Secretary, by virtue of the authority given him, might "order and direct" that the deposites should no longer be made in the bank or its branches; and this is the extent of his authority, under the bank charter. It vests him with no power to designate any new place of custody, but simply to order that the bank shall no longer be that place. And this is impliedly admitted by the Secretary, for he asserts his right to select a new depository, not on the authority to order and direct the deposites to be removed, but on the broad ground of a pre-existing authority, not conferred on him by the act of incorporation, but reserved to him in that act, without any new limitation. It results, then, as a necessary consequence, that if previous to the creation of the bank he had no such authority, and his power under the act was simply to discharge the bank from its duties as depositary, the custody of the public money again reverted to the Treasurer, by virtue of the act of 1789. The argument may be stated in this form: Before the incorporation of the bank, the safe keeping of the money of the United States was intrusted to the Treasurer. This duty continued to devolve upon

him until it was required to be performed by the bank; and when that institution ceased to be the depositary, by virtue of the order of the Secretary, the right and the duty of the Treasurer to become such immediately revived. The only inquiry then is, on whom had the law, previous to the existence of the bank, cast the duty and the responsibility of providing a safe place of deposite for the public moneys—on the Secretary, or the Treasurer? The former claims it by virtue of his office, as the head of the department, intrusted with the administration of the finances, and required to superintend the collection of the revenue. The latter possesses it by the express words of the law, which makes it his duty to receive and keep these moneys, and to disburse them in the manner provided by law, and not otherwise. The power claimed by the Secretary arises by mere implication from his office; that of the Treasurer from a plain, unequivocal legislative enactment; and no rule of construction of statute law is more fully established, no rule of interpretation more sound in itself, and more universally acknowledged, than that an authority which might be supposed to exist in one person, arising from inference or implication, is not conferred on him when it is expressly delegated to another. When the intention of those who alone can give the authority is clearly expressed, the doctrine of presumption, or inference, or implication, has no application. Is it not clear, then, that the Secretary has asserted a power in himself to select places of deposite which is not warranted by law? And were not all the contracts which he has made with the local banks, entered into by him on behalf of the United States, without authority? And if it be true that the practice of the Treasury sanctions the view which he has, in this particular, taken of the subject, it is a practice not warranted by the existing laws, which is dangerous in its tendency, and which it is both proper and necessary should be corrected.

The Secretary then proceeds to assert that Congress, in no event, and under no possible state of things, however imperious may be the necessity, can withdraw the public moneys from the custody of the bank, without violating the national faith. That I may not mistake on this point, I quote his words: "Although Congress should be satisfied that the public money was not safe in the care of the bank, or should be convinced that the interests of the people of the United States imperiously demanded the removal, yet the passage of a law directing it to be done would be a breach of the agreement into which they have entered." It requires neither argument nor illustration to confute this dangerous and, I think, unfounded doctrine. I believe no one has attempted to sustain it. For the first time in the history of this Government has it been asserted that the legislative power of Congress does not extend to the removal of a depositary of the moneys of the people, who cannot keep it safely, or will not disburse it in pursuance of their lawful directions. I have lately, sir, had my attention called, by reading it in a public print, to a portion of English history, which may not be inappropriate to this part of the subject, and which may claim the notice of the historian, should he be fond of drawing parallels between present and former times.

My honorable friend from Pennsylvania [Mr. BINNEY] gave the House a faithful historical account of the first attempt ever made, and the results of it, to take away the chartered rights of a corporation for alleged sedition, and an attempt to obtain political power. He told us it was in the worst days of the worst prince that ever sat on the English throne, Charles II. The incident to which I am about to refer occurred in the reign of the same monarch, when Ashley, (better known by the title of Earl of Shaftesbury,) who was one of the Cabal, was treasurer of all the money raised upon prizes, and Clarendon was one of the ministers.

It was proposed in the House of Commons that a bill should be prepared, and become an act of Parliament, providing, in effect, for an inquiry into the security and disbursement of the public treasure. While this was pending, it was discussed in the Council of the King, or rather in that portion of it with which the King was accustomed to advise; and; Hallam, in his Constitutional History of England, thus refers to these deliberations:

"The immediate object of this inquiry was rather to discover whether the treasurer had not issued money without legal warrant, than to enter upon the details of its expenditure. But Lord Clarendon, bigoted to his tory creed of prerogative, thought it the highest presumption for a Parliament to intermeddle with the course of the Government. He spoke of this bill as encroachment and usurpation that had no limits, and pressed the King to be firm in his resolution never to consent to it."

In the Life of Clarendon, the proceedings in the Council are thus stated: "His Majesty was no less troubled, and called that committee of the Privy Council with which he used to advise, and complained of this unusual way of proceeding in the House of Commons, which would terrify all men from serving His Majesty in all receipts; to which employment men submitted, because they knew what they were to do, and what they were to suffer, &c. But to account by such orders as the Parliament should prescribe, and to be liable to such punishment as the Parliament would inflict, was such an uncertainty as would deprive them of all rest and quiet of mind, and was in itself so unjust, that His Majesty declared 'that he never would suffer it. He hoped it never would find a consent in the House of Commons; if it should, that the House of Peers would reject it; but if it should be brought to him, he was resolved never to give his royal assent.' There was no man present who did not seem fully to concert with His Majesty that he should never assent to it; 'however, that the best care and diligence should be used that it might never be presented to him, but stopped in the Houses; and, to that purpose, that the members should be prepared by giving them notice of his pleasure.' The Chancellor, upon this argument, in which he discerned no opposition, enlarged himself upon what he had often before put His Majesty in mind of—that he could not be too indulgent in the defence of the privileges of Parliament; that he hoped he would never violate any of them; but he desired him to be equally solicitous to prevent the excesses in Parliament, and not to suffer them to extend their jurisdiction to cases they have nothing to do with; and that, to restrain them within their proper bounds and limits is as necessary as it is to preserve them from being invaded; that this was such a new encroachment as had no bottom; and therefore he desired His Majesty to be firm in the resolution he had taken, and not to depart from it; and if such a bill should be brought up to the House of Peers, he would not fail in doing his duty, and speaking freely his opinions against such innovations, how many soever it might offend."

The bill passed the Commons, and provided for the appointment of commissioners to perform the duties specified in it by both Houses. In the House of Lords it was proposed to have the duties performed by commission from the King. His Majesty, however, prorogued Parliament while the measure was pending, and made a speech, a part of which I will read.

"I thank you for this other bill of supply. I hope we shall live to have bills of this nature in the old style, with fewer provisoes. I looked to have had somewhat offered to me concerning the accounts of the money that have been already raised since the war; which, since you have not done, I will take care (after so much noise) that the same be not stifled, but will issue out my commission in the manner I formerly promised the House of Peers. I shall now prorogue you, that you may, in your several places, intend the peace and security of your several coun-

ties, where there are unquiet spirits enough working; and I hope we shall meet again, of one mind, for my honor and the good of the kingdom."

The historian adds: "It does not appear that this royal commission, though actually prepared and sealed, was ever carried into effect;" for though it was promised the Commons in hopes to pacify them, it was "an expedient which was not likely to bring more to light than suited his purpose;" and he subjoins, that "now the King had very much to do; more than he had time or tools to despatch."

The Secretary then proceeds to declare that his reserved power over the deposites is absolute and unconditional, so far as the interests of the bank are concerned. If this be so, it follows that this corporation has no right to inquire into the causes of removal, if the Secretary thinks proper to order it; and that, however injurious to the bank such removal may be, or however unsatisfactory or insufficient the causes may be which led to it, it cannot rightfully complain. I do not concur with the Secretary in these views; I consider them opposed to the spirit of the act, and utterly inconsistent with the vested rights of the institution.

It is admitted that, if the Secretary issue the order of removal, he is bound to lay before Congress the reasons which led to it. And who are interested in these reasons; Congress alone—or the bank also? If the latter, then it is apparent the power to remove is not unconditional; for if this corporation have any interest in the causes which led to its discharge as a depositary, those causes must be such as will justify the revocation of the trust committed to it. And has it no such interest? Is it indifferent to the bank whether it be unceremoniously and without cause deprived of the custody of the public treasure, and the incidental benefits resulting from it? Has it no voice which has a right to be heard when its interests are assailed? Is it condemned to perpetual silence? Are not the reasons for the withdrawal to be given to Congress, that, if unsatisfactory, the deposites may be restored to the bank, and thus the public faith preserved? And is not the bank directly interested in the proper disposition of the question arising upon the communication of those reasons? Obviously it is; and, if so, it has a right to demand that they be such as to justify the removal; and therefore the power claimed cannot, as to them, be absolute and unconditional.

If the doctrine of the Secretary be correct, it follows as an inevitable consequence that Congress cannot effectually order them to be restored to the bank. This is a result to which we must come, in view of the principles assumed—a result which will not receive the approbation or support of any representative of the people. The Secretary asserts an unqualified power of removal, so far as the bank is concerned. If, then, Congress should adjudge his reasons insufficient, and direct a restoration of the deposites, might he not at any time—immediately, if he pleased—after they should be restored, issue an order for their withdrawal a second time, and so on, indefinitely? And as Congress have not the power of removing him, might he not set at defiance their expressed will, and impair the rights of the bank? And, upon this construction of the act of incorporation, would the institution have any remedy, even for a wanton injury to its interests?

I will appeal, however, on this topic, to the admissions of the Secretary himself. He, at least, will consider this as good authority; and in his own report is this doctrine condemned. He admits that the power given him over the deposites by the act incorporating the bank, is the same power, no other nor greater, than that which he before possessed. The act conferred on him "no new power, but reserved to him, in its fullest extent, the power he before possessed—his former authority, without any new limitation." And what was this authority which he always possessed? I read his own words:—an authority or duty "to take care that the public money was deposited in safe-keeping in the hands of faithful agents, and in convenient places, ready to be applied according to the wants of the Government." Here we have, in his own words, the extent of his former and his reserved power. And is this unqualified and unconditional? Is it not, by his own admission, confined in its exercise to the emergencies which he has stated? Has he, in his own view, any other duty to perform, since the act, besides that which existed before in relation to the place of deposite? And if the bank keep the public moneys safely; if it be a faithful fiscal agent—for that is the nature of its agency, as he admits in a subsequent part of his report; and if, at all times, it keep them in convenient places, ready to be applied according to the wants of the Government, has he the power, granted or reserved, to remove them? In such case, is not his duty completely discharged by permitting them to remain in the bank? And does he not exceed his authority, or rather usurp one, when, under such circumstances, he directs a removal? Is that an unlimited and unconditional power which, by his own admissions, exists only to be used for particular purposes, and to effect certain specified objects?

The Secretary, however, after thus stating the source and extent of his authority, and confining its exercise to the events which he mentions, proceeds to assert that he has a right to remove the deposites, and it is his duty to remove them, whenever the public interest or convenience will, in any degree, be promoted by the change. I do not give my assent to this dangerous doctrine, without adverting particularly to what has been suggested by others, in the course of this debate, that it would often be extremely difficult to ascertain what the slightest degree of public interest and convenience might be; and, from this, justly inferring that Congress could never have intended to vest in one individual the power of declaring what would, in the most limited extent, promote the convenience and interest of the community, and thus justify a removal of the deposites, to the possible injury of the public, and to the detriment of the bank, I submit to the House that, by the fair and obvious construction of the act of incorporation, the bank has the legal and equitable right to the custody of the public moneys, if they are kept safely, and it discharges its duties faithfully, as the fiscal agent of the Treasury. The Secretary seems to regard the extent of his power as he would were there no other provisions in the act which confers it; he looks alone to the words "unless he shall, at any time, otherwise order and direct;" views them as unqualified, and asserts the same authority which he would have possessed, had a law existed directing the public moneys to be deposited in one of the vaults of the Capitol, unless the Secretary should, at any time, direct their removal. Now, every man of ordinary understanding, though he be not a lawyer, knows that general expressions in a statute are, and ought to be, construed with reference to the whole act, and to be limited and restrained by the obvious meaning and clear intent of the Legislature in the use of such words. The design of all rules of construction is to ascertain the intent of the law maker, and, when understood, it is to be carried into effect. When we examine the act incorporating the bank, we find in it a great variety of provisions, securing to it important privileges, and exacting of it the performance of many and onerous duties, with ample provisions to secure the faithful discharge of those duties. Among the rights secured to the bank is that of having the custody of the public moneys: this was given partly as a consideration for the bonus to be paid and the services it was to render the Government. I know that the gentleman from Georgia [Mr. JONES] denied that this formed any part of the motive which induced Congress to give the bank the incidental benefit of the public deposites, and he attempted to sustain himself by referring to the original draught of an act of incorporation by Mr.

Dallas, in which there was a provision for the payment of a bonus, and for the performance of the services now required of it, without any claim to the deposites. This, however, only proves that Mr. Dallas and Congress did not agree in this respect. The authority which created the corporation did declare that, in consideration of the exclusive privileges and benefits conferred upon the bank, (one of which was the custody of the public moneys,) it should pay to the United States one million five hundred thousand dollars; and the same authority, therefore, did expressly require of the bank the payment of this bonus, in part consideration of the benefit arising from these deposites. The inquiry, then, is, looking through the whole charter, under what circumstances may the deposites be withdrawn? For what causes may the Secretary remove them? The nature of the remedy points with unerring certainty to the evils which might exist, and, of course, to the causes which would justify such removal. For what possible evils is the withdrawal an appropriate remedy? Insecurity and unfaithfulness as a fiscal agent; and for no other is it at all suitable. If the deposites are insecure, take them away; if they are not disbursed according to legal requisitions, remove them; for every other supposable misconduct on the part of the bank, a different and appropriate provision is made by way of remedy. Is it feared that the bank may conceal its operations from the Treasury? He is authorized to require weekly statements of its affairs. Is his power, in this respect, inadequate to a full and necessary knowledge of its situation? An adequate remedy is provided in the authority given to a committee of either House of Congress to inspect its books and to examine into its proceedings.

Is it believed that it has violated its charter by enlarging or curtailing its discounts; in refusing to give the Government directors information which they request, or to appoint them on particular committees created by the order of the directors; in causing to be printed and circulated pamphlets designed to operate on political elections, in regulating its business with a view to political objects? The act has provided a very suitable remedy for these derelictions—it has authorized a judicial inquiry to be made, and its charter is to be annulled, if it has been violated. It is manifest, then, that in all supposed contingencies requiring the exercise of control over the institution, every such contingency is provided for, and in a way the best calculated to insure a beneficial result to the public. If a general knowledge of its transactions be necessary, the Secretary of the Treasury can obtain it. If more particular information be necessary, a committee of either House of Congress can procure it. If it has violated, in any way, its charter, it can be declared forfeited in due course of law. If the public moneys deposited in it are unsafe, or not paid at the times and places required, they can be withdrawn by the order and direction of the Secretary of the Treasury.

Having examined the principles assumed by the Secretary, on which his authority to remove the deposites is justified, I proceed now to consider the reasons which he has stated for the exercise of that authority.

The first general reason may be briefly summed up in the following sentence: It was the duty of the Department to regulate its conduct upon the principle that the corporation would cease to exist on the 3d of March, 1836. If this were all which had been said on this point, I should have passed it without comment; but the Secretary has thought proper to go much further, and to furnish Congress with his speculations on the subject. He says that justice to the bank did not require a renewal of the charter, because it was a monopoly enjoyed at the expense of the rest of the community. I agree, sir, that the bank has no claim for a renewal; but does the act of incorporation create any monopolists by name? Were not the books for subscriptions open to all? And was it not difficult to procure subscribers for the whole stock? Did not a wealthy banker, now deceased, subscribe for the balance, because all others had declined taking it? And what have the public lost by the bank? Any facility which they before enjoyed—any advantage which they before possessed? Is not the inquiry much more suitable, what have not the public gained by this monopoly? I turn to the prosperous state of the business of the country, and the soundness of its currency, before the deposites were removed, for an answer to this question.

But the public interest did not require a recharter; for the law creating it was unconstitutional! In juxtaposition with this opinion, I would place the opinions of different Presidents—of the Legislatures of the States—of distinguished public and professional men—of that Congress which created the bank—of that which renewed its charter but a short time since—and of the Supreme Court: all concurring in the constitutionality of the act; and then inquire, whether it savors more of modesty or assurance, at this period of our country's existence, to affirm as a reason for the withdrawal of the public deposites from the bank, that the law which gave it being was unconstitutional?

The Secretary adds, the existence of such a powerful moneyed monopoly is dangerous to the liberties of the people, and to the purity of our political institutions. This idea is not original with the honorable Secretary. His agent had before advanced it, in nearly the same words, in his letter of the 4th of September, 1833; wherein he says, in concluding his report, that it is "an institution dangerous to the purity of our Government, and the liberties of our people."

And who constituted the Secretary of the Treasury a judge to determine that corporations, created by lawful authority, endangered our free institutions? Who gave him power to declare that the public interest would be injured by the recharter of the bank? And, more especially, what section of what law provides that his discretionary power over the public deposites is to be regulated by his opinion of the good or evil tendency of a national bank?

Besides: have our liberties as yet suffered? Has our Government become less pure in consequence of the existence of the bank? Does the Secretary mean to be understood to assert that our public men have been corrupted, or the rights of our citizens invaded, by this corporation? And if not in times which are past, is there any reason to fear such consequences in time to come? Sir, there is another creed than that which prevails in some parts of the country, that all men have their price, and are purchased and sold. There is a creed of an honest people, who believe that there exist virtuous and honorable men, who are not venal and corrupt, and who cannot be bought with the tempting offers of money or power.

The Secretary, in commenting upon the subject of a recharter of the bank, concludes his observations by stating that public opinion has manifested itself in opposition to the renewal, by the election of the present Chief Magistrate. It is only necessary to observe, that this assertion is, I think, without support from facts. And on this point I might appeal, with confidence, to many gentlemen in this House, representing States which gave their electoral vote to the President, that the question of the recharter of the bank was not considered in reference to that election. I will name but one, and that is Pennsylvania.

The report then proceeds to state that the public interest required the removal of the deposites, prior to the expiration of its charter. Admitting, what is by no means true, that the Secretary is made the sole judge of the public interest in this respect, what reasons existed, connected with this interest, that influenced his judgment?

The deposites would probably amount to several millions of dollars in 1836. This opinion is advanced in the

report, dated December 3, 1833; and on the 17th of the same month, in his annual report on the state of the finances, he says, "if the appropriations should be kept up to the amount authorized for the present year, the charge upon the treasury, in 1835, would be more than it could probably meet." "If an amount of expenditure equal to the appropriations at the last session of Congress should be authorized at the present session, it might be necessary to provide additional revenue earlier than is now contemplated." If the present state of things does not soon improve, there is reason to fear that there will not only be no money in the treasury at the close of the year 1835, but that we shall be obliged before that period to increase the revenue. Let me, however, suppose that the revenue of the Government, in 1836, will be equal to what it has been at any time within the past year. What results, in the opinion of the Secretary, are to take place deleterious to the public interests, if it be deposited in the Bank of the United States?

The notes of the bank payable at distant places will become depreciated! Why? What cause will produce it? Because they will not then be receivable in payments to the United States; and thus the peculiar credit given to them, and which has arisen from this cause alone, will be lost. I do not know that the Secretary is indebted to his agent for this novel idea; but it is to be found in his letter to which I have before referred, in somewhat similar language. I do not agree with the Secretary or the agent, that it is the Government only which gives credit and currency to the notes of the Bank of the United States. They have obtained it from causes much more enduring than this. The public have a higher confidence in them than in notes of the local banks, arising from the organization of the bank, its capital, its mode and means of operation, its almost complete ubiquity. If, however, the superior credit of these notes grows out of the cause suggested in the report, it by no means follows that they would depreciate at the expiration of the charter; for the same cause would continue to operate in their favor. They would still be receivable for debts due the Government. They do not cease to be obligatory on the corporation at the termination of its charter, nor does the obligation of the United States to receive them in discharge of debts cease at that period as a matter of course. Let me, however, appeal to former experience on this subject. This will prove that, so far from depreciating, the very reverse of this will happen. It will be exceedingly difficult for the bank to call them in, in consequence of their continued universal circulation and superior credit, arising from the undoubted confidence of the public in them. Such was the operation of these causes after the charter of the former Bank of the United States expired, and such will it always be when applied to the notes of such an institution.

The Secretary says, if the deposites are left with the bank until the last moment of its existence, and then be suddenly withdrawn, the ability of the bank to be prompt in its payments to the Government may well be doubted, even if the ultimate safety of the deposites could be relied upon!

Can any probable events which will occur in 1836 have a more powerful effect upon the ability and credit of the bank than those which have occurred within the last three months, consequent upon the removal of the deposites? Will any greater inducements be held out to the public then, than have been for the last ninety days, to injure the credit of the institution, to force back its circulation for redemption, to rapidly withdraw its public deposites, or cause its private depositors to be alarmed for the safety of their moneys? And yet we know, notwithstanding all these adverse circumstances, the bank has been prompt in its payments to the public and private creditors; has paid all the Government deposites which have been called for, (and nearly all have been demanded,) by checks and transfers, both regular and irregular; has sustained its credit unimpaired not only, but increased; and assisted those who, without its timely aid, would have been ruined and destroyed.

This is not the only view which may be taken of this part of the subject. A bank which is constantly receiving, and making no issues, is always in the best condition to meet the lawful demands which may be made upon it. It would be an anomaly in the history of banking institutions, that one in good credit, and possessing the public confidence, should be less able to meet its engagements when employed only in collecting its resources than when actively engaged in business, and extending its usual accommodations to its customers.

Again, let me ask the House to listen to the voice of experience. Let it look to the events which followed the expiration of the charter of the old bank, and there see the ease, and rapidity, and promptness with which that institution, having no time given it to close its concerns, paid its debts, without loss to itself, or injury to the public; and from that part of its history learn a useful lesson on this subject of depreciation and ultimate safety of the public deposites, even should they be continued in the Bank of the United States.

The Secretary, on this topic of public interest, concludes by asserting that the removal was necessary for the purpose of gradually introducing the sound and convenient currency of local bank notes—a circulating medium which can be furnished by the State banks quite as uniform in value as that afforded by the Bank of the United States. This is substantially a repetition of the opinion advanced by the agent of the Treasury, with somewhat of a qualification. The agent believes that a general currency of more uniform value than that now furnished by the Bank of the United States would be provided by the State banks; while the Secretary is content to say that it would be *quite as* uniform, not *more* so. I will not here repeat what, when discussing another branch of this subject, I particularly stated. I will merely remark, that this project of a paper currency, through the local banks, of a uniform value, has done as much to destroy public confidence, and to produce the present embarrassments, as any other cause. It is a project which never has succeeded—which never will succeed; and we have one melancholy evidence of its unfitness, when we look at the fourteen hundred thousand dollars of unavailable funds, consisting of broken bank notes, now in the Treasury.

The Secretary proceeds next to consider the conduct of the bank, and from that to obtain reasons to justify the removal. He says, "the condition of the mercantile community, produced by the conduct of the bank, rendered the removal indispensable at the time it was begun; and it could not have been postponed to a later day without injury to the country."

And what was that condition, as described by him? One of great pressure and distress, caused by the unprecedented and unnecessary curtailment of the loans of the Bank of the United States, and the consequent curtailment by the State banks, which, if it had not been relieved by the prompt interference of the Treasury, would have resulted in a wide-spread scene of bankruptcy and ruin.

The course of argument which I have adopted has led me, in another part of it, to speak with much particularity on this prominent reason advanced by the Secretary. I shall not trouble the House with a repetition of it. I shall content myself with remarking, that I have pointed to the evidence from official documents, which shows (and I think conclusively) that when the bank extended its loans, it was censured, because it did not take steps to close its concerns; when it curtailed them, it was censured, because it did not come to the relief of a suffering

community; that it had not, previous to the removal of the deposites, refused its aid in loans at all, but they had become contracted at that time merely in the usual and regular course of its business—an event which happened at the same time, and nearly to the same extent, in the preceding year; that the bank had done no act from which the Secretary had a right to infer it intended to diminish its loans, but the reverse; that the agent of the Treasury had advised the department, if the deposites were not to be withdrawn, there would be no more pressure by the bank; and if they were removed, its power to oppress would cease; and that, since the removal, the bank, instead of oppressively and rigorously curtailing its discounts, had continued them to an amount, exceeding, by more than seventeen hundred thousand dollars, the sums which it had paid to the public and its private creditors. In view of these facts, can it be contended that the conduct of the bank towards the mercantile community had been such, or would be such, as to justify a removal of the deposites?

The Secretary says the bank is the fiscal agent of the Government; and if it conducts towards its principal in such a manner as would justify a prudent man in private life in dismissing his agent, it would equally justify him in removing the public moneys from its custody.

If it be but a fiscal agent, its duties to the Treasury are merely fiscal: and what are the duties of this character which attach to the bank? To keep the moneys of the public safely, and disburse them when and where they are needed. And has not the bank done all this? When did it occasion the loss of a shilling to the public, or even endanger it? And when did it refuse to disburse the funds in pursuance of a legal requisition? Let the Secretary be tried by his own rule. Has not the bank been a faithful fiscal agent? And has the principal any cause of complaint, if the agent perform all which he has promised?

It is said the bank has violated its charter in the formation of its committees, and in the assignment of duties to them.

If this be so, let the question of violation be submitted to the proper tribunal, where the bank may exercise the right given to it by its charter—of a trial by jury. But in what does this violation consist? Does the act require seven directors to discount notes? Can nothing be done by the corporation without the attendance of seven of the board?

The Government directors, however—those public sentinels—have not been appointed on the important committees of the bank.

If the public have not suffered from this cause, it would not seem to furnish a very satisfactory reason for the removal of the deposites. That they have not sustained any injury, unless it be that these directors have not been able to discharge all the "political" duties incident to the trust conferred on them, though they evinced no want of disposition or zeal to discharge them, is abundantly manifest.

It might not be difficult to conjecture why they have not been placed on what they term the most important committees of the board. It is to be presumed a due regard has been paid to their merits, and such places have been assigned them as they could fill with the most advantage to the institution. The Speaker of this House exercises the same discretion in the selection of its committees, and with similar views; and it would be a novelty to make it a cause of complaint against him that he had misjudged in his opinions of the qualifications of members for the various committees, which it is made his duty to appoint. It is not less singular that these Government directors should suppose they are invested with "attributes" peculiar to themselves, or are appointed to discharge duties which do not equally attach to all the directors. The charter of the bank provides that there shall be twenty-five directors, five to be appointed by the President, and twenty to be chosen by the qualified stockholders; and these directors so appointed and chosen are to manage the affairs of the corporation. Does the act confer powers on any of these directors which it does not confer on all? Why, sir, every member of the board is a "public sentinel," no matter from whence his appointment comes. All are required, by a sense of their own honor, by a regard to their own character, by assuming the trust reposed in them, by every moral obligation, to see that the great objects of the institution are attained; that the public and private stockholders, the public and private depositors, those for whom and with whom they transact any matter of business connected with the bank, are treated with becoming liberality, their rights regarded, their moneys safely kept, and honestly and promptly paid when demanded. And whether it partakes more of arrogance or diffidence in the Government directors to assume to themselves, exclusively, "national trusts and responsibilities," to claim for themselves "attributes" which they deny to their co-directors, and to intimate that the property and interests of the public which are connected with the bank are peculiarly and specially intrusted to them, it would not, perhaps, be difficult to determine.

I must hasten on. The old matter of the three per cents is once more raised from the tomb, and spread before us in the report. I had thought that the very elements of this deceased subject had long since been decomposed. For many months it was under the dissecting knife of the Executive, the Treasury, the public press, and members of Congress. There was but little left of it when it was buried; but it has been again dug up by the newly appointed Secretary of the Treasury, acting in the character of (if I may be allowed the expression) a financial resurrectionist, and placed before our eyes. It needs no other remark, now that it is here, than this: It was fully examined by the standing Committee of Ways and Means, who, after a careful view of it, reported that the action of the bank had probably caused the payment of the stock, so far as it respected the Government, at an earlier period than it would otherwise have been paid; and that it neither called for nor admitted any action of Congress upon it. It was, therefore, decently and honorably interred, and is now exhumated, to be presented to us as a living memorial of the unfaithfulness of the bank, to justify the removal of the deposites.

I pass over the matter of the French bill. It has been the subject of appropriate remarks by others who have preceded me. It is enough to say, that even were the claim for damages less just and equitable than it seems to be, it is, on the part of the bank, but a claim, which it has not in any manner attempted to enforce. Would any discreet principal violate his contract with his agent, because the latter had made a demand upon him, growing out of their transactions of business, which he thought unjust and unfounded?

The last reason suggested by the Secretary is, that the bank has used its means with a view to obtain political power, act on popular elections, and influence the measures of the Government; and the evidence of this improper application of its money arises from its loans to printers, and its expenditures for printing books and pamphlets relating to its operations. As to its loans to printers, the whole subject, as to some of them, had been considered by a committee of this House, and no interposition on its part was deemed necessary. And, in regard to those to Gales & Seaton, (whose private transactions have been brought into this debate,) while it is known they were made to enable them to carry on and complete the publication of an important and extensive work, ordered by Congress, it is due to these gentlemen to say, what I believe to be true, that no men are more elevated above the imputation of being in the market; none whom it would be more difficult to purchase; none

who sustain more unblemished characters for integrity; none who are less obnoxious to the charge of impure motives in asking or receiving bank accommodations; and none more above the reach of the libels of the press. It was intimated that the bank had had an agency in the publication of libellous electioneering pamphlets and handbills. If any honorable member who has alluded to this subject will vouch for the truth of this intimation, I will join him in the most full condemnation of such an act, and he may use the most unmeasured terms of reproof, and they will be just. Until then, however, is it not due to the bank to look into the publications which it is admitted or proved they have caused to be printed and circulated, and not assume for them an agency in the distribution of others? I will not stop to inquire whether the just principles of self-defence and self-preservation did not justify these publications. I will not, when discussing a question involving the dearest interests of every portion of our citizens, ask whether an injudicious, or even improper application of sixty or eighty thousand dollars of the money of the corporation, has or has not been made by the bank. I will call the attention of the House to but one consideration connected with this matter of printing. It is this: if it be claimed that there has been a useless expenditure of money by the bank, let the question be tried and determined by the tribunal selected by both parties—the courts of the United States, on a *scire facias* sued out for that purpose. As, however, the Executive and the Treasury have deemed it suitable to appeal to the people, instead of the judicial tribunals; as they have preferred tendering an issue directly to the public, in the form of papers read to the cabinet, communications from the public directors, reports to Congress, and removal of the deposites, can it be thought either unfair or illegal for the bank to appeal to the same tribunal? If it be proper for one party to prepare or circulate documents or pamphlets showing the danger of this moneyed monopoly to the liberties of the people and the purity of the elective franchise, can it be improper for the other party to adopt a similar course to show that it possesses no powers, nor has any disposition to assume any, of such dangerous tendency? The honest people of this country will judge.

I have now, sir, disposed of this report of the Secretary, in reference both to the principles advanced in it, and the reasons which induced him to take that important step which resulted in the removal of the public deposites. I have made this examination, I hope, with a spirit and feeling which become the subject, and with a sincere desire that the truth might be ascertained and its influence might be felt. I cannot take leave of it without once more invoking this House to call to its aid, in the final disposition to be made of it, every principle connected with devotion to our common country, and a fixed determination to protect the rights and promote the interests of our common constituents. Sir, we are rapidly approaching an eventful crisis in the whole business concerns and currency of the country. We are almost upon the outer edge of a precipice; we can look over it and see the abyss below. Let us take all our prejudices, our preconceived opinions, our political preferences or antipathies, and gather around the altar of our country, and offer them all up as a sacrifice to promote the welfare and prosperity of our citizens. Let us open again the channels of business; revive expiring industry; restore public confidence; and enable this free and great nation once more to assume its wonted cheerfulness, industry, enterprise, and prosperity.

FRIDAY, JANUARY 24.

EXTENSION OF THE PENSION LAWS.

After transacting the usual morning business, the House took up the order of the day, being Mr. CHILTON's resolutions, and Mr. BOULDIN's amendment, in relation to the pension laws; when, Mr. LANE rose, resumed, and concluded his remarks, as given entire in preceding pages.

PENSIONS TO CERTAIN PERSONS.

The House then proceeded to the orders of the day, and took up the bill granting pensions to certain persons therein named. On its third reading,

Mr. CONNOR moved to amend the bill, by reducing the pension of Leslie Combs from twenty dollars to five dollars per month.

The SPEAKER decided that the motion to amend was not in order.

Mr. CONNOR then moved to recommit the bill, with instructions to the committee to strike out the clause granting a pension to Leslie Combs.

Mr. BURGES opposed the motion, and advocated the claim of the individual to a pension.

The discussion was continued by Mr. WARDWELL and Mr. PARKS, who opposed the claim.

Mr. WHITTLESEY, of Ohio, being very anxious, he said, that the House should dispose of some business to-day, felt constrained to move the previous question; but he yielded the floor to

Mr. LOVE, who wished to make some explanation.

The motion for the previous question was then made and lost.

The discussion was further continued by Mr. HAWES, Mr. MANN, and Mr. CHILTON ALLAN, who spoke in panegyrical terms of Combs. The House was also briefly addressed on the subject by Messrs. BROWN and EVANS in favor of retaining the name of Combs on the list; and by Messrs. PARKS, BURGES, BOULDIN and DICKERSON against it. The discussion was of a desultory and unimportant nature, affecting chiefly the character and claims of Combs himself, with the exception that the House should hesitate concerning the pretensions of individuals, for whose claims a commissioner and a distinct office were specially appointed. If the pretensions had been of a valid nature, they would have been properly appreciated and rewarded, without having had recourse to Congress.

The question was then put, that the name of Leslie Combs be struck off the bill. But a demand being made to have the yeas and nays on the question, a considerable lapse of time was occupied; when, about 3 o'clock, the result was declared to be 124 yeas for striking off the name, and 66 nays.

The residue of the day was, as prescribed by the rules of the House, devoted to the consideration of private bills; after which,

The House adjourned to Monday.

MONDAY, JANUARY 27.

NEW BEDFORD RESOLUTIONS.

Mr. REED presented the report and resolutions of New Bedford. Mr. R. observed, that he had been requested to present the report and resolutions of a numerous and highly respectable meeting of the citizens of New Bedford, in the State of Massachusetts. He trusted that it was proper for him to state that New Bedford had been highly distinguished for its enterprise; and its prosperity and success had been almost unexampled, even in this prosperous country. It was believed but three cities in the Union had more navigation than New Bedford, and none had been more successfully or usefully employed, whether we look to the prosperity of the place, the general benefits resulting from their employment, or the great interests of the whole country in regard to its naval defence. They now represent, and truly represent, that, while in the full tide of success, suddenly and unexpectedly they have been plunged into and almost overwhelmed with

distress; that trade and confidence are in a great measure destroyed, and business stopped; that they cannot fulfil their engagements, because they cannot sell their property for cash, or obtain any loan of money. Many worthy and hitherto prosperous men have been ruined; and the end is not yet. The future presents prospects awfully alarming and distressing. They believe the present calamity and distress is mainly owing to removing the deposites, and the measures resulting from the removal. They believe so, because among other reasons they can find no other adequate cause for the evil. Dismissing and disclaiming all party or political considerations, they earnestly desire and entreat Congress to restore the deposites, because they see no other mode of obtaining relief; but, at all events, to unite in affording speedy and effectual relief, in such manner as their wisdom may direct, to them and their country.

SLAVERY IN THE DISTRICT OF COLUMBIA.

Mr. ELLSWORTH presented a number of memorials, which, he said, had been forwarded to him from a number of his constituents, on the subject of slavery in the District of Columbia. In presenting these memorials, he felt himself bound to state, that although he had no agency or connexion whatever with the getting up of these petitions, and no knowledge of them previous to their coming into his hands, he agreed entirely in the sentiments therein expressed by his constituents, and considered the subject referred to as one deserving the highest consideration of the House. He should not, of course, at this time, go into any discussion of the subject; but he should not have done justice to his constituents, had he failed to express his entire concurrence in the views they had expressed. Mr. E. further said that he had twelve memorials, from various parts of the Union, signed by some hundreds—he might almost say by thousands—of petitioners, (for the signers exceeded a thousand,) touching the same subject with those he had just offered—the existence of slavery in this District, as well as the evils and abuses growing out of it. As the signers were not his own constituents, it would have given him pleasure had the papers been sent to the immediate representatives of the memorialists; but, as they had been sent to him, he was willing to present them, and to say that they contained an expression of his own sentiments. He hoped all these papers would receive the speedy and candid consideration of the committee.

CINCINNATI MEMORIAL.

Mr. LYTLE presented a memorial containing resolutions from a meeting of citizens in Cincinnati. The memorial stated that the resolutions had been passed at a meeting convened by a call from upwards of six hundred citizens. The resolutions urged the restoration of the deposites to the United States Bank; and concluded by a resolution that their representative in Congress be instructed to support the prayer of the petition.

On presenting the memorial, the following remarks were made by Mr. LYTLE:

The House will discover that, by this memorial, I am specially instructed to sustain the views of those who have presented that paper. As a public servant, acknowledging as I do the right of the people to instruct their representatives, and pledged as I am, and ever wish to be, to sustain that doctrine to its fullest legitimate extent, I claim the indulgence of the House while I assign a few reasons why I am constrained to question the right of my instructors, in this particular instance, to instruct me as they have done, and distinctly to declare that I cannot and will not obey them. When the voice of a majority of my constituents is heard to direct me in the path of my legislative duties, it shall be most implicitly obeyed. I will promptly yield to that authority, and, if I cannot conscientiously pursue its mandate, I will be the last man on earth to obstruct a full expression of the public will. But knowing, as I do, that these resolutions only emanate from a minority—a meager minority—of those chiefly who opposed my election, too, I would be most faithless to the principles which I have here declared should ever govern an honest representative if I did obey them. No, sir, I have those proofs with me now, which declare, in a language not to be misunderstood, that, upon this subject, my constituents are still with me in feeling and in sentiment, as they were at the time when, at the polls, they instructed me. Shall I, then, when possessed of the unchanged evidence of my district upon this subject, turn traitor to the trust confided to me? Shall I disappoint the wishes of a majority of some eight or ten thousand voters, to gratify a meeting called by some seven hundred—and that meeting composed, too, mainly of my opponents? for, in the whole catalogue of names which appear upon the paper calling this meeting, I only recognise the names of some half a dozen who supported me. Sir, I would be recreant to that trust, apostate to those principles which I avowed should ever govern me, and a craven culprit at the forum of my own conscience, if I were now to act in obedience to their instructions. I never can, then, and never will, give a vote by which I shall aid directly or indirectly the power or perpetuity of this most odious institution. Why, sir, you have, in the language of this memorial, nothing more than a reiteration of the same fallacies which were employed by the signers to defeat my election. The issue, sir, between the bank and the country was fully and fairly tried a year ago. A jury of the whole district sat in judgment upon them, and, by a large majority of more than six hundred of the panel, I had a verdict against the bank. Sir, the judgment was a righteous one, and no aid of mine shall ever be given to reverse it.

I have said, sir, that the memorialists were of the most elevated and respectable character—individuals towards whom I entertain a high personal regard, but who lost no opportunity that their wealth, their talents, their high standing, their long residence among the people, or their untiring industry could effect, to defeat my election, in virtue of all these auxiliaries, and upon the very principle which gave birth to this memorial. As I could not compromise then, I will scarcely accommodate them now.

But is it not strange, and worthy of some notice, Mr. Speaker, that several of the most efficient managers of this meeting were men who have, through a long life, been attached to a party which has ever denied the whole doctrine of instruction? Staunch federalists, who have made the representative independent of his constituents, and who now, for the first time, come forward as converts to the old republican doctrine of representative amenability, and apply, or attempt to apply, to me their newly adopted principles, and on an occasion when they are most singularly inapplicable? Why, sir, if I had never heard of my constituents since my election, the very names on that paper would be enough to satisfy me (I mean the great body of them) that those who supported me then, were opposed, at this time, to the views of the memorialists.

It is only by elections, Mr. Speaker, that a perfect expression of the popular will can ever be obtained. The worthy gentlemen who here claim to instruct me in their views of the policy and expediency of sustaining the United States Bank, at the expense of what I humbly conceive to be every principle of constitutional liberty, had an opportunity to do so at the last congressional election. Heaven and earth will bear witness that they did make this effort; and, if they failed, God knows it was not by neglecting the aids which their high standing in the community afforded them to carry these points, in their exertions to prostrate me. But those exertions

were met, boldly and fairly met, and triumphantly resisted, by the opposing suffrages of an honest, unbiassed, and unbought yeomanry.

Sir, do I hazard any thing in this declaration, with the evidences of public opinion that I have before me? I will call the attention of the House to some indication of popular feeling on this subject, in the form of resolutions, adopted by the people of Ohio, since the removal of the public deposites.

[Mr. L. here read the resolutions adopted by his constituents, advocating the removal of the public deposites, and expressing a confidence that he would sustain the administration in that measure.]

Sir, I have not presented these resolutions to the House, nor do I mean to do it; it was neither expected nor required of me. But it was the voice of a convention of delegates, assembled, sir, not upon a six hours' notice, but by public advertisements for days and weeks previous to its assembling, and composed of delegates from the various wards of the city and townships of the county comprising the district; and what is their mandate? What their instructions? Why, sir, so far from instructions, they do not even request any thing from me. But, thank God, they express an unshaken confidence in my firmness in sustaining, so far as my abilities permitted, the views and principles on which we all agreed at the period of my election, and which, I am proud to tell them, I never will desert. These teach me, sir, that the people of my district are unchanged in their hostility to the United States Bank; that they are strengthened in their conviction of its hourly inroads upon the constitution, and upon our constituted authorities; and that the very safety of the country requires the destruction of this lawless aggressor.

But, sir, this is not all: the feeling is general out of Cincinnati. These sentiments are entertained, as I will undertake to show, by resolutions passed on the 8th of January last, at the seat of Government in Ohio.

[In submitting these resolutions, Mr. WATMOUGH called Mr. L. to order, but after some conversation withdrew his call; when Mr. L. proceeded to read the resolutions of the convention, and also of the General Assembly of the State of Ohio, which he said had been adopted in the one case by a unanimous vote, and in the other by large majorities of both branches.]

Mr. L. continued: I have here, then, to sustain me, not only the opinions of my friends—those who elected me, in my own immediate district—but also the voice of a whole convention of more than two hundred delegates, from every section of the State, the largest that ever met in Ohio; a public act of the General Assembly of that State, supported by the Senators and Representatives from my immediate district. Are all these to be disregarded and set at naught, at the dictation of a few, who were ever opposed to me on this subject? Shall the mass of the people govern, or shall the country be controlled by the selfish and contracted views of an interested fraction of the people? Sir, this may be the republican reading which your memorialists derive from the constitution of their country. But I take leave to say, that I got my version of it from other instructors. And while I avow my determination to take these testimonials of public opinion as my guide in reference to the bank, I indulge the hope that they will be regarded by this House as entitled to at least an equal respect with the swarm of memorials which have lately crowded our tables from boards of trade, chambers of commerce, counting-house establishments, and stockjobbing associations, who seem to have taken Congress under their especial patronage, for the purpose of teaching them the vital necessity of sustaining this invaluable institution.

In conclusion, then, sir, I have the consolation of knowing that, both from my district and State, I am sustained by the will of that majority, which I freely admit should, in all cases, control the representative; and I have only to add, that if the worthy gentlemen (to whom I feel indebted for their support at my election, and whose signatures to this paper would indicate a change of opinion) will, in addition to their own, procure the names of those five or six thousand others, who, in October, 1832, thought with them, that the power and influence of this bank was, instead of a blessing, a growing curse upon the people, I here publicly declare that, although my vote shall never be given to uphold the bank, I will no longer oppose myself as a barrier to their will, however pernicious I may regard its consequences. Sir, under such circumstances, I pledge myself to vacate my seat, and again try the question before the same tribunal by whose judgment I now occupy a place upon this floor.

But, sir, I will beg leave to say to my Cincinnati friends, that, before they took it upon them, as a minority, to instruct me in the form and manner which they have done, it would have been well to have thought of the operation that their course would produce on the action of another representative in another place, possessed of their confidence, and adopting their views, and who stands instructed by the public voice of that body which created him a Senator.

Here Mr. L. was called to order by the CHAIR, and informed that any reference to a member of the Senate was out of order and unparliamentary.

Mr. L. explained, and said he might at least be allowed to state the case hypothetically. If a representative is bound by the instructions of his immediate constituents, in whatever form they may come to him, (where the difficulty is so great of procuring the actual sense of the majority of electors,) how much more imperative should be the clearly expressed will of a State Legislature upon a Senator of their own appointment, and under the most direct and absolute amenability to the creating power?

In the one case, there must always be uncertainty. In the other, no room is left for doubt or cavil. In this sentiment I am borne out and sustained by the opinions of another, occupying also a high and responsible situation before the people, who told the Legislature, as their Chief Magistrate, in an official message, only one short year ago, that "the people of New Jersey, by themselves, through their representatives here, and to their representatives there, have the right, and are bound by duty to themselves, to convey their commands on this, as on any other interesting topic; and it is their business, both to watch and control the doings of their general agents, and, as they appointed them, so correct their wanderings and errors."

And yet, sir, this very functionary is now placed in the most awkward and embarrassing of all positions, by the operation of his own principles, fresh and new-born as they are. He is constrained either to vote against his speech, or to speak against his vote!

Instructed, sir, as I feel myself to be by the expression of the people, given so decidedly against the bank at my election, I feel safe in a strict adherence to the poll-book record. From this course I shall not depart, until the same people shall instruct me otherwise; and, in this act of obedience, I shall indeed feel that I have been faithful and consistent, as a Representative, in withholding all aid from this most subtle, dangerous, and lawless invader of the constitution and the country's peace.

PUBLIC LANDS ON THE WABASH, &c.

Mr. EWING submitted the following resolution:

Resolved, That the schedule of lands within five miles of the surveyed line of the Wabash and Erie canal, (and bordering on the Maumee river, from the State line of Indiana, eastwardly, as far as the towns of Maumee and Perrysburg, in the State of Ohio,) sold by authority

of a proclamation of the President of the United States, regardless of the act of Congress previously sanctioned, donating the same to the State of Indiana, upon certain accepted conditions, be referred to the select committee on Wabash and Erie canal lands.

Mr. EWING asserted that the sale of the public lands on the Wabash river was in opposition to the act of Congress of 1827, and involved the conduct of the Commissioner of the Land Office.

Mr. CLAY considered it rather rash to pledge the House by such a resolution, stating as a fact that of which they had no knowledge nor previous information whereon to come to the conclusion adopted in the resolution. If the resolution required merely an inquiry concerning the sale, it would not be obnoxious to his objection, and it might ultimately obtain the end sought by the gentleman from Indiana.

A desultory debate followed between Messrs. EWING and CLAY, which terminated in a motion by Mr. C. that the consideration of the resolution should be postponed till next day.

This motion was adopted; and an attempt subsequently made by Mr. VINTON, of Ohio, to reconsider the motion of postponement, was negatived without a division.

APPROPRIATION BILL.

Mr. POLK, from the committee of conference on the differing vote of the two Houses, in relation to the partial appropriation bill for the support of Government, made a report, which was read at the clerk's table.

Mr. P. observed that, as the report contemplated a new appropriation for the library of Congress, it would have to pass through a Committee of the Whole. He therefore moved that the report be referred to the Committee of the Whole House on the state of the Union.

Mr. ADAMS, of Massachusetts, said that he rose, not to object to the motion, but to put an inquiry to the Chair on a question of order. From the mere hearing of the report, as just read, it struck him that, according to that report, the question was no longer as to the power of each House to make an appropriation to purchase books; here was a new item of appropriation altogether. Could this be in order? If the committee of conference could report this, might they not as well have reported a complete general appropriation bill?

The SPEAKER replied, that it was not for the Chair to decide whether the committee had been in order or not, in making such a report as they had. There was certainly nothing in the report to prevent the House from going into committee upon it. It appeared that what they had reported was connected with the subject of disagreement between the two Houses; but it was for the House to say whether they had transcended their powers.

Mr. POLK explained, observing that the subject of disagreement submitted to the committee of conference was the purchase of books by the separate action of either of the two Houses. The committee had settled this question by agreeing that neither House should, in future, purchase books without an appropriation; that such as had been ordered should be paid for out of the contingent fund. But, as books were often necessary, the committee had further agreed to augment the appropriation for the library by the sum of $5,000. This was yielding something on each side, without sacrificing principle.

Mr. ADAMS, of Massachusetts, said he had started a question in the House in reference to this report, simply as a question of order; and in this light it appeared to him as an important one. The Speaker, however, had declared that the report was in order; but that the objection taken to it by Mr. A. might be urged to the House when in Committee of the Whole, against the acceptance of the report. In this decision, Mr. A. said, he had acquiesced; and inferred from it that the objection went much deeper than a mere point of order, and involved the principles of sound legislation themselves. The committee of conference had, in fact, given to both Houses not only a new bill, but a bill of different character from that upon which it was ingrafted—a permanent annual appropriation patched upon a mere bill for the immediate payment of the expenses and members of the two Houses of Congress at this present session. They had reported the substance of a new appropriation bill; and had, by their compromise, totally changed the features of the bill which had passed that House. The bill, in its ostensible purport, was an appropriation bill, in part, for the expenses of Government for the year 1834. It was a bill for this object exclusively. But the committee had here reported a permanent law, applying $5,000 annually to the library of Congress: this was a new appropriation altogether. There was not a syllable about the library in the original bill. He had no objection in the world to the compromise itself; he was satisfied with the provisions of it, especially with an augmentation of the sum to be applied to the library; but, as a precedent, he could not assent to it.

The CHAIR said that, if the report touched any other subject in the bill than that on which the Houses had disagreed, it would, of course, be out of order.

Mr. POLK further explained.

Mr. WILDE inquired whether the Chair had decided the report to be in order?

The SPEAKER replied that, if the report touched only the subject of difference, it was certainly in order. That could, however, as well be discussed in committee as in the House.

The report was then referred; and, on motion of Mr. POLK, the House went into Committee of the Whole on the state of the Union, Mr. CLAY, of Alabama, in the Chair.

Mr. POLK moved that the committee rise and report.

Mr. FILLMORE called for the reading of that clause of the bill which the Senate had originally stricken out. And it was read.

Mr. FOOT demanded the reading of the entire bill; and it was read accordingly.

Mr. WILDE said that, as he understood the matter, the report of the conferees proposed to strike out a part of the bill respecting which the Houses had not disagreed at all, but in which both Houses concurred. Now, though no one could be more sensible of the necessity of prompt action on a bill in which the interests of so many persons were involved, still he considered the present question as of too great importance to be lightly passed over. Nobody could be more willing and ready, at all times, to vote money for the increase of the library, as none could be more fully convinced of their own want of the knowledge it contained. But what was the question? A committee of conference had been raised to confer on—what? On that part of the appropriation bill respecting which the two Houses could not agree. This was the extent of their warrant and authority; and he, for one, would never consent that such a committee should transcend the limit one hair's breadth. It was competent for them to recommend legislation to the House respecting so much of the bill as had been disagreed to; but there their power ended. But here the committee had reported a proposal to strike out what both Houses had agreed to retain, and to add an entirely new clause, which had nothing to do with the matters in the bill. The question which had been submitted to them was, whether the Houses should be restricted in using their respective portions of the contingent fund; and the committee had reported a new clause of appropriation. In his view, they had exceeded their authority; and, of course, their act was void.

Mr. E. EVERETT replied. The gentleman from Georgia had taken two exceptions to the committee's report.

The first was, that it went to strike out a part of the bill, in which the House had concurred. It was indeed true that, in point of the mere letter of the bill, it was proposed to drop two lines, which neither House had stricken out: but they contained an integral part of the subject-matter which had been objected to by the Senate. The subject was, in fact, but one. The question was, whether one House should limit the other in the expenditure of its contingent fund? The Senate had resisted the attempt to do so by the House: the House had insisted on the measure. A committee of conference had been appointed, and they had confined themselves to this subject. They had not gone beyond the matter of disagreement. The other objection of the gentleman from Georgia relates to the additional appropriation asked for the library of Congress. In consequence of his connexion with the library, it might not be improper for him to make a remark. It was not strictly in order to refer to what had been done in the committee room; but he might allude to what was not done; he might say that he had not proposed that additional appropriation. He had, however, assented to it when the suggestion came from a different quarter. He considered that, since the disagreement had respect only to the purchase of books for the use of the two Houses, any arrangement on that subject was within the power and competence of the committee. One source of inconvenience, heretofore, had been the refusal of the Committee on the Library to apply any portion of their fund for the purchase of duplicate copies of the books for the use of committees. Resolutions for their purchase out of the contingent fund were consequently brought forward, from time to time, in either House. Hence, the connexion of the two matters. An increase of the library fund would furnish a resource for any small calls of this kind; and was also highly desirable to place the library on a proper footing, and fill up the chasms which still existed in almost every department, which he admitted was the main object of the increase asked for.

The debate was further continued by

Mr. WILLIAMS, who concurred in the views of Mr. WILDE.

Mr. FOOT followed in the same track.

Mr. POLK further explained, and insisted that the committee had not transcended their authority.

Mr. ARCHER, though strongly disposed to favor both parts of the arrangement proposed, would not, on account of the dangerous precedent. It was a compromise purchased by a grant of money.

The SPEAKER explained his view of the question of order, maintaining that the whole subject of the purchase of books was within the cognizance of the committee.

Mr. ADAMS insisted upon his former objection. The committee had, in fact, reported a new bill. He approved the compromise but for the precedent.

Mr. WILLIAMS moved that the committee now rise, (without reporting the compromise.)

Mr. POLK moved that the committee now rise and report.

After some conversation, Mr. WILLIAMS's motion was lost, and the committee rose and reported concurrence with the report of the conferees. Ayes 88, noes 79: leaving the subject, therefore, before the House.

Adjourned.

TUESDAY, JANUARY 28.

EXTENSION OF THE PENSION LAWS.

After the reception of reports of committees, Mr. CHILTON's resolutions coming up again as the unfinished business—

Mr. DENNY rose, he said, to notice briefly a few of the objections made by the gentleman from South Carolina [Mr. PINCKNEY] to the pension system, and to extending its provisions to the soldiers who fought in the wars against the Indians. The gentleman is of the opinion that Congress had no power to grant pensions to the soldiers even of the revolution, and thinks the objection applies with greater force to the soldiers who were engaged in the Indian wars. With regard to the power of Congress, I have no doubt. The framers of the constitution did not think it necessary to detail minutely all the powers to be exercised by Congress; to have done so, would have filled your library with volumes on the subject. The authority "to raise and support armies" gives to Congress the power to promote enlistments, and to encourage persons to enter the service of the country, by holding forth such inducements as shall be deemed expedient. There is no limit as to the pay to be allowed. Congress is not restricted, either in the amount, or the manner in which it shall be paid; it may be fixed at six, ten, or twenty dollars per month. Extra or additional allowances may be authorized, or not, while the soldier is in actual service, or after he shall have been discharged; and, as a primary inducement to enter the service, liberal bounties may be proposed, either in land or money, or both; and a further inducement may be presented in the offer of a pension. Bounty, pay, and pension may be taken into view when the individual engages in the service; and all may be authorized by Congress. The gentleman has other objections to the system, arising from "its origin, character, and consequences." He ascribes its origin to the "protective system." He should have gone to an earlier period. It is, I may say, coeval with the Government itself; it originated before the adoption of the constitution under which we are acting, and has continued under it to the present moment. Washington himself recommended a provision of this kind for the officers; and, at his suggestion, the old Congress resolved to give half-pay for life to those who should serve through the war. And the power to grant pensions has been exercised by Congress, under the present constitution, from a very early period.

It is further urged by the gentleman, that the system is "unjust and unequal," because the greater number of pensioners now on the rolls belong to States north of the Potomac, and but a few to the south. The reason for this difference will be obvious, if the gentleman will but advert to the history of the country. The war commenced in the northern colonies; against them the principal operations of the enemy were directed for several years. This necessarily drew into the service of the country a very large number of the colonists in that quarter, either as militia or enlisted soldiers. I believe there were at least thirty thousand men under arms, and in service in the North, at the time of the surrender of the army under Burgoyne, in 1777. And when the war was subsequently transferred to the South, in 1779-'80, these soldiers from the North were sent to assist against the enemy.

A distinction is attempted to be made between those soldiers who fought the British enemy in the Atlantic colonies, and those who were employed against the Indian enemy on the frontiers. There is certainly no good reason for any distinction. The war against the British involved us in a war with her allies, the Indians. It was one and the same war, and sprung from the revolution. The historians of the country have viewed it in this light. While the frontier inhabitants and militia were employed against the Indians, the colonists in other portions of the country were operating against the British. No difference, then, should be made between those who fought against the red man and those who fought against the red coat in the struggle for independence. It is said that, after the treaty of peace in 1783, the Indian wars were private wars, and for "the benefit of particular regions, and not for the benefit of the whole country." The war which originated with the revolution did not terminate with the treaty of 1783. The British withdrew from the

contest, and left their Indian allies to contend against the States; with them, therefore, the war was continued. Although the Government made every effort to bring about peace, outrages continued to be committed by the Indians along the whole frontier, from Lake Erie to Georgia. Hostilities were kept up at the instigation of British subjects. The influence exercised over the Indians, by the subjects of the British King, with whom we were at peace, prolonged the war. This war was not of a private character; it concerned the whole nation, and was prosecuted under the direction of the National Government, and resulted to the benefit not of any particular section solely, but of the whole nation. The lands ceded by the Indians became the property of the whole nation, and have added millions to the national treasury. The campaigns undertaken by General Harmar, General St. Clair, and General Wayne, were by orders of the Government. Why, then, shall we not provide for the old soldiers, who served with them, when the whole country has been benefited by those services?

I, equally with the gentleman from Indiana, regretted to hear the remarks made by the gentleman from Kentucky, [Mr. Hardin,] relative to the conduct of General Harmar and General St. Clair. I have heard the account of Harmar's expedition, and the sorrowful tale of St. Clair's misfortune, from one who participated in both affairs; and I never understood that either officer justly incurred the slightest censure. General Harmar was selected, as a veteran of the revolution, to conduct the expedition against the Miami towns. When within about thirty miles of the villages, he learned that the Indians were deserting them. This induced him to direct Colonel Hardin, an active and brave soldier, to push forward with a detachment of several hundred light troops, to reach the towns before they should be abandoned; but, on arriving there, the enemy had disappeared from them. The expedition succeeded in its object; five or six villages, with a large quantity of corn, were destroyed. Misrepresentations and complaints were made, because a greater loss was sustained by our troops, in two or three engagements with parties of Indians, than ought to have occurred, as was supposed. A court of inquiry was instituted to examine into the conduct of the general, the result of which was honorable to him. The whole proceedings of the court are to be found among the state papers of the Government. I will merely ask the attention of the House to the result of the examination. The court were—

"1st. Unanimous that the personal conduct of General Harmar was irreproachable.

"2d. Approved of the organization of the army.

"3d. Order of march was good, and adapted to the country.

"4th. Order of encampment and battle judicious, and calculated to give security.

"5th. Just reasons for the detachments of the 14th and 19th of October; and that on the 21st was made on good principles, and secured the return of the army.

"6th. And that the conduct of Brigadier General Harmar merits high approbation."

This court was composed of brave and honorable men, at the head of whom, as president, was General Richard Butler, who, after earning many laurels in conflicts with the British enemy, was destined to close his high, honorable, and patriotic career, on the bloody field which was the theatre of St. Clair's disaster. I mention these circumstances in justice to the memory of one who served his country faithfully, and to correct any erroneous impression which might have been made by the remarks of the gentleman from Kentucky, in relation to the conduct of General Harmar. The gentleman from Indiana has ably vindicated the character of General St. Clair. I did not suppose that, at this period, the conduct of the general, in evacuating Ticonderoga, would call forth any censure. It is true, much excitement and disapprobation prevailed at the time; but all impartial military men agreed in the propriety of the measure. The general exhibited more true courage in abandoning the post than is required to meet the enemy in the field. The country became satisfied with his conduct, as the event proved to be the commencement of a series of events which resulted in the capture of Burgoyne.

General St. Clair never lost the confidence of the commander-in-chief, nor of the country, as is proved by his being subsequently appointed to places of trust and distinction. In his last battle he evinced the greatest coolness and intrepidity, although laboring under severe bodily infirmity. He used every effort to take care of the wounded; and, when a retreat was ordered, he was the last to leave the field. The Secretary of War, General Knox, made a report on the causes of the failure of this expedition. A committee of Congress also investigated the matter. By the reports, in both instances, the general is honorably exonerated from all censure, and the misfortune ascribed to causes over which he had no control, such as "the delay in furnishing materials and estimates for the protection of the frontier," "lateness of the season,"—I believe it was in June and July that the last of the troops reached Fort Washington, and in September they marched into the Indian country, and the battle occurred on the 4th of November—want of discipline, and an increased number of the enemy. General St. Clair, after he retired from public life, resided in the county of Westmoreland, adjoining the district I represent; and there he experienced the ingratitude and injustice of his country, in the rejection by Congress of just claims for services, and for property furnished for the use of the army. At last, worn down with age and infirmity, he exchanged the solitude of the mountains for the solitude of the grave.

I need not take up the time of the House in further urging the propriety of making some small provision for the heroes of our frontiers; nor need I repeat the story of their adventures, their perils, and sufferings, although the subject is an interesting one. To do so, would be recapitulating accounts of actions similar to those which have been ably described by the gentleman from Tennessee. And, while we are telling of their exploits and recounting their services, the wings of time are in motion, but are bearing no relief to these old soldiers. Let us, then, make an effort to rescue, in some degree, our country from the reproach of ingratitude, by affording to those who engaged in its defence on the frontier some small comfort for the remainder of their days. They are all far advanced in years; let us, then, add a little oil to brighten the last glimmerings of the lamp of life, before it shall be utterly extinguished; then will the frontier veteran, in breathing forth his last sigh, utter blessings, and not reproaches, on his countrymen.

Mr. D. closed his remarks with the hour; when the House passed to the order of the day, being

THE DEPOSITE QUESTION.

Mr. HUNTINGTON, of Connecticut, then rose, continued, and concluded his remarks, as given *in extenso* in preceding pages.

Mr. ARCHER, who next obtained the floor, moved an adjournment, which prevailed; and

The House adjourned.

Wednesday, January 29.

FOREIGN SILVER COINS.

Mr. WHITE, of New York, reported a bill to regulate the value of certain foreign silver coin in the United States.

Mr. ADAMS, of Massachusetts, inquired if there was any report accompanying the bill from the committee.

Mr. WHITE replied that there was not, as the subject had been reported upon by the committee two sessions ago.

The bill was then read twice and committed.

HISTORY OF THE BANK OF UNITED STATES.

Mr. ADAMS, of Massachusetts, said, that as many new members complained they were not enabled to procure a work, the publication of which was ordered by the last Congress, and which was essentially necessary for them to have, he was induced to submit a resolution on the subject now, lest any difficulty might arise hereafter as to its being procured, by the new understanding as to the provision inserted in the House appropriation bill, in respect to the purchase of books, &c.

Resolved, That the Clerk of this House be directed to purchase a sufficient number of copies of the Legislative and Documentary History of the Bank of the United States to furnish one copy to each member and delegate who was not a member of the last Congress.

The resolution was agreed to.

ARMORY IN KENTUCKY—WEST POINT ACADEMY.

Mr. HAWES submitted the following resolutions:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of erecting a public armory on the waters of Green river, in the State of Kentucky.

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of abolishing the military institution at West Point, in the State of New York.

A division of the question on the resolutions being required by Mr. WARD, the question was taken on the first, and agreed to without opposition.

The question then recurring on the latter, viz:

Resolved, That the Committee on Military Affairs be directed to inquire into the expediency of abolishing the military institution at West Point, in the State of New York—

Mr. BROWN moved to lay it upon the table.

On this motion Mr. BOULDIN demanded the yeas and nays. They were taken, accordingly, and resulted as follows:

YEAS.—Messrs. John Adams, Heman Allen, Anthony, Archer, Ashley, Banks, Barnitz, Barringer, Bates, Baylies, Bean, Binney, Bockee, Bodle, Briggs, Brown, Bull, Burns, Cage, Cambreleng, Chambers, Samuel Clark, Corwin, Cramer, Crane, Deberry, Denny, Dennis, Dickson, Evans, Edward Everett, Horace Everett, Foot, Fowler, W. K. Fuller, Fulton, Gillet, Gorham, Graham, Grennell, Halsey, Hannegan, Hard, Hardin, Jas. Harper, Hathaway, Hazeltine, Howell, Abel Huntington, Jarvis, King, Lansing, Lay, Love, Loyall, A. Mann, Martindale, McIntyre, McKennan, McKim, McKinley, McVean, Muhlenberg, Page, D. J. Pearce, Ramsay, Reed, Schley, Selden, William Slade, Francis Thomas, Turrill, Tweedy, Vance, Vanderpoel, Van Houten, Vinton, Wagener, Ward, Wardwell, Watmough, Wayne, C. P. White, E. D. White, Elisha Whittlesey, Wise, Young.—87.

NAYS.—Messrs. J. Q. Adams, John J. Allen, C. Allan, William Allen, Barber, Beale, Beaty, Beaumont, John Bell, James M. Bell, James Blair, John Blair, Bouldin, Bunch, Burd, Bynum, Carmichael, Carr, Casey, Chaney, Chilton, Chinn, Claiborne, William Clark, Clay, Clayton, Clowney, Connor, Coulter, Crockett, Darlington, Amos Davis, Davenport, Deming, Philemon Dickerson, D. W. Dickinson, Duncan, Dunlap, Felder, Fillmore, Forester, Foster, Gamble, Gholson, Gilmer, Gordon, Grayson, Griffin, Joseph Hall, Hiland Hall, T. H. Hall, Hamer, Hawes, Hubbard, Inge, W. C. Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Laporte, Luke Lea, Thomas Lee, Leavitt, Lyon, Lytle, J. K. Mann, Marshall, Mardis, John Y. Mason, Moses Mason, Jr., McDuffie, McKay, Miller, Milligan, Robert Mitchell, Osgood, Parks, Parker, Patton, Patterson, Franklin Pierce, Pinckney, Polk, Pope, Potts, Schenck, Wm. B. Shepard, Shinn, Smith, Speight, Standifer, Stoddert, Sutherland, Wm. P. Taylor, Philemon Thomas, J. Thomson, Turner, Webster, Williams, Wilson.—102.

So the House refused to lay the resolution on the table.

Mr. LYTLE offered as an amendment a resolution proposing, in substance, that no candidate be hereafter admitted into the school unless he proved, under oath, that his parents were too poor to afford to educate him.

This amendment, being in the nature of a substitute, was declared by the Chair not to be in order.

Mr. HUBBARD moved to amend the resolution by substituting, for the Committee on Military Affairs, a select committee, to consist of one member from each State of the Union.

Mr. SPEIGHT supported the resolution, not so much from opposition to the military academy, as hoping that it might lead to an inquiry into the truth of the allegation of abuses which were said to exist in the institution.

Mr. HUBBARD said that he had voted against the motion to lay the resolution, offered by the gentleman from Kentucky, upon the table; and he had done so from a settled conviction that the time had arrived when some inquiry into the affairs of this institution ought to be made. It was perfectly manifest, from what had transpired heretofore, and from passing events, that there was an opposition, and an increasing opposition, to the academy at West Point. The reasons why, he could not distinctly tell; but such he believed to be the fact. Whether it arises from the manner of administering the affairs of the institution, or whether from the creation of the institution itself, he was unable to say. From what had come to his knowledge, he believed that the Legislatures of two, at least, of the States of this Union have expressly instructed their respective delegations in Congress to oppose all appropriations, and every other measure, for the benefit of this academy; and in other parts of the confederacy there were objections to this institution. He, therefore, was of the opinion that an inquiry had better be made at once into the propriety of continuing the establishment. Such an inquiry will, of course, include every thing connected with the administration of its affairs. And, as it was a subject of very general importance, and in which every part of the United States had, most certainly, a deep interest—as no subject could engage the attention of Congress which was of more importance—he had proposed the amendment to the resolution, so that the committee charged with the subjects of inquiry should be composed of one member from each State; and he wished it to be understood, in proposing this amendment, that he had not done it out of any disrespect to the Committee on Military Affairs, nor had he done it with a view of being placed upon the select committee, as it was his particular wish to be excused from that service.

Mr. BROWN offered the following as an amendment to the amendment:

Strike out all that follows after the word "inquire," and insert as follows:

"What new enactments or legislative provisions (if any) are necessary for the improvement or better government of the military academy at West Point."

The CHAIR pronounced it not to be in order, pending the motion of Mr. HUBBARD.

Mr. MILLER moved to postpone the entire subject until Tuesday next. But the motion was negatived.

Mr. HAWES accepted Mr. HUBBARD's amendment as a modification of his motion.

Mr. MANN, of New York, obtained the floor, when,

the hour having expired, the subject was postponed until to-morrow.

APPROPRIATION BILL.

Mr. POLK now asked the consent of the House to take up the appropriation bill--but the House refused: ayes 102, noes 66--(not two-thirds, which is requisite to change the order of business.)

THE DEPOSITE QUESTION.

The House then passed to the order of the day, being the motion on the subject of the deposites; when

Mr. ARCHER addressed the House for a short time; but, being indisposed, yielded to a motion of Mr. GRENNELL for an adjournment; and

The House, thereupon, adjourned.

THURSDAY, JANUARY 30.

Mr. MARSHALL, from the Committee on Revolutionary Claims, reported a bill providing for the settlement of certain revolutionary claims, which was twice read.

Mr. M. stated that the object of this bill was to refer all claims for commutation and other similar claims to the Secretary of the Treasury for settlement, and the committee had suspended its action upon these claims until this bill should be decided upon. The committee hoped the House would give it an early consideration; and he moved its reference to the Committee of the Whole on the state of the Union. Agreed to.

UNITED STATES' LIABILITIES TO INDIANS.

Mr. H. EVERETT moved that the resolution reported by him from the Committee on Indian Affairs, on the 28th instant, should be considered. This being objected to, the yeas and nays were taken upon the suspension of the rule, and it was decided that the rule should be suspended, so as to enable the House to proceed to the consideration of the said resolution. The resolution was then read as follows:

Resolved, That the Secretary of War be directed to lay before this House a statement of the present and future liabilities of the United States to Indians and Indian tribes, under existing Indian treaties; the names of the tribes, parties thereto; the several sums and annuities, designating whether in money or goods, stipulated to be paid or delivered; the term of payment or delivery; and the specific services and specific articles stipulated to be performed for and delivered to them; the terms thereof; the place where to be performed or delivered; with an estimate of the expense of the performance of such stipulations, and the stipulations for removing Indians from the States; with an estimate of the number of Indians to be removed, and the expense of their removal.

The resolution was then agreed to.

EXTENSION OF THE PENSION LAWS.

Mr. CHILTON's resolution on extending the pension law coming up, as the unfinished business of the morning—

Mr. HANNEGAN said he did not wish to intrude upon the time of the House, but the present question was one in which he felt a more than ordinary anxiety, arising not alone from the fact that some few of those who would be benefited by the resolution under consideration were his immediate constituents, but he had a higher interest—an interest springing from another and a broader source—a wish to see some slight public recognition, some token of national gratitude, to those who, in youth and vigorous manhood, had devoted themselves exclusively to the service of their country.

In the fulfilment of this obligation he was not, like the gentleman from South Carolina, [Mr. PINCKNEY,] deterred by constitutional scruples. Those who framed the constitution, it would seem, had not such scruples; for the pension system was established at least as far back as 1789, and he (Mr. H.) was willing to take for his text, on all constitutional questions, the acts and the opinions of those who framed the instrument. It would seem, too, that South Carolina herself did not formerly regard it as unconstitutional; for, by a reference to the journals, it will be found that, in the year 1804, her pensioners were placed upon the roll of the United States, without any apparent objection on her part.

It was not, however, to argue the constitutionality of the matter that he had risen. His main object was, by a brief review of the history of the times, to show that the honorable gentleman from Rhode Island [Mr. BURGES] had—he would not say wilfully misrepresented—but that he must have forgotten the real facts when he spoke of these wars as "mere petty feuds, predatory excursions, waged by way of retaliation for purposes of robbery and plunder." He (Mr. H.) esteemed the years, the character, and the standing of that gentleman too highly to suppose for a moment that he would wilfully and unjustly defame the acts and the reputation of any, far less those of the time-worn soldier and patriot, who, in defence of his country, had stained her soil with his blood. Unwilling to believe such things of that honorable gentleman, he was bound to presume that he had forgotten. The version given to the House by the honorable member would be fouud to be widely different from what he (Mr. H.) had learned alike from history and tradition.

Of tradition, however, he would not speak, but refer alone to history to sustain his remarks.

The honorable gentleman from Pennsylvania, [Mr. DENNY,] and both the honorable members from Tennessee, [Messrs. DICKINSON and PEYTON] had stated to the House the atrocious character of this war on the part of the savages throughout the revolutionary struggle. At that period it had raged in the most horrid manner; and, if the honorable gentleman from Rhode Island was still not satisfied of the fact, he would refer him, for confirmation of the fact, and also for the character of the war, to Marshall's Life of Washington, representing, in the year 1778, that whilst various "diplomatic concerns employed the American cabinet, and whilst the war seemed to languish on the Atlantic, it raged in the West in its most savage form." Would this appear to speak simply of some petty feud? He thought not.

But, said Mr. H., as the honorable gentleman from Rhode Island has disavowed all knowledge of the existence of such a war as had been spoken of by the honorable gentleman from Tennessee, [Mr. DICKINSON,] he would ask the honorable gentleman from Rhode Island if there could be found any general treaty of peace, or suspension of the struggle with the hostile Indians, at the conclusion of the struggle with Great Britain? That gentleman could not. Upon the contrary, although various treaties had been occasionally formed with separate tribes at Fort Stanwix, Fort McIntosh, at Hopewell on the Keowee, and at the mouth of the Great Miami of the Ohio, they had proved entirely ineffectual. In pursuance of all these, however, a new treaty had been made at Fort Harmar in the year 1789, with numerous tribes, and almost the same stipulations adopted that had been agreed upon at the four places just named.

At this last treaty, (said Mr. H.,) the Wabash and Miami Indians, though specially urged, had refused to attend. They were bent upon war alone.

But, sir, to show how far this last treaty accomplished its object, it is only necessary to refer to a communication made to Congress by General Washington, in the year 1790, in which he informed that body that he had been compelled to call out the militia in the western country, in aid of the regular troops, against the increasing depredations of the savage enemy. This force was composed of one thousand men from Virginia and Kentucky, and

five hundred from four counties in western Pennsylvania.

Sir, (said Mr. H.,) the pay could not have been the object with these men. What was it? Contrast it with the pay that has been given in latter times: it was $22 per month to a lieutenant, $5 per month to a sergeant, $3 per month to a private; and they were to receive this only in time of actual service, when required by imminent peril. Mr. H. said he believed he used the very words of the instructions given to the commanding general. The documents were within the reach of the House, showing that, up to the period just mentioned, savage outrages had increased with even greater violence, and the whole frontier was stained with a repetition of the most shocking barbarities.

Shortly after these men were raised, the melancholy campaigns of Harmar and St. Clair followed in quick succession. They surely did not head mere predatory bands; they were each followed by a strong and organized force, at the direction and under the auspices of the Government. The bare recollection of the names of those who fell on those fields would certainly destroy any impression, as to the character of the war, that might have been produced on a portion of the House by the remarks of the honorable gentleman from Rhode Island. For years after, their loss had been deplored as a public calamity all over the Union. The father of his country, on receiving the news of St. Clair's defeat, was represented to have shed tears: bitter and scalding they must have been, for numbered with the dead was many a revolutionary comrade.

Sir, (said Mr. H.,) I concur with the honorable gentleman from Pennsylvania [Mr. DENNY] in his remarks upon the conduct of General Arthur St. Clair. Injustice has been done his memory, notwithstanding a complete vindication at the hands of those who best knew, and whose province it was to judge of the facts. He was sorry that the honorable gentleman from Kentucky [Mr. HARDIN] had, in the course of his remarks on a former day, joined in the censure of that man, whom he considered among the most meritorious this country had ever produced. His disasters on that campaign were caused entirely by circumstances beyond his control: their introduction, however, at this time he (Mr. H.) considered as unnecessary, perhaps unbecoming the present discussion; he hoped, however, that history would finally do justice to the memory of this gallant soldier and accomplished gentleman, whose name stood so intimately blended with some of our proudest national recollections.

But to return to the subject: In September, 1791, a report from the Secretary of War, to which he had before alluded, would be found to contain, amongst many other statements, a representation that "a strong coercive force" would be required to carry into effect the objects then contemplated by the campaign; and the same report clearly explained the principles of justice and of policy which dictated a most vigorous prosecution of this war.

It was not for success against the Indians alone that we were contending. Would the honorable gentleman from Rhode Island, [Mr. BURGES,] or any other gentleman on that floor, hazard an assertion to the contrary? They could not; for an object, which all must admit to have been of the highest importance, was still further to be attained: it was the possession and subjugation of the British posts on Lake Michigan, and of Niagara and Detroit, withheld from us contrary to the treaty with Great Britain. From these posts the hostile Indians were constantly furnished with arms and munitions, and excited to continue their career of indiscriminate butchery and massacre, to such an extent that the frontiers were made desolate from Georgia to Canada.

From this state of things the country had been redeemed by the successful engagement of General Anthony Wayne with the combined Indian force and a large auxiliary body of Canadian volunteers, on the 20th of August, 1794. Yes, a body of Canadian volunteers, drawn from around the British post of Detroit, and encouraged by Colonel McKee, the British agent at that place, together with Captain Elliott and others, of the British army, who were actually in view amongst the Indians at the commencement of the engagement, which was fought within sight of a British post and garrison.

But still further to show how little this war deserves the unkind description given of it by the honorable gentleman from Rhode Island, [Mr. BURGES,] let any gentleman look at the report of General Wayne, shortly after taking command of the army, then composed of two thousand six hundred regular officers and soldiers, and three hundred and sixty mounted volunteers from Kentucky, under the command of General Charles Scott. This force he reported at the time as utterly inadequate to the difficulties of the enterprise, and the formidable enemy against whom he was to act. To supply the requisite force, a draught of the militia was deemed indispensable. This officer had, as was known to all, succeeded in the end: and the treaty of Greenville, made on the 3d day of August, in the year 1795, had constituted the basis of all subsequent treaties held with the Indians northwest of the Ohio river; and it was the first and only sincere peace made by them with this republic, having, he (Mr. H.) believed, remained unbroken until within a short period anterior to the late war with Great Britain.

Throughout the whole of this war, it would be found, upon examination, that instructions had been uniformly given by the department to the commanding general to procure, by all means, the services of some influential and intelligent gentlemen resident in the West. A Logan, a Shelby, a Hardin, or a Spenser, were uniformly found with their little bands around them, opening the way, and directing the march of the advancing army. To the temporizing policy of the Government, the valuable life of Colonel John Hardin had been finally sacrificed; he having, at the request of the Government, undertaken a mission to the Wabash and Miami Indians, accompanied only by an interpreter, for the purpose, if possible, of effecting a reconciliation. Shortly after entering their country, he was seized as a prisoner, and, regardless of the character in which he came, he was burnt at the stake, with every circumstance of savage cruelty.

Are the survivors of these men, when now asking for some little pecuniary aid to cheer their declining existence, to be treated only with contumely? After having served for years, armed at their own expense, carrying their provisions in their wallets, without tents, with no shelter from the piercing night save a single blanket, their humble request is to be rejected without even an inquiry; whilst those who fought on this side the mountains have been so freely provided for.

It could not be that greater devotion to their country had characterized the soldiers of the East and the North, than those of the West. A more striking instance of genuine patriotism could not be found, either in the history of this country or any other, than that displayed by some early settlers (intruders as they were termed) upon the vacant lands in East Tennessee. They were removed in a large body by a military force despatched for the purpose, under Major Bradly, some short time previous to the defeat of General St. Clair. Sir, these very men, although they had just beheld their families in the most distressing possible situation—naked, houseless, and starving, were among the first to volunteer in the expedition then contemplating; and met their fate in the ensuing campaign, gallantly fighting for the very Government that had just driven them from their cabins.

Sir, from the brief history of facts I have given, it will be seen that, down to the year 1795, no general cessation of hostilities had occurred; and that the savages were con-

tinually urged, by British emissaries, to the commission of the most brutal outrages. I have given this sketch to satisfy the honorable member from Rhode Island, and the House, that in no point of view can this long and protracted war be deserving of the character he has seen proper to bestow upon it.

If at any period it had assumed a predatory character, the fault was in the Government, and not the inhabitants of the frontier. They were left alone to defend themselves against the public enemy, and, at the same time, by their own labor and exertions to procure the necessaries of life for the subsistence of their families. It is well known, that, after the treaty of peace with Great Britain in 1783, the Government could control neither men nor means; and, consequently, these people were compelled for some years to defend the lives and property of all around them, as they best could, from their own resources.

I have aimed in my remarks, sir, at nothing more than the performance of an act of simple justice to the surviving representatives of former days, so unjustly or unfeelingly denounced as robbers and plunderers!

Whether the resolution shall ultimately prevail, or not, I hope their services at least may be regarded in a proper light. By their valor, their constancy, their unshaken fortitude, a title to the whole wide-spread country of the West was secured. In giving protection to an extensive frontier, of which they constituted the only means of succor and defence, every danger, every privation, every toil was encountered without murmur or complaint. Year after year, they freely suffered; their only reward, the warm and heartfelt prayer of the lonely woman and her offspring, acknowledging their preservation from captivity, violation, and death.

I have (said Mr. H.) in my possession the petition of John Ritchie, one of these men, now upwards of 64 years old, who, from the age of 16, was constantly engaged in the service of his country; he went, throughout his whole campaign, with Colonel Logan; he fought in, and was one of the few who fortunately escaped from, the disastrous action at the junction of the St. Mary's and St. Joseph's, generally known as the defeat of General Harmar; he was with the five hundred picked men who performed one of the boldest tours on record against the Indians, under the command of General Charles Scott, that chivalric hero of almost a hundred fields, with whose name history at least associates no ideas of robbery and plunder! This same individual was afterwards with the first force that ever penetrated to the upper Wabash, under General Wilkinson, and was present at the destruction of the Wea towns; and, sir, he finally followed the steps of Anthony Wayne throughout the whole of his memorable and glorious campaign, concluded by the treaty of Greenville in 1795. Years afterwards, when the Government again required the services of her citizens in the field, this man, although advanced in life, was amongst the first of the gallant and patriotic Kentuckians who so freely flocked to her standard. He was at the siege of Fort Meigs, and, if my recollection of the events of his life serve me right, although it is not stated in his petition, an honorable and highly distinguished gentleman on this floor from Kentucky, [Colonel Richard M. Johnson,] one distinguished alike by his pre-eminent civil and military services on every occasion so cheerfully and efficiently rendered his country, can bear individual testimony to the gallant conduct of my old friend in that field, where, by the defeat and death of the most justly celebrated man of all their warriors, the Indian power in the West was finally and forever broken. I allude to the battle of the Thames.

In declining age he now finds himself a prey to poverty; a constitution broken, and health enfeebled by early hardships, disable him from ordinary agricultural labor. Sir, should such a man, as life wanes lower and lower in the socket, be left alone to the "cold charity of the world?" His youth and manhood, that vigorous portion of existence which, in these times, men devote to hoarding up for age, were, by him, passed in the constant and arduous service of his country.

It may be said that this is but a single instance, and that the provisions of the resolution are general. Sir, this brief sketch would represent the claims of a majority of those benefited by the ultimate success of the principle contained in the resolution. The instance I have given is far from being solitary. It is, in reality, the history of a peculiar body of men, whose services cannot be obliterated by time; who, regardless of personal peril, seeking no individual advantage, dared every thing in a most hazardous cause. Mr. Speaker, did they effect nothing? They fought amid a wilderness, boundless in extent; they fought for a wilderness; they succeeded; the result is known to all. That wilderness is now peopled by more than five millions of rational and intelligent beings, as happy, as free, as generous, and as brave, as the sun ever shone down upon. The eye is every where greeted with smiling and beautiful farms, with flourishing villages; in the midst, cities have risen; and over all, law and order, the lights of revealed religion, and the blessings of civil liberty, prevail.

Sir, it is for the surviving patriarch, whose toils have brought so rich a harvest to others, that some little memento of national gratitude is now asked. It is not sought for robbers and plunderers. The gentleman from Rhode Island knows them not: from nothing on earth could they be more remote. Wanton aggression and unlicensed pillage stain not the history of their lives. Their devotional love of liberty was united to a singleness of heart and a simplicity of manner, that might vie with the shepherd of old, "watching his flocks on Chaldea's hills."

Mr. H. said that, before concluding, he wished to bestow a few observations on the amendment offered by the honorable gentleman from Virginia, [Mr. BOULDIN,] proposing to abolish all pension laws. Throughout the entire discussion of the question, this amendment, in reality the legitimate subject of debate, had been totally overlooked, until the gentleman from South Carolina [Mr. PINCKNEY] had raised it from the condition of deep apathy to which common consent had apparently consigned it. To that honorable gentleman [Mr. PINCKNEY] it was indebted for at least the active portion of its existence; for at the moment of its first appearance "in this breathing world," it had seemingly fallen still-born into the hands of the Clerk, without, so far as he (Mr. H.) recollected, even a show of fatherly fondness from the honorable mover of this unfortunate and ill-conceived bantling. Notwithstanding this neglect of the natural protector, however, the imp has been so far resuscitated as to chirp in the fostering arms of its late fond nurse.

The policy and the justice of that amendment are alike beyond my comprehension. Even a well-founded reason for its adoption is more than I can imagine; no suggestions of necessary economy can be brought in aid of the proposition. No national debt hangs over us; no national pecuniary embarrassment of any nature or character whatsoever. Is the Government, then, so poor that she cannot pay this slight acknowledgment of gratitude for services rendered in a cause that has been sanctified beyond all others, by its result upon the happiness and liberties of mankind? We have thousands to give annually for the improvement and repairs of Pennsylvania Avenue; we have thousands to give for trimming the bushes and turning the walks around this building; thousands to make "Goose creek once, the Tiber now," flow in a direction something different from what nature intended it; thousands to give for innumerable other purposes of about equal importance to the country; but not one cent to those who fought to make that country free.

What, sir, strike out the pension act! When you do so, when you efface it from the statute book, blot out at the same time from the history of your country the name of every consecrated field on which these veterans fought, whether of victory or disaster. Do it, sir! erase the one, but leave no vestige of the other. Let not posterity be left to blush, that we sedulously preserved the record of those glorious fields, but consigned to poverty and misery the individuals who had rendered them immortal. Shall we tell the gallant mariner, who has borne our flag in triumph over every sea, that hereafter, when worn down and unfit for service, he will be cast aside unnoticed, unregarded; the country he has so fondly loved, so proudly defended, with millions in her treasury, will leave him, the neglected victim of age, disease, and poverty combined?

For myself, I cannot concur in such sentiments: patriotism alone forbids the thought; and it is to be hoped that the justice and the generosity of this House will forever preclude it. My vote shall never deny to him, who aided either in establishing or defending the Union and the liberties of this republic, a just reward, sufficient to render easy his declining years.

He had no fear, however, that the amendment of the gentleman from Virginia would prevail, and sincerely hoped that a law would be passed pursuant to the principle proposed by the resolution.

[Mr. H. extended his remarks until the expiration of the hour, when the subject was again laid on the table.]

THE DEPOSITE QUESTION.

The order of the day being the deposite question,

Mr. WAYNE stated that he had received from Mr. ARCHER, (who had the floor from yesterday,) a communication stating that he was too unwell to proceed in his speech to-day.

APPROPRIATION BILL.

Mr. POLK now asked the consent of the House to take up the appropriation bill. Objections were made; but the rule having been suspended, the House determined to take up the bill.

And the question being on agreeing to the report of the conferees on the disagreeing votes of the two Houses,

Mr. WILDE demanded that the question should be taken by yeas and nays.

Mr. SPEIGHT moved for a call of the House; but it was negatived.

Mr. HUBBARD, although formerly opposed to the compromise, having since examined precedents, had become convinced that the committee had not gone further than former cases would bear them out in going. He quoted two cases from the Journal.

Mr. WAYNE then raised a question of order, on the ground that the bill under consideration ought not to have remained with the House, but should, by rule, have been sent to the Senate, when a conference was asked.

The CHAIR decided that it was too late to raise this as a question of order; though it might be urged, in argument, as a reason against agreeing to the report of the conferees.

Mr. FOOT, agreeing to this decision as correct, and agreeing also with Mr. WAYNE in the belief that the bill ought to have been sent to the Senate, moved that a new conference be asked, in order to correct the error.

The CHAIR decided that this would not be in order until the House had passed on the question now before it, viz: whether it would concur in the report of the conferees.

Mr. FOOT disagreed to this decision, but declined pressing his objections at present.

The question then being, Will the House concur in the report of the committee of conference?

A debate on doctrines of order commenced.

Mr. WAYNE opposed the concurrence, and went into an argument to show that the conferees had transcended their power. He appealed, in support of his views, to works on parliamentary law.

Mr. CLAYTON declined urging any question of order, but reprobated the compromise as being, in fact, a purchase by money of the point for which the House had contended.

Mr. SUTHERLAND supported the report, and went into a variety of precedents to show that the committee acted with full authority in modifying the bill as they had done.

Mr. HARDIN treated the question as one of common sense, and denied that the committee could go beyond the express matter of disagreement between the Houses.

Mr. POLK explained the grounds on which the committee of conference had proceeded, and insisted that they had touched only the matter of disagreement, though they had struck out some words not disagreed to.

Mr. ADAMS, of Massachusetts, called for the reading of the title of the bill, and it was read at the Clerk's table, as follows:

"A bill making appropriations, in part, for the support of Government for the year one thousand eight hundred and thirty-three."

Mr. A. having deliberately repeated the words of the title, asked for the reading of the bill itself; and it was read accordingly. He then called for the reading of the report of the conferees; which also was read.

Mr. A. then said that the first question he had to put to the chairman of the Committee of Ways and Means [Mr. POLK] was this: What had this compromise to do with a partial appropriation bill, the sole object of which was to pay the members, and provide for the expenses of both Houses of Congress for the year 1834? What agreement was there between the bill (as proposed to be amended) and the title of the bill?

Mr. POLK replied, that if the gentleman would look at the original bill, he would find that it contained a limitation upon the purchase of books by either House, without an appropriation by law: this part of the bill immediately connected it with the matter of the compromise proposed by the committee.

Mr. ADAMS resumed. It was true that this showed some connexion between them; but that very clause itself ought never to have been in the bill: it was inconsistent with the title of the bill. It showed that there was more in the bill than the title warranted.

The question before the House was not a mere question of order: it was a question of legislation, a question of consistency, a question of the honor of Congress, which required that there should be a consistency between the matter of a bill and its title.

The House would remember that when the adherence of the Senate to its amendment of the bill had first been announced, he had entreated the House to recede from its disagreement; and that, if there was such a necessity for the restriction which the Senate had stricken out, to let it be put into a separate and distinct law. What was the use of the restriction? It effected nothing; for the Senate could still apply the money by a separate bill. The restriction died with the law of which it was a part. The moment the money was paid, the law was dead; and the proviso was dead with it. But, if the restriction was necessary—if the Houses of Congress could not trust themselves with the purchase of a few books to aid them in their public duty without such a restriction—it should be made by a general law. It assumed to be passed as a general and permanent regulation; but it could not be such in this bill. It was out of place in such a bill. It did not belong to the bill. He hoped the House would not concur. If the worst came to the worst, the House would only lose this partial appropriation bill; and what

would be the great evil of that? The members would only have to wait for their pay till the general appropriation bill should pass. He hoped the gentleman at the head of the Committee of Ways and Means would proceed with his bill without delay. This very bill, itself, was an anomaly—a mere accommodation to the members—nothing more. He did not know why the general bill was not in the House before that time. The estimates on which it was to be founded had long been published.

All the legitimate objects of the present bill would be attained by disagreeing to the report of the conferees, and then receding from the House's dissent to the Senate's amendment. If gentlemen wished an additional appropriation for the library, let it be done in a separate bill. But here was a sum of $5,000 levied upon the people to the end of time, under color of a partial appropriation bill for the year 1834? As for the library, it was such a favorite with him, that, if the honorable chairman would bring in a bill to add this sum to the annual provision for its increase, he would vote for it with all his heart. But such a clause in a bill like this looked to him, for all the world, like a golden eagle in the centre of a three-colored cockade.

The gentleman from New Hampshire [Mr. HUBBARD] had quoted to the House two precedents, which, it seemed, had changed that gentleman's view of the question. But in the case first quoted by him, (one which Mr. A. was not without reason for well remembering,) the disagreement between the Houses had been, not respecting one particular clause, but concerning the whole bill. From the Journal of the House of Representatives, to which the gentleman from New Hampshire referred, it appeared that the amendment proposed by the House, and to which the Senate disagreed, was to strike out the whole bill except the enacting clause, and to insert another. The disagreement upon which the conference was held, therefore, embraced the whole bill; and thus the entire bill being open to the action of the committee of conference, they had stricken out whatever parts of it they chose; and this without in the least transcending the limits of their legitimate authority. But, in the present case, Mr. A.'s objection was, that, under color of a disagreement respecting a temporary bill, the conferees had reported what amounted, in reality, to a new bill, and had grafted a permanent provision upon a bill which was intended only to effect a transient and temporary purpose. He would ask the chairman of the Committee of Ways and Means what he would say, supposing, on some disagreement of the Houses touching the general appropriation bill, a committee of conference should deem it expedient to report a section rechartering the Bank of the United States? For his own part, if it were in order, he should be very glad they would. But, on this principle, where were a committee to stop? He asked again, where were they to stop?

Should the present bill be lost, all that would have to be done would be to insert the same provisions in the general appropriation bill; and this would be a very desirable result, in his view. While the House was thus spending so much time and money in providing for their own pay, other great and extensive departments of the Government were suffering; and he supposed the general bill was, as usual, to be postponed till March or April. Should the result of the present difficulty be only to introduce the reform of passing a general appropriation bill at this period of the session, the time would, in his judgment, have been well spent.

Mr. E. EVERETT replied to the objections which had been urged against the compromise, and distinguished between questions of mere order and those of expediency and propriety. He denied that the committee had touched any part of the bill which both Houses had agreed to; because the agreement of both Houses to the residue of the bill was only conditional.

Mr. H. EVERETT followed on the same side, and expressed his satisfaction with the compromise. As to the title of the bill, if it disagreed with the contents it could be altered.

Mr. HUBBARD further explained the cases of precedent he had before referred to, and insisted that they fully warranted the doings of the committee.

A motion to adjourn failed.

Mr. WAYNE again took the floor on the question of order, and further illustrated his former positions, insisting that if the report should be sanctioned, all rule would virtually be set aside.

Mr. BATES opposed the compromise, as yielding every thing, and gaining almost nothing.

Mr. LANE wished to hear the Speaker's opinion on the question of order.

Mr. WILLIAMS said there was no question of order strictly before the House, but only a question of concurrence on a report.

Mr. FOOT was about to read his authority to show that it would be in order to ask for a conference; but, being cut short by the Chair, he waived it, and said a few words in opposition to the compromise. It left the contingent fund without restriction of any kind.

The question had been loudly demanded, and several motions for adjournment had been made and negatived; when, at past four o'clock, the question was taken on concurring in the report of the committee of conference, and decided in the negative, by yeas and nays, as follows:

YEAS.—Messrs. John Adams, Beale, Bean, Beardsley, John Bell, James Blair, John Blair, Bockee, Bodle, Brown, Bunch, Burns, Chambers, Chinn, Samuel Clark, Clay, Darlington, Davenport, Deberry, Dennis, Philemon Dickerson, Dunlap, Edward Everett, Horace Everett, Foster, W. K. Fuller, Fulton, Galbraith, Gillett, Gorham, Joseph Hall, T. H. Hall, Halsey, Joseph M. Harper, James Harper, Harrison, Hathaway, Hawkins, Heister, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Kavanagh, King, Lane, Lansing, Laporte, Lawrence, Luke Lea, Leavitt, J. K. Mann, Mardis, John Y. Mason, Moses Mason, jr., McKim, Robert Mitchell, Samuel McD. Moore, Muhlenberg, Murphy, Osgood, Page, Parks, Patterson, Pierson, Polk, Pope, Schenck, Wm. B. Shepard, Shinn, Spangler, Speight, Standifer, Sutherland, Wm. Taylor, Philemon Thomas, Turner, Turrill, Vanderpoel, Van Houten, Ward, Wardwell, C. P. White, E. D. White, Wilson.—88.

NAYS.—Messrs. J. Q. Adams, Heman Allen, John J. Allen, C. Allan, William Allen, Barber, Barringer, Bates, Baylies, Beaty, Beaumont, James M. Bell, Binney, Bouldin, Briggs, Bull, Bynum, Cage, Carmichael, Casey, Chaney, Chilton, Choate, Claiborne, William Clark, Clayton, Coffee, Connor, Corwin, Coulter, Crane, Amos Davis, Day, Deming, Denny, Dickson, D. W. Dickinson, Duncan, Evans, Felder, Fillmore, Foot, Philo C. Fuller, Gamble, Gholson, Gilmer, Gordon, Graham, Grayson, Griffin, Hiland Hall, Hamer, Hardin, Hawes, Hazeltine, Henderson, Jabez W. Huntington, Cave Johnson, Seaborn Jones, Benjamin Jones, Kinnard, Lay, Lewis, Love, Lucas, Lyon, Lytle, Martindale, Marshall, McComas, McDuffie, McIntyre, McKay, McKennan, Miller, Milligan, Parker, D. J. Pearce, Franklin Pierce, Pinckney, Potts, Ramsay, Rencher, Schley, Selden, Augustine H. Shepperd, William Slade, Charles Slade, Sloane, Smith, Stoddert, William P. Taylor, Francis Thomas, J. Thomson, Tompkins, Tweedy, Vance, Vinton, Wagener, Watmough, Wayne, Webster, Whallon, Fred. Whittlesey, Elisha Whittlesey, Wilde, Williams, Wise.—108.

So the House refused to concur.

Mr. WILDE now moved that the House recede from its disagreement.

The CHAIR pronounced this motion out of order, as the House had expressly refused to recede.

The House, thereupon, on motion of Mr. BEARDSLEY, adjourned.

FRIDAY, JANUARY 31.

PURCHASE OF BOOKS.

Mr. SPEIGHT asked the unanimous consent of the House to offer a joint resolution. Leave being given, he offered a resolution for furnishing to the new members of Congress certain books of reference which have been furnished to the old members.

Mr. WHITTLESEY objected to the form of the resolution; and, after some conversation, it was, on the motion of Mr. POLK, verbally modified, with the consent of the mover, so as to read as follows:

Resolved by the Senate and House of Representatives, That the members of the present Congress, who have not heretofore received them, be supplied with the same books that have been ordered to be furnished to the members of the 22d Congress; the cost thereof to be paid out of any money in the treasury not otherwise appropriated.

Mr. WAYNE wished, before voting, to know what the books were which were referred to, and whether some might not now be out of print, so that the resolution might, in effect, be authorizing a reprint of them.

Mr. SPEIGHT explained, and stated that his object in offering the resolution was to furnish such members as had not been supplied with them with Gales & Seaton's Register of Debates, and the Documentary History of Congress.

The resolution was then ordered to be engrossed for a third reading.

EXTENSION OF THE PENSION LAWS.

The resolution of Mr. CHILTON, on the extension of the pension laws, then coming up—

Mr. HUBBARD, who had possession of the floor, rose and said that it had not been his intention to have uttered a word upon the resolution offered by the gentleman from Kentucky, or upon the amendment to that resolution as proposed by the gentleman from Virginia. He had, on a former occasion, very fully expressed his own views upon the subject of granting pensions to the surviving soldiers of the revolution. He had on that occasion exerted his best efforts to procure the passage of an act which would do something like equal justice to this class of our citizens; and he had on this occasion intended to have taken no part in the debate, as the objects he had in view were, to a certain extent, accomplished by the pension act of June, 1832. Although he was not entirely satisfied with all the provisions of that act; although at the time of its passage, it will be remembered, that he manifested no particular regard for it, yet he was then disposed to take it as the best, and, he might add, as the only bill which at that time could have been carried through the Senate, in relation to this subject. Whatever objections he may have entertained to that act, he was now prepared to yield them, and to do and to say all that he could do and say to prevent its repeal, or any modification whatever having a tendency to lessen or reduce its benefits. One or the other object seems to be contemplated by the amendment proposed to the resolution by the gentleman from Virginia. He would say that every consideration should induce the House to let that act remain unchanged and undisturbed, unless for the purpose of carrying out the principle involved by extending its benefits to those who may have rendered a less period of service than six months. Let those whose hearts have been gladdened by a participation in the blessings of that pension act be permitted to pass from the stage of this life without the painful and mortifying reflection that even this pittance had been bestowed upon them grudgingly.

While he would go as far as any one to maintain this system as it now exists—a system founded, in his judgment, in strict justice—he could not agree to extend it, so as to embrace within its provisions those who have been called into the military service of their country since the close of the war of the revolution. He had heretofore stated the considerations which induced him to support the pension act of June, 1832; those same considerations would now deter him from extending the system as contemplated by the resolution on the table.

He proceeded, by observing that he had not risen for the purpose of going into a full consideration either of the resolution or the amendment, but principally to reply to some observations which had fallen from the gentleman from South Carolina, [Mr. PINCKNEY,] in reference to the act of June, 1832, in particular, and to the pension system in general. Feeling, as he did, in some measure identified with that act—it having received the consideration and the support of the committee of which he was then the chairman, and from which committee the same act (although it had its origin in the Senate) was duly reported to the House—he felt himself called upon to give to the remarks of that gentleman a passing notice.

If he (Mr. H.) had correctly understood that gentleman, he (Mr. P.) had objected to the act of June, 1832, on account of its origin, its character, and its consequences. He had told us (and had told us truly) that this same pension act had its origin in the same Congress which spoke into existence that most obnoxious tariff system, as he was pleased to call it, of July, 1832; that the legislation of the same Congress which passed the one, adopted the other measure; and hence it has been argued that this particular pension act is identified and connected with the tariff—that it should be regarded as part and parcel of the protective policy—of the American system.

But, sir, (said Mr. H.,) this is not the only measure involving an extraordinary charge upon your treasury, which originated and which was passed at the second session of the 22d Congress.

The gentleman will undoubtedly recollect that at this same session the bill providing for the settlement of the claims of South Carolina had its origin; and will the gentleman regard that act as a tariff measure—as identified with the protective policy—as connected with the American system? For this the gentleman would not contend; and yet, with just the same propriety, with just the same reason, might the gentleman call the one as the other a measure designed to favor the American system.

The gentleman has told us that the passage of this pension bill was an unjustifiable attack upon southern principles and upon southern policy; that it was a measure most unequal and most unjust in its operations and effects; a measure designed to benefit the North at the expense of the South; "that this mammoth system was devised ostensibly for the soldiers, but in reality for no other end or object than to make new charges on the treasury."

If, sir, that honorable gentleman had been in Congress at the time the pension act of June, 1832, was passed, he would not have imputed to its friends such selfish, narrow, and unworthy motives for their conduct. He (Mr. H.) could say, with entire truth, that the majority of the committee of the House, by whom the bill was considered, and from whom the same was reported, as he had before stated, entertained sentiments and opinions in general accordance with those of the gentleman himself, touching the great subject of the tariff and the protective policy. He could say, with equal truth, that during all those discussions which took place in the committee in relation to that bill, not even an honorable and a distinguished member of that committee, who was then one of the repre-

sentatives of South Carolina on this floor, or any other member of the same committee, ever regarded it as a measure in any way connected with the tariff; as a measure calculated unequally to tax and oppress the South; as a measure designed to war upon her policy or upon her principles; as a measure which would be unequal in its operations, sectional in its benefits, or unjust in its effects. And how is it, and why is it, that on this occasion the gentleman from South Carolina has seen fit to bring forward a charge of such a character against the committee who matured that bill, and against the members of that Congress who aided in its passage—"that they had devised a system ostensibly for the soldiers, but in reality for no other end or object than to create new charges on the treasury?" He could assure the honorable gentleman that the imputation was wholly unmerited. He could assure that gentleman that the bill was devised not only ostensibly, but really, solely, and absolutely, for the benefit of the surviving soldiers of the revolution; to do but an act of justice to them. While, by one act of Congress, justice was attempted to be done to the State of South Carolina, by another act of the same Congress justice was also attempted to be done to the surviving soldiers of the revolution, not only of South Carolina, but of every State in this confederacy.

The honorable gentleman then was, Mr. H. said, wholly mistaken, if he supposed that any other consideration could have influenced the course of any member of the committee or of the House upon that subject.

The pension act of June, 1832, he would again repeat, was passed with a view to do justice--equal and sheer justice—to the surviving soldiers of the revolution. Can it be possible that any man at this day, that any member of this House, can turn back to the pension act of March, 1818, and bring to mind the various, partial, illiberal, and unjust provisions of that act, according to the construction which was given to it at the department, and regret the action of Congress on the subject in 1832, or without, in truth, admitting the necessity of such action? He could not believe it. The time had come when further legislation on this subject was required at the hands of those who are the constitutional guardians of the rights of the people.

Under the pension system, as it existed previous to the act of June, 1832, but a small portion of those who took part in that glorious struggle which resulted in the achievement of our independence were pensioned. The justice of the country was extended to a favored few—a most invidious and unreasonable principle was incorporated into the act of March, 1818. Its benefits were extended only to the objects of private or of public charity; and not even to them, unless they had served in the cause of the revolution nine continuous months under one engagement, and in regiments raised by the authority of the continental Congress.

From every other class of revolutionary soldiers the justice of the country was withheld. The brave men who had filled the regiments raised by the State Governments—the pure in spirit, who composed the militia of the country—were wholly excluded.

Such, sir, were some of the absurd and partial provisions of the pension act of 1818; and he should be unwilling to suppose that any man who valued the free institutions of his country--who espoused the cause of equal justice--could contemplate the subject without feeling an absolute necessity of either striking from the page of your statute book the act of 1818, or of exerting all his energies so to amend and improve that system, that every man who faithfully served the country in that day of darkness and of danger should be adequately remunerated and equally provided for. He trusted not; and sure he was that this was the sentiment of the committee who matured and reported the pension bill to the House; and equally sure he was that this must have been the feeling and the sentiment of those members of the House who aided in the passage of that same bill through its various stages. It was then, sir, he remarked, but an act of justice to the surviving soldiers of the revolution; and never was it regarded by any of its friends as a tariff measure, or designed to bear heavily or oppressively on any section of this Union.

The gentleman was also pleased to say that it was a measure peculiarly favoring the North; that pensions go there; that but few pensioners, comparatively speaking, are found residing south of the Potomac. And how, sir, said he, has this happened? Does the gentleman contend that, from this fact, the act was designed to benefit the North at the expense of the South? The language of the act itself could not be more general: it speaks to all, whether in the North or in the South, in the East or in the West—it speaks to every man who now survives, and who was engaged for the requisite term of service in the war of the revolution. It addresses itself, without any invidious or odious distinctions, to every faithful soldier of the revolution, who may have served, either in regiments raised by the authority of the continental Congress; in regiments raised by the authority of the States; in regiments which then constituted the militia of the country; or in regiments raised by the voluntary associations of individuals. And how has it happened that so great a disproportion of the present pensioners are to be found north of the Potomac? He most unequivocally denied that, at the time the bill was under consideration, it ever occurred to him that the bill would be sectional in its benefits. He knew not in what part of the republic the greatest portion of the surviving soldiers of the revolution resided. But, sir, is there any way to account for the difference, except upon the ground that a less number of tories and a greater number of true whigs were to be found in the days of the revolution in the North than in the South?

It is possible that, since that eventful period, a greater mortality may have prevailed in the one than in the other section of the country; and hence the difference. The fact is admitted, as stated by the gentleman, that the number now residing north of the Potomac, who are in the receipt of pensions, is greater than the number of those residing south of that line. He would be the last man in this House to awaken any bad feelings in any one in relation to this subject. He was not disposed to bring to mind, on this occasion, any revolutionary facts to account for this difference. There could be no doubt that, during every year of that eventful contest, the North must have furnished the most men, and performed the most service. And, if that be so, if more physical means were there furnished to established the independence of the country, there is no good reason—there is no justice—in withholding pensions from those faithful soldiers now surviving, because they chance to live north of the Potomac.

The war of the revolution was a war for principle. It was declared by the virtue, and sustained by the valor, of the common country. It was a common cause, and the whole moral and physical power of the whole confederacy was put in requisition to sustain that cause. The glorious result is matter of history. And would it not be most invidious, as well as most unjust, to cast about and to ascertain who are to be the recipients of the bounty of the country, (as some would say,) but who are, as he would contend, to receive justice at the hands of the Government, before we would do our duty?

While on this branch of the subject, he could not let the opportunity pass without doing some little justice to his own native State. If he had correctly understood some remarks which had been made in the course of the debate, the conduct of New Hampshire, during that period of our country's history, had been impugned. If such sentiments were intended to be conveyed, he must say

that they were without foundation. There might have been, here and there, some individuals whose devotion to the cause of the revolution was suspected; but they were few in number, and inefficient in character.

It is, sir, a well known fact—the records of the revolution will show it—that no one member of the confederacy contributed more or better means for carrying on the war of the revolution, according to her ability, than New Hampshire. Her troops were on the field where the first blood was shed, where the first battle was fought. If present, the father of one of my honorable colleagues would bear me out in the declaration, that Bunker Hill was the grave of many a valorous spirit from the granite State.

Her sons and her soldiers were to be found early and late in advancing the cause of the revolution, the common cause of the republic. History will tell us that her brave men were not confined in their operations to the limits of New England. They were found fighting southern battles, and driving the common enemy from southern soil.

At the great battle of Yorktown, in the midst of danger, and in the way of duty, were to be found the intrepid Yankees from New Hampshire. There fell, sir, on that field, as brave an officer, a son of my own State, as ever filled a place in the army of the revolution. It was there that the blood of our Scammel was shed by the base and murderous conduct of the enemy, after the battle had been fought and the victory won; and while he, in triumph, was conducting the conquered legions to the abodes of American hospitality and kindness.

New England men, sir, were found wherever danger threatened, wherever duty called; and, would it not be monstrous now to say, because there still survives within the limits of New England a disproportionate number of these brave men, that this circumstance is to come up in judgment against them—that this circumstance is to awaken the invidious feelings of the human heart, and give to a measure, which was designed to do equal and exact justice to all, the character of partiality?

The gentleman from South Carolina further said that the pension system was calculated to swell the power of the Federal Government. It was a remark somewhat extraordinary in its character. And how is this to be effected? How is the power of the Federal Government to be increased, by increasing the number of revolutionary pensioners? By what process, by what combination of powers, is this effect to be accomplished, by such an act of legislation? For himself, he was wholly unable to conceive or to comprehend in what way the passage of the pension act was to produce such an accession of Federal power.

Did the gentleman intend to be understood that pensioners, from the moment they are placed on the roll, became political partisans; the servile instruments of that power by which their pensions were created; that they would barter their moral sentiments; that they would yield their political integrity, and become mere tools for this act of legislation, for this act of justice, for this satisfaction of their long neglected claims? If the gentleman from South Carolina did not intend to advance any such sentiment, he would very respectfully inquire in what other way the gentleman supposes that the tendency of the pension system would be to swell the power of the Federal Government? It cannot be presumed, from their lives and their characters, that revolutionary pensioners would become political partisans. The men who compose this class of our citizens would be among the last who would undergo this revolution of moral feeling and of political sentiment. They are the patriotic remnant of the war of the revolution; the brave men who, by their courage and their conduct, achieved the independence of their beloved country; who irresistibly maintained, by the force of that unyielding argument, the bayonet, that man was capable of self-government; the men who laid the foundations of this free and extended republic. These men, upon whom the gentleman himself, in the course of his remarks, bestowed a just tribute of respect, would be the last to sell their own freedom, their birthright, their independence, for gold. They would not, for any place, or for any pension, give up that, for the attainment of which they performed much service, endured much suffering, and sustained much sacrifice. They know full well the value of personal and of public liberty; for, by the force of their ardor, and their moral and physical power, was that liberty acquired; and by no other individual can the value of a possession be estimated so rightly as by him who has made the acquisition. He would only add, that our revolutionary worthies would be slow to surrender their independence and their freedom, to give power to any man, or to any body of men. The gentleman might as well have said that every and any act of legislation would produce the effect to increase the power of the Federal Government. Every bill which emanates from the Committee on Revolutionary Claims (of which there are not a few in number, and not inconsiderable in amount,) might as well be charged with producing the same effect as has been imputed to the pension act of June, 1832.

The reasoning of the honorable gentleman had failed to produce conviction to his mind. Whatever might be the opinion of others in regard to the pension system, he had made himself believe, from much reflection and much examination, that it ought to be considered as a measure founded in justice, and in strict justice.

The gentleman had further objected to the pension system, that it opens a door to the commission of frauds of the grossest character. He had referred to the number who are now on the pension list as evidence that monstrous impositions had been practised. The fact had been correctly stated, that more than thirty thousand individuals have been enrolled as pensioners. He was free to admit that the number was large, and that it had greatly exceeded the calculations which were made at the time by the committee of which he [Mr. HUBBARD] was chairman. But he owed it to himself to state, that it would appear, from an examination of the report of the committee, that there was no certain means of ascertaining the number of the militia engaged in the service, or the extent of that service. It was altogether conjectural. There were no returns, no documents, no satisfactory records then existing in the War Department, which could be relied upon as a safe basis upon which to predicate any computations.

But the act was passed in good faith, and with proper feelings; and it is believed that a decided majority of the American people are satisfied therewith. But all that he could say was, that it was not to him a matter of personal regret that the number had exceeded his calculations; he most sincerely wished that the act of June, 1832, had found more living to participate in its benefits.

It may have happened—it probably had occurred—that impositions and frauds have been practised, and that there are some on the roll who ought not to be in the receipt of pensions. This could not be avoided. Bad men have existed in every age, and the commission of crime had never been confined to any period, or to any country. "Offences will come;" but it is no more than an act of justice to say, that every degree of vigilance, of care, and of caution, is practised at the department. Better or more faithful officers are not to be found connected with the Government than those charged with the execution of your pension laws.

He had now said all that he wished to say in answer to the observations of the gentleman from South Carolina.

In reference to the amendment to the resolution as proposed by the gentleman from Virginia, [Mr. BOULDIN,] he could not for a moment believe that it would be adopted. The recent legislation of Congress in relation

to this subject forbade the idea that this amendment can receive the sanction of this House: an amendment going to unsettle the whole system; an amendment which seeks either the repeal of your pension laws, or such a modification as would confine their application to a limited sphere. He trusted that, after what had taken place; after the general expression of joy and satisfaction which had pervaded the country upon the passage of the pension act of June, 1832, he could not for a moment believe, for any reason yet offered, that the House would adopt the amendment.

He would offer a remark or two in reference to the resolution itself. And, sir, (said he,) of one fact there can be no reasonable doubt; that upon the southern and western frontiers, from the treaty of peace in 1783, to the treaty of Greenville, in August, 1795, there was an uninterrupted hostility with some one or other of the Indian tribes residing in those sections of country. The history of the times shows this; the treaties made and concluded with different tribes within those periods show it; the various resolutions of Congress, the action of that assembly prior to 1790, as well as posterior to that period, show it; and, until the treaty was concluded by General Wayne with the various tribes which then entered into the negotiation, it may be said, with truth, that we had an unceasing war with the Indians. Of this fact he entertained no doubt; nor did he entertain any doubt that the services, the sufferings, and the sacrifices of those white men who necessarily took part in those conflicts, must have been great; nor had he any doubt of their valor or of their patriotism.

History has given her account of these men; but if, perchance, the historian has failed to record all the deeds of their noble daring; if he has failed to give the meed of praise to whom it belongs, sure I am that it will not be said that their brilliant achievements have not been feelingly and faithfully narrated by those who have taken part in this debate. Their story has been so well told, that the future historian will find no difficulty in collecting from this debate ample materials to enable him to give those who fought the battles with the red men, and to the brave martyrs of the West, the most plenary justice.

But, notwithstanding the strong impulse of feeling would lead him to favor their claims for pensions, he could not do it consistently with his idea of duty. The grounds which must induce him to stop with the treaty of peace, are, that the services of the soldiers of the revolution were peculiar in their character, and for those services no adequate compensation was ever made to them, or ever received by them. The old continental Congress promised well, but the engagement could not be performed; the contract was not, on the part of the Government, fulfilled. We were without means; we did all that we had the ability to do. Can any man, at this day, read the history of the revolution, from beginning to end, without having his admiration excited to the utmost extent how it was that the American army was kept together, without food and without raiment, enduring every privation, and bearing every ill "that flesh is heir to?" By what magic power were her lines preserved, and her men kept in subordination? Sir, it was not the pay, the clothing, and the food, (for of these things they had but little,) which served to maintain in union the American forces. It was that pure and indomitable spirit of patriotism which induced the declaration of independence; that animated and sustained them in adversity as well as in prosperity; through good report and through evil report.

It is, then, sir, on the ground that for the actual sacrifices made by the soldiers of the revolution, in acquiring all the rich blessings which we so pre-eminently enjoy, and for which no adequate remuneration has ever been made, that I have heretofore given my support to the present pension system.

But, sir, (Mr. H. continued,) after the treaty of peace in 1783, we assumed a rank among the nations of the world; we were an independent people, capable of entering into contracts with nations and individuals. To those who engaged in our civil or military services, and to whom we promised pay or gratuities, we kept the promise, not only to the ear, but to the sense: we faithfully redeemed the pledge.

If, sir, we should now extend the military pension system beyond the men of the revolution, we cannot have any stopping place. The soldiers of all the Indian wars, the soldiers of the last war, and the soldiers of every future war, will urge similar claims upon the consideration of Congress, and with equal success. If we should now pass a bill containing the provisions of this resolution, such will be, such must be, the inevitable consequences.

It behooves us, therefore, to pause and well consider our ways.

He could not believe that it would be contended that the officers and soldiers of the revolution, who were made to receive final settlement certificates, received thereby an adequate remuneration for their services and their sacrifices. These certificates were not worth to them the paper which received the stamp, and upon which the promise of the Government was inscribed. It must be known to some in this hall, that many of those who entered into the service of their country at the commencement of the revolutionary war, and who continued in that service to its close, expended all the means which they possessed; they went into the service to defend their homes, and the homes of their ancestors; to protect their families and their friends; relying for a safe deliverance upon the justness of their cause, under the guidance of an overruling Providence; and, in the event of success, they looked to the magnanimity of their country for ample remuneration.

When the war was ended, it found them poor and destitute; they had spent their best days in the cause of their common country, and they were then without the physical power to acquire new estates. When the war ended, they did hold a scrap of paper containing the evidence of their long continued service, and containing likewise a promise to pay for that service. It was a sad memento—a final settlement certificate, which they were unable to convert into the means of living, without a discount of ninety cents on a dollar. This was the kind of pay received; it was valueless to them; dire necessity compelled these brave patriots to part with what they had received from their country for what it would fetch. Of what use was such a depreciated paper to them? They could not buy lands or houses, or even relieve their own patrimony from the incumbrance charged upon it by their own individual debts, necessarily contracted in the war of the revolution. Does not our own legislation—do not the bills which come from the Committee on Revolutionary Claims, almost every day of the week, and every week of the session, tell us that the debts of the revolution are yet unsatisfied, and that we are now engaged in providing for their adjustment and satisfaction?

At the time when the question of funding our domestic and foreign debt, growing out of the war of the revolution, was discussed in Congress, it was conceded that the officers and the soldiers had not received full and ample remuneration; it was admitted that they had been compelled to part with the paper of the Government at a great reduction.

"Mr. Madison, in an eloquent speech, replete with argument, proposed an amendment to the resolution, the effect of which was to discriminate between the public creditors, so as to pay the present holders of assignable paper the highest price it had borne in the market, and give the residue to the person with whom the debt was originally contracted." The proposition failed, and the

speculators of that day, who had purchased these certificates at ten cents on a dollar, received their nominal value; while the officers and soldiers of the revolution, who were compelled to receive this depreciated paper for their services, realized next to nothing. Let it not then be said that they have been paid—fairly and adequately paid.

Considerations of this character had sustained him in granting pensions to the soldiers of the revolution, and they must induce him to confine the application of the system to that period.

With a full conviction that we are not warranted by the letter or the spirit of the constitution to grant money for local objects or for private charity; believing that it would be of a dangerous tendency to extend the pension system, he must, on every ground, as a matter of expediency—as a matter of policy—vote against the resolution of the gentleman from Kentucky and against any bill which might be founded upon that resolution.

When Mr. H. had concluded his remarks—

Mr. POPE obtained the floor; but the hour allotted to it having expired, the debate was suspended.

PURCHASE OF BOOKS.

The SPEAKER stated to the House that an oversight had been committed in passing to a third reading the resolution offered by Mr. SPEIGHT. That resolution involved an appropriation of money, and must, therefore, first be considered in Committee of the Whole House.

On motion of Mr. SPEIGHT, the House went into Committee of the Whole on the state of the Union, Mr. CONNOR in the chair, and took up the resolution.

Mr. SPEIGHT then amended his resolution by adding that the whole of the Register of Debates, from the first to the ninth volume, inclusive, and the whole of the Documentary History published, should be purchased for those members of Congress who had not yet received copies of those works.

Mr. FOSTER inquired of the mover what the books were which would be covered by the resolution, and what would be the cost of them?

Mr. SPEIGHT replied, that the gentleman had the same information as he had; what the cost would be, he could not say. He had stated what the works were which he had in view.

Mr. FOSTER suggested that the resolution ought to specify the books. He observed that the resolution, as amended, went to provide, not only for new members, but for the old ones also. The House was improving. Instead of resisting the practice of furnishing themselves with books, they were extending it. He wanted to have an estimate of the expense of carrying the resolution into effect, that the people might know how much they were voting to themselves over and above their pay.

Mr. SPEIGHT said the gentleman seemed wholly to have misunderstood the resolution, and his purpose in moving it. It was merely to put the new members on the same footing with the old, in relation to two works very important to a right discharge of their public duty on this floor.

Mr. FOSTER deprecated the resolution with warmth, as going to produce a scene of perfect confusion: the resolution went back for years, and those who had been members of the House years ago would be sending to the Clerk for volumes to complete their sets, &c. He moved that the committee rise, and would in the House move to refer the resolution to the Library Committee, with direction to report the expense of carrying it into effect.

The question being taken on rising, it appeared there was no quorum voting.

Mr. SPEIGHT asked that the House should be told over.

The CHAIRMAN told the House accordingly, and no quorum was present.

Mr. WHITTLESEY moved that the committee rise, and report the fact of there being no quorum.

The necessity of this was, however, obviated by Mr. FOSTER withdrawing his motion.

The question was then taken on Mr. SPEIGHT's amendment, and it was carried.

The committee then rose, and reported the resolution as amended.

APPROPRIATION BILL.

Mr. McINTYRE moved a reconsideration of the vote of yesterday, in relation to the partial appropriation bill, by which the House had refused to concur in the report of the committee of conference; but, in the mean time, that the question of reconsideration be postponed to Monday.

The CHAIR now corrected a decision made yesterday in relation to the motion made by Mr. WILDE, "that the House recede from its disagreement to the Senate's amendment of the appropriation bill." The Chair had declared that motion to be out of order, but had done so under the impression that the bill was still at the same stage as when the House had before refused to recede. This not being the case, the gentleman's motion was in order.

The subject was postponed to Monday.

The House then passed to the order of the day, which was the consideration of private bills; and then, on motion of Mr. BATES, adjourned to Monday.

MONDAY, FEBRUARY 3.

MAINE RESOLUTIONS.

After the reading of the Journal, the several States being called for the presentation of memorials, &c.—

Mr. PARKS rose and said, he had to present to the House certain resolutions from the Legislature of the State of Maine, in relation to the recent removal of the deposites, and the question of rechartering the Bank of the United States. These resolutions went to justify the course pursued by the administration in that removal, and showed that they were opposed to any recharter of the bank. He took leave to say, that the Legislature of that State was composed of 186 members in the House of Representatives, and of 25 in the Senate. These resolutions had been passed in the House of Representatives by the large vote of 119 to 53, and through the Senate by a vote of 22 to 2; and he believed they were passed by a body of men as able, as intelligent, and patriotic, and as truly respectable, as any other body of men in the Union. This respectable body, then, came forward to state, that, in their opinion, the bank was unconstitutional; and they believed this, because they thought that Congress had no power given to them by the constitution to grant such a charter; holding that all powers not expressly granted by the constitution are reserved to the several States. They further believe that upon this question of removal of the deposites now depends, and it is identical with, the recharter of the bank; and that, if the bank is not to be rechartered, their restoration would be improper. Thus believing, they had instructed their Senators, and requested their Representatives in Congress, to oppose the restoration of the deposites and the renewal of the charter of the United States Bank.

They also believe that the distress which has been brought upon our commercial communities has been produced by the improper action of the bank upon the public, with a view to cause discontent at the recent measures of Government, and thus force from Congress a restoration of the deposites. It was evident, then, that if the bank, by producing this distress, was successful in her object, when she would think the proper moment had arrived for her to do so—to ask for a renewal of the charter—she would only have to put her machinery in motion, rack

her victims, and, through the agonizing throes thus produced, compel Congress to yield to her application. Thus, yielding once to her, it would only be a prelude to their yielding again. He therefore felt with them, that the present was the time to meet the question, and resist it.

The Legislature of his State were the advocates of State rights. They fully adopted the doctrines put forth by the State of Virginia; and they believed, if the bank should prove successful in throwing her golden chains around them, the words State rights, nullification, and secession, would be mere terms, more fit to be bandied by the lips of children than to be used by freemen.

Mr. P. having called for the reading of the resolutions, they were read as follows; and subsequently referred to the Committee of Ways and Means.

"State of Maine:

"Whereas, at an early period after the election of Andrew Jackson to the presidency, in accordance to the sentiments which he had uniformly expressed, the attention of Congress was called to the constitutionality and expediency of the renewal of the charter of the United States Bank; and whereas the bank has transcended its chartered limits, in the management of its business transactions, and has abandoned the object of its creation, by engaging in political controversies, by wielding its power and influence to embarrass the administration of the General Government, and by bringing insolvency and distress upon the commercial community; and whereas the public security, from such an institution, consists less in its present pecuniary capacity to discharge its liabilities than in the fidelity with which the trusts reposed in it have been executed; and whereas the abuse and misapplication of the powers conferred have destroyed the confidence of the public in the officers of the bank, and demonstrated that such powers endanger the stability of republican institutions: therefore,

"*Resolved*, That, in the removal of the public deposites from the Bank of the United States, as well as in the manner of their removal, we recognise in the administration an adherence to constitutional rights, and the performance of a public duty.

"*Resolved*, That this Legislature entertain the same opinion as heretofore expressed by preceding Legislatures of this State, that the Bank of the United States ought not to be rechartered.

"*Resolved*, That the Senators of this State in the Congress of the United States be instructed, and the Representatives be requested, to oppose the restoration of the deposites, and the renewal of the charter of the United States Bank.

"*Resolved*, That the Governor be requested to transmit a copy of this preamble and these resolves to the President of the Senate of the United States, and to each of our Senators and Representatives in Congress."

Mr. SMITH said, I hold in my hand a communication, in the shape of resolutions passed at a public meeting holden in the city of Portland, in the district which I have the honor to represent upon this floor. They relate to the existing state of the currency in this country, and to the removal of the public deposites from the Bank of the United States. They also embody a request that the representatives from Maine would cause them to be laid before this House, and give their support to them.

In compliance with that part of the request which asks to have them laid before this House, I beg leave to lay them upon your table. In relation to the other part, which asks my support of them, I feel constrained to decline. With the permission of the House, I will briefly advert to some of the reasons why I do so decline.

It will be observed that, in one of the resolutions, the alleged distress in the money market is attributed to the measure of the National Government, in the removal of the public deposites from the Bank of the United States. This resolution proceeds to say, "That the removal of the public money from the Bank of the United States has had a tendency to derange the currency of the country, and to produce the embarrassments which now exist in the money market; for the bank, having curtailed its accommodations to the public over $9,000,000 in the five months preceding the 1st of January, has not only withdrawn that large amount from circulation, but has produced a corresponding curtailment in the accommodations of the State banks; and thus increased the evil, and created alarm, throughout the whole commercial community."

Sir, said Mr. S., that there exists a pressure in the money market of that region whence those resolutions have emanated, is not for me to deny. But that it is attributable, properly, to the removal of the deposites from the United States Bank, is a proposition to which I cannot assent. And I think that in the resolution itself, to which I have adverted, an argument is embodied which illustrates, to every candid mind, the fallacy of such a conclusion. In order to show the tendency of the measure complained of, reference is had to the operations of the bank for five months preceding the 1st of January last. This reference, sir, embraces a period of two months anterior to the existence of the measure complained of. The fact that the authors of these resolutions felt compelled thus to go back to the period when that measure first existed, in order to prove the tendency of it after it existed, and in order to trace the existing state of things home to it, is, to my mind, a satisfactory exposure of the fallacy of the reasoning upon which these resolutions rest.

In another of these resolutions it is said that the pressure in the finances of the country is so great, that a union of all parties existed to give utterance to them. In yet another of them, however, we are told that they express only the opinions of "a portion" of the citizens of Portland. Sir, this was prudent. If they had undertaken more—if they had assumed to attribute these opinions to the generality of the citizens of Portland, or to the generality of the citizens of Cumberland district, I am sure that the rush of the multitude would have been down upon them, and their feeble utterance would have been drowned by popular acclamation of an opposite import, ere they could have reached this hall of legislation.

Sir, I have had an opportunity of becoming acquainted with the political history and opinions of all the gentlemen whose names are associated with these resolutions. Sir, I am pleased to say—I am pleased in being able to say, that, with a single exception, there is not an individual among them who has not been, from the beginning, either opposed to all the leading measures of the present national administration, or a friend of the Bank of the United States. A majority of them, sir, have had their names associated no less distinctly with every measure of opposition to the present administration, which has been, at any time, concerted in the city of Portland. If they had now presented themselves in any other attitude than that of hostility to the measure complained of, it would have excited my surprise. I must admit, sir, still, that I feel surprise at the association of two or three of these names with these resolutions. Not, sir, that the gentlemen to whom I allude exhibit now evidences of their opposition to the administration; but I am surprised at it from other considerations. I am surprised, because I know them to be directors of a bank in the city of Portland, which was among the first and swiftest of the banks to make application to the Treasury Department for the keeping of these same public deposites, and before their removal from the United States Bank. I hold in my hand, sir, a copy of the official application of the bank, of which the gentlemen alluded to are directors, tender-

ing the services of their bank to the Government, and thus encouraging and inducing the very removal now complained of! Sir, it cannot be doubted that these gentlemen then regarded this measure as necessary, just, and patriotic. Then, sir, they regarded this measure—to use the language of the gentleman from South Carolina [Mr. McDUFFIE]—"as fair a thing as ever was." But now, sir, the deposites having been removed, and these gentlemen having found that another bank in Portland has been preferred by the Government to their own for keeping these deposites, the measure of removal is censured by them and condemned; and they gravely resolve, in public meeting, that it is destructive of the commerce and business of the country; or, to use the language of the gentleman from South Carolina once more, they declare it to be "all a piece of villanous cheating!"

Sir, with the views which I entertain of these resolutions, I cannot do more than to move that they be laid upon your table, and be printed; with the accompanying copy of the application of the Exchange Bank in Portland for the deposites.

Mr. EVANS wished his colleague to withdraw his motion for a few moments, as he desired to submit a few remarks in relation to the resolution; to which request Mr. S. acceded.

Mr. E. said, that, in common with his colleagues, he had received copies of the resolutions which had been offered; and he would follow the example which they had set, in submitting his sentiments upon the topics involved in them. And, first, he would say a few words upon the resolutions which had been adopted by the Legislature, and which he believed to have a common origin with resolutions presented here from Legislatures of other States, upon the same subjects. These resolutions (said Mr. E.) are founded upon certain reasons set forth in the preamble; and it is, therefore, to the preamble that we must look, to ascertain upon what foundation the resolutions rest. The first sentiment, sir, which meets us in the preamble, is a doubt of the constitutionality of the Bank of the United States; and my colleague, who presented the resolutions, undertakes to declare that the sentiment of the State is adverse to the constitutionality of that institution. Now, sir, by whom is this opinion advanced? I trust I am not wanting in respect to the Legislature of Maine; but it is no disrespect to say that I know of none, in the majority of that body, who voted for the resolutions, that would not find it an exceedingly difficult task to prove that the policy of the country, for the last forty years, in relation to this question, has been unconstitutional. I know of no committee which that majority could send here, that I think quite competent to argue this great question of constitutionality with Washington, Madison, Monroe, Hamilton, Dallas, and a multitude of the first statesmen which this country has produced—I say nothing of the Supreme Court, whose decisions they are doubtless ready to overthrow. Unquestionably, sir, they who have advanced this opinion are prepared to maintain it, and are competent to the undertaking; but they have chosen to leave me in the dark, to grope my way to this conclusion in the best manner I can. Again, sir, the preamble asserts "that the bank has transcended its chartered limits in the management of its business transactions, and has abandoned the object of its creation." How, and wherein? Doubtless they who have asserted this fact, and given it their sanction, are quite prepared to sustain it by argument. They are able to settle all and every question of legal construction growing out of the charter. They can inform us precisely how far the charter extends, and where it stops. They can point to the specific acts which constitute a violation of the charter, and show us wherein these acts are repugnant to it. But, sir, although they are competent to all this, they have not seen fit to enlighten me on the subject. We have not the benefit of their legal and constitutional learning, and must, therefore, follow those minor lights which shine upon us here.

The powers conferred upon the bank, say the resolutions, "endanger the stability of republican institutions." Mr. Madison, who approved these powers, and the republican Congress which conferred them, were not quite zealous enough in favor of republican institutions to regard these dangers, or quite sagacious enough to discover them. But it must be so, I suppose, sir; for the Legislature of Maine has solemnly declared it.

Now, sir, as the Legislature of Maine has not furnished me with any facts upon which these doctrines are founded—as they have not maintained them by argument, and have left me to my own limited knowledge, and the guidance of the feeble light which we can discover here, I must be excused if I am unable to adopt these broad conclusions which the Legislature of Maine has asserted with undoubting confidence. For the want of better guides, I must rely upon my own humble understanding.

My colleague [Mr. PARKS] has said that these resolutions were adopted by large majorities. That is true, sir; but it is also true that they were adopted by strictly party votes; that it was purely a party measure. They are entitled, therefore, to precisely the degree of weight to which the responsive echoes of a party majority to a party measure are entitled. They were adopted, sir, with little argument, and with no evidence of the facts which the preamble asserts. I beg pardon, sir, there was evidence—the speech of the honorable gentleman from Tennessee was read on the occasion. But the State of Maine, it is asserted, adheres to the doctrine of State rights—to the "Virginia school." Well, sir; and what are the doctrines of that school upon the subjects under discussion? Virginia has lifted up her voice, and we have heard it; and it proclaims a doctrine very different from that expounded in the resolutions of the Legislature of Maine. But, sir, I will pass from these to the proceedings of a meeting held in Portland, which have been presented by my other honorable colleague, [Mr. SMITH,] and upon which I ask the indulgence of the House to submit a few remarks.

These resolutions (said Mr. E.) purport to have been adopted unanimously, "at a meeting of a large number of the citizens of Portland, called without reference to party, and composed of persons of all political parties, to act upon the subject of the present depression of trade, and the embarrassments of the money market;" and I have no doubt, sir, that this description of the manner and occasion of them is entirely just and accurate. It is not necessary, I trust, to remind the House that the city where this meeting was holden is the commercial emporium of the State in which it is situated, largely engaged in commerce and navigation, both foreign and coastwise, and holding no inconsiderable rank among the maritime towns of New England. Its inhabitants, therefore, are of that class who will feel early and sensibly any depression or stagnation in the active business of the country, or any derangement in its moneyed operations; and it has therefore come to pass, that the distress and alarm, which we have so abundant evidence prevails extensively in every other commercial city in the United States, has also reached this city, hitherto prosperous and flourishing in a very high degree. Its citizens have therefore assembled, peaceably, dispassionately, and deliberately, to consider the circumstances which have come upon them like a cloud on a summer's day; to lay before the Government under which they live the grievances they feel and fear; to make known their wants, and to solicit its protection. I hope, sir, that the voice of these free citizens of a free country will be heard here with respectful consideration. They have deemed it necessary, in exercising their inalienable right and privilege of addressing

the Government of their country, to disclaim all connexion with party, or party objects, and, in the expression of their sentiments, to declare that they "discard all party feeling and political purpose." Doubtless, sir, they were admonished by what is daily passing before our eyes of the necessity of rescuing, in advance, their motives and their sentiments from misconception and misrepresentation, in order to secure for them a just respect. For what has been the uniform answer here, and elsewhere, to the repeated manifestations of public sentiment upon these topics, but that it is the work of party men for party purposes—an effort to embarrass the administration—the complaints of disappointed partisans, and of bank agents and hired attorneys? These are the answers which have been given to the respectful petitions of large bodies of the intelligent citizens of this country, when they have sought to make known their grievances, and to supplicate redress. But, sir, the meeting at which these resolutions were adopted disclaims all objects of a party character whatever, and this disclaimer is made by gentlemen of both political parties. I perceive that of twenty-four persons, whose names are connected with the proceedings of this meeting, twelve are supporters of the present administration, and some of them were among the earliest, firmest, and most constant of the advocates of the President. I do not mean that they were the loudest or most vociferous in their hosannas; for they were not looking to "the recompense of reward." I do not mean that they are among those who either hold, or expect to hold, offices under the State or National Governments, and who live upon the salaries they may receive; but of those who have given to the present administration their firm and unbiassed support upon what they regard as the correct and sound policy of the country.

My honorable colleague [Mr. Smith] says, that, with a single exception, every person whose name appears upon these resolutions is either an opponent of the present administration or a friend of the bank. How this is, I do not know. But, sir, if these gentlemen are friends to the bank, does that exclude them from the pale of the party? Are the friends of the President indulged in no exercise of judgment? Are they bound in all things to conform to the exact standard prescribed? I have information, upon which I can rely, that twelve of the persons named are firm supporters of the administration; and I perceive, sir, among them, the name of one who was an elector of President in 1828, and, upon that occasion, gave the only vote for General Jackson which he then received in Maine. It cannot be forgotten, sir, that a note of triumph was raised throughout the country, loud and long; and the "Star in the East" was hailed with joy and exultation. I know not, sir, how soon this gentleman will be read out of the political church for his late heresies. Besides him, I perceive the names of several others of the same political faith—persons of high character, and who, I am sure, would enter into no arrangements for the purpose of embarrassing the administration, or destroying the party to which they belong. So much I have thought it necessary to say, to impress the House, if I can, with a conviction that these resolutions do not come from party men, and are not designed for party purposes. I proceed now to the facts, and the grievances which they set forth. They affirm, then, that there is a "present depression of trade"—that there is "embarrassment in the money market"—that this is so great, as "to check exchanges of property, and seriously to affect persons most actively engaged in the leading pursuits of business"—they declare that the evil consequences of a derangement of the currency will "fall not upon the rich capitalist, but chiefly, if not entirely, upon the middling classes and the industrious poor"—and "that the uncertainty which hangs over the money affairs of the country increases alarm, distrust, and want of confidence; checks the usual operations of business, and produces a fearful stagnation in the ordinary channels of employment and industry." They ask for an "immediate action by Congress for the relief of the people from the present embarrassments;" and they say that the first and most important step for this purpose is, a restoration of the friendly relations between the Government and the Bank of the United States; so that the public money may hereafter be placed in that institution. These are among the sentiments contained in the resolutions; and I propose to submit some remarks upon them. And I wish to ask the House, and every member of it, if indeed there be any distress and embarrassment in the community? Do gentlemen, at length, believe that there is a pressure, and a severe pressure, upon the money affairs of the country? Is there a stagnation of business? Is bankruptcy and ruin every day coming before the active and enterprising men of the nation? This has been denied here and elsewhere, and the people have been told that it was all a delusion.

I know that there are none so deaf as those who will not hear—none so blind as those who will not see; but I submit to gentlemen to consider how much longer the people of this country will bear to be told that their complaints are groundless—the evils which they feel imaginary—that there is no pressure—no distress? It is now more than sixty days since we have been shut up in this place; we have not been much conversant personally with the state of the business which ordinarily falls under our observation; and shall we, dare we, undertake, in the face of the multitude of evidence which is pouring in upon us like a flood, to say that there is no severe pressure upon the business of the country? Sir, if we have at length come to this conclusion—if we begin to perceive that there is really embarrassment and distress in the country, we have made some progress—we have advanced one step. Early in the session, if I recollect right, it was predicted by gentlemen upon this floor, that, before the month of December was at an end, all alarm and apprehension would cease, and business would go on in its accustomed channel. The reasons of this prediction were assigned, which I need not repeat. Has it been fulfilled? On the contrary, sir, has not the evil been constantly increasing? Is there any reasonable prospect of its mitigation? Do gentlemen discern any reason to hope that the blast has gone by, and its work of destruction finished? If they do, where is it? Have they given us any other ground of confidence than the vague and unsatisfactory one, that the business of the country will settle down and adjust itself to the new condition which a change of the fiscal agent of the Government has produced? Sir, I desire to know when and how gentlemen suppose the country will have relief from the embarrassments which now press upon it?

But, sir, it has been said, and it will again be said, that whatever of distress exists is attributable to the conduct of the bank, and the unnecessary curtailment which it has made of its usual facilities to commercial men. We must be totally blind not to perceive that a great and persevering effort is to be made to shift the responsibility from the administration, where it justly belongs, to the bank; and to endeavor to excite the jealousies and hostilities of the people against the bank, so as to render the measures of the President, in removing the public deposites, less the subject of scrutiny and censure. The bank is to be held chargeable for all the evils and oppressions which the administration has brought upon the country. Why, sir, what has the bank done? What ought it to have done? It has been called upon to pay some nine millions of dollars to the Government, and it has met the call. To do so, it has been obliged to collect the same amount due from its customers, and it has done so. How otherwise could it have met the demand upon itself? Would any man, of ordinary capacity, expect the bank

to be guilty of the exceeding folly of extending its discounts to the same degree as when it had nine millions more of capital to operate with? Was not the bank justified in foreseeing that a heavy pressure was to fall upon the country? that, in common with every other institution, it would suffer? that its borrowers would be distressed--would fail to pay promptly? and that its means would be crippled? And, foreseeing this, was it not to prepare for the emergency? And now, because it did anticipate and provide for the emergency, it is to be charged with the creation of the very evil which it foresaw and prepared to meet. Does not every body see that the interest of the bank imperiously requires that the present embarrassments should have been avoided, if practicable? Who are the debtors of the bank? The very men upon whom the present distresses are falling with the severest weight. If they fail, must not the bank be the loser? Is it not for the interest of this bank, and of every bank, to maintain the credit and solvency of the mercantile community, and of its customers generally? To suppose, sir, that the bank would designedly bring about a state of general depression and distress, which must inevitably fall heavily upon itself, is to suppose it wholly regardless of its own interests, and utterly beyond the reach of all the ordinary motives of human action. I know that the bank is in a condition of great strength and security. But what then? Do gentlemen desire it so to manage its affairs as to become weak and insecure? Do we not know to what attacks it has been exposed? Do we not know that an effort has been made to create a doubt in the public mind as to its solvency, and thus to expose it to be heavily drawn upon? Do we not know that a systematic plan has been attempted to break one of its branches? I have seen, within a few days, in a leading party paper at the North, an earnest appeal to "the party" to keep up a constant and uninterrupted run upon the bank for specie, with the avowed purpose of crippling and destroying it. And at such a time, and under such circumstances, do gentlemen really expect the bank to throw out its money with a profuse hand—to scatter it to the winds--to expose itself to that condition, apparently so much desired, and so eagerly pursued, of insolvency and ruin? It was not long ago boastingly declared, by some of those who are conspicuous in this vindictive warfare upon the bank, that it was humbled at the feet of the Secretary of the Treasury, and maintained its existence only at his pleasure and will. Has such proved to be the fact? No, sir. The bank is solvent, and has withstood, and will withstand, every assault which has been, or can be, made upon it; and it is precisely this fact of solvency, now so indisputably established, that seems to have aroused anew the angry passions of its pursuers. The chafed lion has been disappointed of his prey, and all the thickets of the forest send back his impotent roar. I am one of those, sir, who believe that it was the imperious duty of the bank, in the circumstances which surrounded it, to keep itself in a condition of strength and safety, to be able to meet the emergencies in which it might be placed, to maintain its credit at home and abroad, and to commence an early preparation to wind up its extensive concerns. And I have looked in vain to find any evidence of harsh, vindictive, and malevolent conduct on its part towards the State banks, or towards the mercantile community. We see no such evidence, except in the heated vituperations of party writers, and the unsupported assertions of politicians by trade. This is not the kind of testimony which prudent men should receive, to settle great, important, and complicated questions of finance and currency—questions which too few of us fully understand, or justly appreciate. But, sir, supposing the bank to have been wrong--to have been oppressive—what then? Does that mitigate the evil under which the people are now bowed down? Is insolvency, bankruptcy, and ruin to stalk over the land, and the business, and prosperity, and industry of the country to be prostrated, to enable the President and the bank to try a question of power? Do the people deserve no regard? Is this warfare to be waged at their expense? Sir, is it not notorious that, whatever the bank has done, it has done in consequence of the acts of the President and those who control him? If it had done otherwise, and permitted itself to be humbled at the feet of the Secretary, and to owe its existence to his breath and his forbearance, then we should have heard a different catalogue of complaints and anathemas. The removal of the public moneys would have been justified upon the ground of their insecurity; the bank would have been pronounced insolvent, if not in fact made so; and would have been charged with mismanagement, profuseness, and corruption. The history of this matter is short. The President early determined to destroy the bank. Hence, every thing which it has done, or has omitted to do, has been made the subject of accusation: no matter what the occasion, the necessity, or the motive. It is all wrong—wrong—wrong; and nothing will be right, on its part, until it is prostrate at the feet of the Executive; and the control of the moneyed operations of the country is wholly at his will. This is the consummation aimed at in all these proceedings, and pursued with a steady and unfaltering step; and let the country look to it in season. One of the resolutions under consideration declares that the evils consequent upon a derangement or change in the currency of the country will "fall, not upon the rich capitalist, but chiefly, if not entirely, upon the middling classes and the industrious poor." In this sentiment I entirely concur; and what is now passing before our eyes abundantly verifies its truth. Sir, the meeting which has declared this opinion was composed of those who have a right to advance it—of men in active business—of merchants, ship-owners, ship-builders, traders, and mechanics. I do not find among them the "rich capitalist," complaining of any grievance which he feels. I do not find the holders of office, nor professional men, who are little affected by the embarrassment of the times. But I find among them the enterprising, industrious, and prudent men of business--some of them, indeed, men of substantial property, the fruits of their own industry; but none of those immense aristocratic fortunes, which have so much excited the jealousy and alarm of certain politicians for the safety of our republican institutions. No, sir; while these men were consulting for the redress of their grievances, the "rich capitalist" was elsewhere, taking his two and three per cent. a month, growing richer upon the misfortunes of the "middling classes and the industrious poor," and holding, with a Shylock's grasp, to the letter of the bond. Upon whom, sir, does the pressure naturally fall? Upon the man who is in debt--who is called upon for money, and must make large sacrifices of property to obtain it. Upon the industrious laborer--the hundreds and thousands in the factories, the vessels, the ship yards, and the shops of the country, whose wages are reduced because of the stagnation of business and the scarcity of money, and who are often entirely thrown out of employment. Upon the mechanic--who is cut off from his business, for the want of moderate assistance, which he cannot receive. Upon the farmer—whose produce lies upon his hands, or must be sold at a low rate.

Can any thing be more manifest than that every fluctuation which advances the relative value of money, and depresses the relative value of other commodities, operates to the advantage of the holders of money--of the "rich capitalist," and to the injury of the holders of the other commodity, whether of property or labor? One of the charges recklessly thrown out against the bank, to catch the popular approbation, is, that it is a moneyed aristocracy—a monopoly, to make "the rich richer, and

the poor poorer;" and I suppose the prostration of it is designed to work the reverse of this effect—to make the rich poor, and the poor rich. Do gentlemen fancy that this result is now in a fair way of attainment? A few months ago, the country was generally highly prosperous. Labor was in demand, and received ample reward. The great branches of business were successful. But the "rich capitalist" could get only a moderate compensation for his money. Interest was only from four and a half to six per cent. But, sir, the bank must go down, so that the rich shall not become richer; and the first consequence is, that the rich are getting eighteen and twenty per cent. interest. The poor are thrown out of employment, or compelled to work for the wealthy at reduced wages. The "middling classes" are obliged to transfer their property to the rich, for less than its just value, to raise money to meet their engagements. Is this the halcyon era which "the poor" have been promised? Destroy the Bank of the United States; and what then? Will the capital now invested in it be annihilated? Will the poor become any richer? Sir, this agrarian war upon wealth and capital is utterly futile. Capital will seek out and find new investments. It will go into the State banks, and other channels of circulation, and will receive its legitimate returns. And why should it not? Destroy the bank, because it is in the hands of rich capitalists; and what do you expect? That the poor will furnish capital, and establish banks? No, sir; make war upon capital as you will; destroy credit and confidence; derange the currency; carry out all your schemes; and capital and wealth are the smallest sufferers in your works of destruction. The middling interest and men of moderate fortune may be made poor, and the poor and the industrious may be ground down to the dust; but the rich will survive your shocks, and grow richer, while all is desolation around.

The resolutions under consideration point clearly to the removal of the public money from the United States Bank as the chief occasion of the present embarrassments, and as clearly point out the appropriate remedy. "The first and most important step," they say, "is a restoration of the friendly relations between the Government and the bank," so that the public moneys may again be deposited in its keeping. They who regard this operation as simply the transportation of so much money from one vault to another; from one side of a street to the other; who look no farther, and perceive no other connexion which it has with the currency and credit of the country, are at a loss to comprehend how this simple operation, as they call it, can produce such wide-spread effects. They say the same amount of money is in existence, and can be, and will be, put into circulation. It is not my purpose to attempt to show what has so ably been demonstrated by the distinguished and eloquent gentleman from Pennsylvania, [Mr. Binney,] and by several others, that the removal of the deposites, in the manner it was made, and upon the principles declared by the administration, and the control it assumes over the currency, has produced the present uncertainty, distrust, and embarrassment. I wish only to make a single suggestion, and that is, that some of the selected banks are restricted, by their charters, as to the amount of money which they can loan. This is the case in Maine, and I believe also in Massachusetts, and possibly elsewhere. The favored bank in Maine, at the time the public money was transferred to it, had as large a debt due to it as its charter allowed; and it has therefore been unable to extend its discounts upon the strength of the deposites, which the United States Bank could have done, and in fact had done. The branch bank at Portland is under the direction of intelligent and honorable men, who have used their exertions, as I am well assured, to sustain the credit of the State banks, to relieve the public pressure, and to support the interests of the mercantile community. I am entirely confident that it has been so judiciously and liberally conducted as to have averted much evil, and I know it has made many friends. But, sir, it could have done much more, if the public moneys had been allowed to remain at its control, instead of being transferred to an institution which is prohibited by its charter from using them to any considerable extent.

I wish, Mr. Speaker, sincerely wish, that it was in my power to assure those who have now appealed to us that there was any, even a remote, ground of hope that some efficient measures of relief would be adopted by the Government. But, for myself, sir, I can discern none whatever. I see nothing in the signs around us to furnish the slightest belief that it is the purpose of those who hold the power to make any efforts for this end. The present arrangement is to continue, and the country must conform itself to it, as best it may. Have we heard from any quarter that any measures are in contemplation? Have we any assurance that the subject even occupies the attention of Government? Did the honorable chairman of the Committee of Ways and Means, [Mr. Polk,] in a speech of three days, tell us that any plan of relief was in preparation? Have any of the gentlemen upon "the ministerial benches" deigned to tell us that something should be done—some effort made—some plan devised? No, sir. Nothing is to be done. We are too busy in securing or procuring places, to attend to the security of the country. We are too much occupied in promoting the interests of the party, to guard the interests of the people. We are thinking too much of ourselves, and too little of our constituents. What purpose did the honorable chairman disclose, in this great emergency? Why, sir, he wanted a sifting inquiry into the operations of the bank. He wanted to examine its printers' bills, its attorneys' bills, its electioneering bills. These are the remedies gravely proposed for all the evils which have come upon the country. Sir, the people cannot too soon know that they are to have no relief from the Government. It is mere mockery to keep them in ignorance and suspense. If any thing is to be done, let it be done speedily. If any hope yet remain, in the name of all that is honest and patriotic, let us know it.

Sir, I commend these resolutions to the calm, deliberate, and patriotic consideration of the committee to which they will be referred, and of the House. The source from which they emanate deserves it, and the tone and candor in which they are drawn demand it. And I implore those who have the prosperity and happiness of this people in their keeping, to let the day of wrath pass by; to restore the joy, and hope, and confidence which have been banished; and to let in the broad sunshine of heaven upon a land covered with gloom and depression.

Mr. POLK rose to warn the House not to be drawn into these wide discussions on the general subject upon every memorial which should be presented to them. It had already occupied their attention to the exclusion of almost all other important business for nearly two months; and he rose, also, to express his hope that the House, after these two months thus spent in a discussion, which otherwise appeared to be endless, would at length see how important it was that the subject should be brought to a close. He could affirm that this was demanded from them by a due regard for the public interest, now suffering heavily in consequence of this discussion. If the memorials were referred at once to the Committee of Ways and Means, that committee would not be long in presenting to the House a report, with their views. Then the whole subject would be open for full consideration, and they would have something tangible, some distinct proposition, upon which they could deliberate and act.

The whole business community was agitated by the continued discussion of this question, and their interest required that it should be settled. He hoped that the

House would sit late, and hear the discussion until it should be brought to a close. To-morrow, or next day, he trusted we should meet, with the determination of disposing of the motions before the House. There was not a member of this House who did not every day receive letters from a distance, urging the speedy action of Congress on this subject. He would appeal to the friends of the bank, and ask whether they did not, at the commencement of this discussion, press the importance of the early action of Congress on this subject?

Mr. GORHAM rose to a question of order, and asked whether it was in order for the gentleman himself to go into the general debate?

The CHAIR said a general discussion on the presentation of a petition could only be gone into with the assent of the House.

Mr. POLK said he had only claimed the indulgence which had already been extended to those gentlemen who preceded him. He would repeat, that he hoped the House would, to-morrow, meet with a determination to dispose of the question now pending.

The resolutions were then referred to the Committee of Ways and Means, and ordered to be printed.

MEMORIAL OF MERCHANTS, &c. OF NEW YORK.

Mr. SELDEN presented a memorial from the merchants and traders of the city of New York, as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the subscribers, merchants and dealers of the city of New York, respectfully showeth:

That your memorialists approach your honorable bodies with feelings of deep concern, on account of the sudden, unexpected, and great change which has lately taken place in the money market, the inland exchanges, and all the commercial transactions of the country, and their apprehension of such further derangement, as to cause, unless prevented by the interference of Congress, still greater embarrassment and distress.

That the present state of things is such as your memorialists assert, and that it is accompanied by a general want of confidence, and fearful apprehension of greater impending evils, are undeniable facts, and may, if necessary, be substantiated by the extravagant premium required for obtaining money on the best security; by the fall in every species of public stocks, without excepting the most solid State banks and State loans; and by the effect already produced on the cash sales of real estate; and, above all, by the interruption of the ordinary remittances, and the almost entire cessation of every branch of business connected with the inland exchanges, and the purchase and exportation of the produce of the country.

That, inasmuch as this fatal alteration in our situation and prospects has suddenly succeeded a state of security and prosperity, extending to all the interests and enterprises of the people; and, in the absence of all cause in our external concerns for the existing and threatening difficulties, your memorialists cannot but ascribe those difficulties, principally, if not exclusively, to the unfortunate change which has taken place in the relations between the Government and the Bank of the United States, and to the probably unforeseen consequences which have flown therefrom; and that, whilst they trust in the wisdom of Congress for applying a proper and immediate remedy, they have not been able to perceive how currency, exchanges, and commercial transactions, can, during the continuance of the charter of the bank, be restored to a sound and stable state, so long as that institution and the State banks shall continue to be kept in a state of alarm and reciprocal mistrust, which compels all to curtail their operations and facilities in the transmission of funds, so indispensable to the prosperity of the agricultural and commercial interests of the country.

That your memorialists are of opinion that, from the nature of things, tested by past and present experience, a sound, secure, and stable paper currency cannot be sustained without the agency of a Bank of the United States; and they therefore also respectfully pray, with a view to that all-important object, as well as for the other purposes already mentioned, either that the charter of the present bank be renewed, or another be substituted, to take effect upon the expiration of the present charter; but, in either case, with such modifications, and under such restrictions, as experience may suggest.

And, as in duty bound, your memorialists will ever pray.

In presenting this memorial, Mr. SELDEN said he should take occasion to remark upon the statements therein made, and the character and situation of the petitioners. The memorial was signed by nearly three-fourths of the merchants of the city of New York, representing fully that portion of its mercantile business, and, more than any section of the Union, connected with the public revenue and the commercial operations and trade of the country. Within the last six years the signers of this memorial had paid into the public treasury more than fifty millions of dollars—exceeding, far exceeding, the whole capital of the Bank of the United States—and, during the past year, had paid three-quarters of the revenue collected at the city of New York, and nearly one-half of the whole collected in the United States. He would go farther, and would say, without the fear of contradiction, that the individuals and mercantile firms which have subscribed this memorial have not created a loss to the Government of one-half of one per cent. less on the contracts out of which this immense sum has arisen. They have fulfilled every engagement, performed every obligation, carried into effect every duty to the nation, with punctuality and good faith, unparalleled in the history of this or any other country.

The memorial is wholly disconnected from all party considerations. It has been signed by men of all parties, by men attached to no party, who stand aloof from the political contests now engaging the public mind, actuated by no other motive than an interest, a deep and vital interest, in their country's welfare, and in every measure connected with its trade, commerce, and currency, to the prosperity and security of which they have largely contributed by their enterprise, industry, and talent. They have rendered the city which I have the honor, in part, to represent, one of the great commercial marts of the world. Whether they are to continue in the successful prosecution of their favorite pursuits, or whether they will be compelled to abandon them, mainly depends upon the course taken by this House upon this memorial.

I am aware (said Mr. S.) that an expression of opinion by the merchants of the city of New York is not likely, at this moment, to exercise any considerable influence upon those assembled in this hall. It was an unfortunate state of things—it was unfortunate for the great interests of our people—that those upon whose operations so much depended the success of the whole inland and foreign trade of the country should receive so little consideration. Surely the opinions of those possessing the soundest practical knowledge and experience in business ought to be held deserving of respect—I might say the highest respect and confidence. Those who signed this paper were of that character; they spoke from a knowledge and experience acquired by years of uninterrupted toil and diligence. Urged and guided in their pursuits by the strong incentive of private interest, they have examined every avenue and operation of trade with that accuracy, and, it may be said, sagacity, which give to their conclusions almost the force of positive evidence. In addition to all this, they have not been found wanting when the country has called for their co-operation. In peace and in war,

they have expended their money with an almost unstinted hand. In every improvement which might contribute to a development of our resources, they have offered and applied their capital and credit with a liberality which should command the good will of the American people. In the hour of trouble, and amid the perils of conflict, the merchants of New York have, at all times, united their efforts and contributed their resources in aid of the country.

These are the men who now call upon you for assistance and protection. Will we disregard their representation? Shall we neglect their entreaties, and surrender them as the sacrifice in the political contest? Shall we say to these men, whose relations to this Government are almost as intimate and important as our own, that their communications upon the subject with regard to which they speak, and about which they are able to speak with knowledge and certainty, are not deserving of weight, and are to yield to the considerations of party—to a contest between those in and those out of office? I (said Mr. S.) trust not; I hope we will pay a higher regard to the prosperity and interest of our constituents.

What are we told by the memorialists? That the trade and commerce of the country cannot be carried on without a national currency, created and regulated by a national bank; a currency which possesses the confidence of the people in every section of the Union, and which is sustained by, and receives the protection of, this Government.

We are told that a derangement in our monetary system now exists from the Atlantic to the Mississippi, which renders it impossible to carry on our inland commerce, unless at a ruinous sacrifice. Can it be supposed that these representations were made without due inquiry, not upon good ground, not in the language of truth? They tell us that the change which has recently taken place in the money market, the inland exchanges, and in all our commercial transactions, presents a state of things in which there are exhibited a general want of confidence, and a fearful apprehension of greater impending evils. They state, as proof, the extravagant premiums required for money on the best security, and the rapid and immense depreciation in every kind of property, real and personal. They tell us, in substance, that a local currency, issued by local banks, cannot be made general, and is wholly inadequate to the purpose of carrying on the trade and the interchange of commodities between the different and distant parts of this widely-extended Union. They tell us, also, (and which it is equally important to know,) that the difficulties which now exist have arisen principally, if not exclusively, from the unfortunate change which has taken place in the relations between the Government and the Bank of the United States, and to the probably unforeseen consequences which have flown therefrom.

In all these representations, the memorialists may be relied upon; and however strong may be our attachments to those who may have directed or advised the measures which have lately been pursued by the Government, the practical and probable results of those measures are, and must be, better understood by the petitioners than by those whose avocations in life, whose other and higher duties, have directed their attention to other objects and pursuits.

What are the results now exhibiting? Every day we hear of the most extensive failures; some—I may say already many—of the most substantial mercantile houses and dealers in stock and exchange have stopped payment in the city of New York, possessed of property which, under other circumstances, would have enabled them to retire with fortunes, which is now sacrificed, and creditors remaining unpaid. These were only the harbingers of others far more numerous. He spoke from the testimony of those well acquainted with the present state of things, and who were above all exaggeration or misrepresentation.

The memorialists are intimately connected with, and deeply interested in, the local banks; they know their capacity to extend relief; they know the mode in which their business is and ought to be transacted; and they do not consider them so organized, or that they can be so organized, as to supply a general circulating medium, or to relieve from the present pressing difficulties.

One might ask what class of our citizens had profited by the change which has taken place in our affairs? or what great purpose of public good has been accomplished? and he could receive no other answer than that the suffering was co-extensive with the country, and that, too, without any adequate benefit.

The rich, from fear of loss, were almost prevented from embarking capital; the poor are deprived of employment; and those who with limited means, but by enterprise and credit, were able to carry on an extensive and useful business, are, by the fall in their property, by unexpected losses, and want of punctuality and ability in their debtors, overcome in the struggle to sustain themselves. The mechanics and manufacturers all come in for a full share of the general distress; and they can have, they can expect, no relief until commerce again resumes its accustomed activity. The planter and farmer need not hope to escape without injury; their produce will find but few purchasers, and at reduced prices; the markets abroad are extensively controlled by the markets here; and the decline of prices in our commercial towns, from whatever cause it may arise, will be met by a corresponding decline of prices elsewhere.

Mr. JARVIS rose to order. He considered that the usual course had hitherto been, in presenting memorials, that every gentleman should confine himself to state the substance of the memorial, and not to diverge from it.

The SPEAKER said the honorable gentleman from New York was in order if it were the pleasure of the House that he should proceed.

Mr. SELDEN then asked the consent of the House to proceed; and, upon a division of the House, leave was granted.

Mr. S. proceeded. He regretted that it should seem necessary for some gentlemen, who had already taken no little part in the general discussion, to arrest the present debate, and to deprive others of an opportunity which had been afforded to themselves. He must say, he was very sorry that some of those who, for days, ay weeks, had been occupying the time on this question—this very question—

The SPEAKER informed the honorable member that he was departing from the course allowed by the House.

Mr. SELDEN explained, and continued: What were the circumstances in which the country was now placed, as regarded its currency? And was there not now a state of things which, more than at any previous period, required the favor and aid of this Government in protecting the commercial interest? Previous to the month of March, 1833, the merchants had an average credit of from ten to twelve months for duties; this credit itself furnished an average equivalent to an equal amount of capital in their operations. How did the matter now stand? By reason of the alteration in our revenue laws, of long credits for short credits and cash duties, they have been compelled to pay not only the duties secured on goods imported for the year preceding that period, but also the duties on the goods imported since; making in the aggregate, in addition to their usual payments, the sum of ten millions of dollars. Yet, with the increased difficulties, they have met their engagements with the Government without the defalcation of a cent. And this is the moment selected to make a change in the national currency; this is the moment when a new attitude is assumed by the administration and by the bank. And on the one side it is deemed necessary to commence, and carry into execution, the plan for closing the bank, by withdrawing from it the confidence and the funds of the nation; and on the other side it is found necessary to make large reductions in its

loans, to protect itself from the effects of the withdrawal of that confidence and those funds.

Let me ask whether a course like this is not almost sufficient to justify the merchants themselves in assuming a hostile attitude? and saying that, if the Government consider it of no importance to aid and foster them in times of difficulty, they will withhold their payments, and leave the public officers to pursue their remedy? It will scarcely be said that the Government fares better than other clients in the business of litigation. It would be unwise to drive to such a result. Our commercial men would bear long and endure much before they would depart from the path of duty. Should the Government, however, systematically pursue a course fatal to their interest—should it by rigid unkind treatment compel them to resist—above all, should our merchants, from any cause, not consider it a point of honor to fulfil their engagements, the loss which the revenue must sustain might prevent us from meeting our ordinary expenditure.

The act of 1833, whereby the system of short credits and cash duties was ingrafted upon our revenue laws, was the result of a compromise—the middle ground upon which the different States and different conflicting interests were able to unite. It might, therefore, be considered the settled and fixed policy of the Government, not liable to alteration. Independent, therefore, of the particular concurrence of double duties during the past year, the merchants are from this time forth deprived of all the advantages arising from long credits on the duties to be paid into the treasury, and, as a necessary consequence, require a continued increased amount of accommodations, only to be afforded by an institution so extensive in its operations and credit as to include every point at which the revenue is collected and disbursed.

This House must and will deem it their duty not to unite in, but to resist, any plan which has for its object, or which produces as a result, the ruin or injury of this most useful portion of our citizens. They have arranged a system of trade founded upon credit, and credit alone, whereby the inland and foreign commerce is carried on with almost entire certainty, and with the least possible expense. The produce of the interior reaches its ultimate market, is sold, and returns are made at the smallest cost; the products and goods from other countries reach the consumer charged with a smaller advance than one without experience would suppose within the power of any system of commercial operations. Why jostle, or disturb, or destroy the machinery? It works well—it performs in every part admirably.

Our local banks perform a most efficient and useful part in this great machine, yet their operations were essentially and necessarily local; their credit was and must be confined, so far as relates to their bills, to the neighborhood. The fact that those who receive or circulate those bills, at a distance from the place of issue, would not stand upon equal ground with those nearer the institutions—that in case of failure, or anticipated failure, they would not be at hand to present them for redemption, was sufficient, of itself, to prevent local banks from giving a general circulation. Even in our own State, arranged as our banking system is, the notes of the western section do not pass current; they are oftener cashed by the broker than passed into currency, and in all cases are received with reluctance and complaint. How, then, is it possible for the bank of one State to render its notes current in other parts of the Union? The prejudices of the people are against it. State legislation would be also directed against it. There is now a law of the State of New York, which renders it penal to circulate notes of foreign banks less than five dollars, although the same restraint is not placed upon our own banks. The regulation of currency is considered in the light of an attribute of sovereignty; and, whether constitutionally belonging to the States or not, is guarded, so far as relates to the interference of other States, with a State pride, which will resist and control all attempts from abroad. Did not these objections exist, the difficulty and expense of a local bank placing funds at various points necessary to sustain its circulation, limited and curtailed as it must be by other banks attempting to pursue the same course, must effectually prevent local banks from obtaining, or attempting to obtain, a general circulation.

The memorialists say that the scheme sought to be carried into execution by the administration is unwise and impracticable. Are not the above suggestions, of themselves, sufficient to justify their conclusions? A national bank, in their opinion, can alone create a good, sound, and sufficient national currency. That alone can carry on its concerns with benefit to itself, and with equal corresponding advantages to every section of the United States. No local substitutes will answer the purpose; without it, all the exchanges in the interior are to be charged with ruinous premiums and discounts, not for the benefit, but to the loss, to the great loss, of every class of our citizens, whether producer, manufacturer, mechanic, or merchant—perhaps to raise up an increased number of brokers and speculators, who will thrive upon the depreciated and disorganized state of the bank note currency.

So manifest were these results, that those who have declared their opposition to a national bank—not to this bank—to any national bank—now aver in this hall, and elsewhere, that their efforts are to be directed against the whole system. The language is too plain to be misunderstood. The course has been too plainly delineated, and too often repeated by those who are known to speak from authority, and to indicate the opinions of the administration. Our whole banking system is to be overthrown, and we are deliberately told that we must return to gold and silver as the only medium for carrying on our commerce, both at home and abroad.

Where, Mr. Speaker, are we to procure the gold and silver? Will those who have them take our local bank notes in payment? Will they pass more current in England or France than here? The precious metals are to be paid for; the world would not give them to us without an equivalent; and we are called upon to believe that the country would be benefited by parting with eighty millions of dollars of its property, to procure a substitute for a currency now sound and good, and which literally costs us nothing. The whole effort is impracticable—it cannot be carried into execution. The memorialists do not come forward as the advocates or opponents of the present bank; they do not wish or intend to become parties to that contest. They believe, and I believe, that a bank is essential; and they are opposed to that policy which would deprive the country of its benefits. They wish the charter so modified as to prevent it from being used as a political institution, either by or against the Government. They believe either position hostile to the purposes for which it should be created, and that provisions might be formed which would prevent it from assuming such an attitude.

Mr. S. said he was not a convert to the new theory, that bank notes, whether national or local, were hostile to the liberty of the country, or injurious to the interests of any portion of the people. On the contrary, he believed that every class, except the idle and profligate, had benefited by the use of the important agency of bank notes. They had enabled labor, enterprise, and talent to compete with wealth. No man in this country, however poor may have been his origin, or humble his condition, has been prevented from carrying into effectual and profitable execution any business or enterprise, which offered any reasonable prospect of success, who had integrity, capacity, and industry to recommend him. And to our extensive system of credits, founded upon bank notes, are

we principally indebted. Whenever we look to the rapid increase of our population, and to the more rapid increase of national and individual wealth; when we look at the rapidity with which these States have advanced to their present imposing powerful condition, from the Atlantic to the western waters, filled with thriving cities, towns, and villages, workshops and manufactories scattered through every section, the farmer and planter furnished with a ready market at his door—no one, who will look at the cause, can deny that for these happy consequences we are mainly indebted to the facilities offered to enterprise by the circulation of bank notes.

All the necessaries of life, all the comforts and luxuries from every quarter of the world, are found in as great abundance in the remotest settlements as on the shores of the Atlantic. They are not only found there, but purchasers are found there; and no one who is willing to labor is deprived of the ability to participate. If we are asked for the great efficient agent which has enabled us to realize all this, I answer, bank notes. Where would have been our roads, our canals, our great lines of internal improvement, penetrating the far West, were it not for the use of bank notes?

It seems to me that we are quarelling with our best interests; that we are seeking to destroy one of the most important devices ever contrived by man, in this war upon bank notes. Let me say that the poor and middling classes are more interested in this contest than the rich. The latter have already realized those means whereby they may accumulate more; the former can only hope to improve their condition by the use of these circulating credits. Labor alone will not do it; they must have means; they must have facilities; they must have aid.

I would, said Mr. S., put the question to the people of the country, and nine out of ten of those who have advanced to fortune will answer that their first successful efforts arose from their ability to borrow bank notes. I would warn the labor, and enterprise, and talent of the country to be on their guard. The effort now making, whether intended or not, is to elevate wealth above character and industry; and to give the vantage ground to those who now have already their gold and silver, or the means of obtaining them, which can never be recovered.

It is said that a gold and silver currency is more consonant with our free institutions. There is no truth in the assertion. I, said Mr. S., deny it. Look to Europe; under what Governments has a sound paper circulation flourished? Under those which most assimilate to our own. In England, where the people have been able to preserve a representative Government; where, whatever complaints may be made against other parts of her political institutions, the country is governed by laws adopted by the representatives of the people; in France, from the moment she returned to a representative system. Look to Austria, to Spain, to Russia, and Prussia; have they been able to sustain or establish a sound paper currency? I answer, no. And their bills are dishonored at the very doors of the palace. There seems to be a species of repelling power between despots and bank notes. The former cannot live where the latter circulate, and the latter cannot circulate where the former live. The people will not not trust a paper currency which is not protected by a representative Government. It constitutes an efficient agent of the people's power. Despotism cannot reach or touch it, but it vanishes or dwindles into rags. Thereby they keep the property of the country out of the grasp of tyranny, and at a moment's notice transfer it to a place of security.

In making these observations, Mr. S. observed that he would not be understood as saying that this important agent was harmless. No; on the contrary, it required constant control and continued watchfulness. There was a constant tendency to derangement and excesses. Like the power of steam, it may produce serious disasters. Yet the benefits so far exceeded its disadvantages, that no one could hesitate upon the question of its continuance. The local banks required regulation; and those engaged in commerce have said that a national bank constituted a good and sufficient regulation--a regulation in which the local and general circulation constituted mutual checks, restraining excesses on either side.

To recur to the effect of the present plan upon the revenue: has it resulted as was anticipated? The theory of employing local banks as the agents of the Government has been already sufficiently tried. The experiment has failed. Those who pay the revenue tell you that it has failed; that they have and must form insufficient instruments for collection or disbursement, without deranging all the channels of trade; that they can afford no sufficient accommodations to enable them to pay their engagements or to continue their operations. The state of things in all our commercial towns confirms the representation. Business is at a stand. Private negotiations and contracts have ceased. The only struggle seems now to be to meet the engagements already contracted. A different course must be adopted.

Upon the subject of accommodations to the debtors to the Government, it may be remarked, that the selected banks cannot answer the purpose to the extent expected. There are three in New York, among which the bonds due the Government are to be distributed. Each is compelled to retain, subject to the draft of the Treasury, an amount not used in loans not much less than would be retained by a single institution; thus withholding from the accommodation to our merchants nearly three times as much as would be otherwise required; and these embarrassments are increased—yes, multiplied—as you enlarge the number of depositing banks, either there or elsewhere.

It had been said that it would be vastly better for the monetary system to be carried on and regulated by many different institutions, rather than one, on the ground of its great power. How, he would ask, was the Government of the country carried on? Had we one or a hundred executive heads? What is the strong argument in favor of one executive head, independent of its giving uniformity of action? It is this—that the people have but one agent to look to, one body to hold responsible. Sir, I say, with a national bank the people have but one great agent to look to, and past experience shows that it is compelled to direct its course in pursuance of the popular voice—at one time to diminish its loans as excessive, at another time to enlarge them as too contracted. With twenty Government banks, attention would be distracted, and their managers may grant their favors and gratify their partialities almost without the possibility of redress. Let us have one national institution, one board of directors for a general superintendence, one president, to be kept constantly up to public view. And while we thus commit to one head, or one board, this power, they will be kept in constant check, at the same time that they are able to act upon enlarged views arising from a concentrated knowledge of the wants, the products, and commerce of every section of the country.

It is said by some that the people were willing to abandon bank paper as the circulating medium. Where is the evidence? Do the resolutions from the Legislature of New York afford any such evidence? Does the conduct of her citizens afford any such evidence? No: on the contrary, we find that the same Legislature is called upon to incorporate full fifty new banks, with a combined capital of fifty millions of dollars or upwards. Do the resolutions from Ohio afford any such conclusion? No: on the contrary, that State, within the last two years, has doubled its banking capital, and the people are asking for more. Every where—yes, every where—the attachment to bank notes continues, and will, Mr. Speaker, continue, unless

their value or use is destroyed by depreciation and failures. The people call for good bank notes, such as will be redeemed in specie; and the question, in truth, is, whether we shall have a solvent or insolvent bank note circulation?

All must admit, if our circulating medium is to remain in the shape of credits, we must have a regulator—a good and sufficient regulator. The question is this: shall we have a medium so controlled that it shall continue sound and stable? or is it intended to allow the local banks to throw out an extent of issues which they are unable to redeem, and unwilling to reduce, until the whole are involved in one common failure? In the hands of this House is the power of preventing such a catastrophe. We cannot dwell too long upon the subject of the power of a large moneyed institution. Mr. S. said, I admit that it exists, and believe it can be controlled, and effectually controlled. That power was brought into exercise by its capacity to make profits. The proprietors of the present, or any other national bank, so regulated that it could not return to its stockholders a revenue exceeding that which will arise from other safe investments, would make but little struggle, either by using the funds of the bank or their own, to give it perpetuity or influence. They would change or withdraw their investments, and place them elsewhere, not subject to complaint or contest. The stock of this bank has, as yet, not proved a very profitable investment, but its capacity to make profits has been developed; and to that point more than to any other should the attention of Congress be directed.

The power of bearing down upon the local banks is much exaggerated. It can never be exercised until the local banks commence overtrading. As long as they continue the business of discreet banking, making no excessive loans, or throwing out excessive issues, the national bank is powerless: when they commit excesses, that bank is powerful; and it seemed to him that this was one of the great benefits of the institution. Again, this power is mutual. Suppose the excess is on the part of the Bank of the United States; that it improperly increases its loans, and sends forth its bills; as a necessary consequence, those bills find their way into the local banks, and are returned for redemption in specie. The condition of the national bank, exposed at every point, and in every section of the country, compels that institution to keep itself within confined limits, and, as a necessary consequence, it keeps the local banks within proper bounds. The greatest amount of loans which that bank has had outstanding was about seventy millions of dollars: this was twice the amount of the capital. At the same time, the bank, in addition to that capital, had large, very large deposites. Now, loans to twice the amount of capital would be considered not an excessive business by our local banks. In New York the law allows twice and a half the amount, and most of the banks in the interior avail themselves of the advantage; and banks in other parts of the country have extended quite as much, without complaint. Twice the amount was excessive for the Bank of the United States, and was deemed unwise and unsafe by many of the directors of that institution. It would scarcely be attempted again. It should be prevented by law. The effect, however, was, that at that period it was rather in the power of the local banks than the opposite. And so it must always be, when it pursues the plan of overtrading.

We have heard much of the political power exercised by the bank in the elections of the country. It seems to me, said Mr. S., that the proposition was inaccurately stated. Whatever may have been the attempts of the bank, or of the officers or stockholders of the bank, (and my purpose is not to prove or deny them,) it is perfectly manifest that such attempts were, and must be always, ineffectual—worse than ineffectual. They have no power—they can have no power. It is a libel upon the people of this country. The ballot boxes have not and cannot be corrupted by the influence of wealth. The history of parties in this country is against it; the character of the American voters repudiates the charge; the course of the last election affords irresistible evidence against it.

Look back to the close of the administration of General Washington: the federal party then greatly outnumbered their opponents, and owned by far the largest part of the property of the country; yet, in the progress of a few years, it sunk into a feeble minority. The wealth which it possessed was one of the causes of its downfall. The first bank was unable to sustain a corporate existence beyond the period of its first charter; the present bank seems doomed to the same fate. The instinctive opposition to wealth by those who do not possess it, (and they must always constitute the great mass,) renders it powerless—it might almost be said helpless—in a contest for political ascendency. Those who have been successful in acquiring large estates, find, as a uniform accompaniment, the loss of political influence. It must be so. It is well, as a whole, that it should be so. The danger to which our institutions are exposed arises, in truth, from those who have no sympathies with the people, that seize upon the popular will to direct it against the general interests, for individual private benefit.

During the recent election, what evidence was exhibited? Pennsylvania, having a deep stake in continuing the bank at the city of Philadelphia, gave a larger majority than any State in favor of the present Chief Magistrate. The city of New York, deeply interested in commerce, relying upon and receiving large accommodations from the bank, gave an immense majority on the same side. There was no section of the Union, which was expected to be favorable, which was not favorable to his elevation. It may be considered certain that a party will gain strength by arraying itself in opposition to the bank.

How stands the charge against the public press? The very suspicion that it was influenced by accommodations from, or payments by, the bank or its officers, was sufficient to paralyze its influence. So strong was the feeling, that not only those papers against which there was reasonable ground to make the charge, but those with regard to which there was no proof, or any reason to believe that any proof existed, were stricken down in public opinion, and their efforts rendered useless in favor of the bank, upon the mere allegation that they were working for the bank. A full answer to every argument which ingenuity could devise in its support, which editorial industry and talent were able to put forth in sustaining the institution, was found in the simple assertion that the newspaper was bought by the bank. A bank press—a purchased press. Any effort to deny it was taken for evidence of the fact.

Mr. Speaker, are not these observations well founded? Politicians constantly act upon them, and those triumph in their plans who place themselves in opposition to the advocates of any great moneyed institution. If, said Mr. S., I were striving for advancement, and were willing to make all considerations yield to that advancement, my course would be very plain. I would be found uniting in the cry against this dangerous monopoly, overshadowing the liberties of the country. It is a sound which will rally all the forces to the field—forces before which the present bank will sink into its grave—forces before which no bank can stand for a moment in contest; and the larger the institution, the more certain is its death.

There are objections to the present bank, or any other organized as this is—strong and powerful. They must be removed. The memorialists understand the difficulties, and suggest the necessity of modifying the charter—whether the old one, or a new one—to meet these objections. Curtail its ability to make profits for the stock-

holders, by applying a part of those profits to the public use. Limit its power to extend improperly or unsafely its business. Check it at every point where experience has shown it requires checks.

An institution thus organized is deemed by the memorialists essential to our commercial and national prosperity; they are able to judge, and their judgment ought to be followed.

In presenting this memorial, he must of necessity advert to one other topic. The question had again been raised, whether this Government had constitutional power to create a bank. It was not his intention to discuss this question at this time. One or two remarks, however, might be made. The power thus exercised was claimed under that clause in the constitution whereby Congress is clothed with authority to pass all laws needful and proper to carry certain specified powers into execution—among which specified powers are those of raising, collecting, and expending the public revenue, and of coining money. Now, whether a bank is needful or proper for the purpose, affords the test; and that test is liable to vary, from a variation in the condition of the country. At the time Mr. Jefferson first expressed his opinion, there were but two or three local banks in the United States—one at Philadelphia; one, if his recollection served him, at New York; and one at Boston. That distinguished statesman might well have formed and expressed the opinion that a bank was not needful or proper to carry into effect any specified power.

How stands the matter now? On the 1st of January, 1833, there were three hundred and eighty-five banks, with seventy-five branches, in the United States, with a circulation of from eighty to one hundred millions of dollars of bank notes, and all engaged in the business of creating and extending that circulation—all striving to enlarge their business—and the whole system exhibiting a constant tendency to derangement, vastly useful in the main, but calling for a continued check. The national revenue is now collected by, and disbursed through them, and, therefore, liable to all the fluctuations to which the banks are themselves exposed. Might it not very well be that a power which was doubtful at one time, founded upon the question whether it was needful and proper, at another would be deemed a matter of the highest necessity to exercise—a dereliction from the constitution not to exercise?

This Government has not, it is maintained by many, the power of making roads or canals through or in a State. Would any one doubt that it might do it in time of war, to furnish means for transportation of arms and the materials of defence?

It may be said, then, that a national bank might, at one time, have been very unnecessary, and therefore unconstitutional; at another time, of the highest necessity, and therefore constitutional.

Before closing his remarks, Mr. S. observed that he would refer the House to a comparative stock list, taken from the sales in the New York market, exhibiting a comparison of prices between the present period and the time immediately preceding the action of the Secretary of the Treasury, whereby the friendly relation of the Government to the bank was destroyed. The stock of the Bank of New York had depreciated seven and one-half per cent., or seventy-five thousand dollars on the amount of its capital. The stock of the Manhattan Company, one of the Government banks, had depreciated eleven per cent., or two hundred and twenty thousand dollars on its capital. The stock of the Merchants' Bank had depreciated ten per cent., or one hundred and forty-nine thousand dollars on the amount of its capital. The stock of the Mechanics' Bank, one of the Government banks, had depreciated six per cent., or one hundred and twenty thousand dollars on the amount of its capital. The stock of the Bank of America, the last of the Government banks, had depreciated nine per cent., or one hundred and eighty thousand dollars on the amount of its capital. The Delaware and Hudson Canal Bank, seven hundred and twenty thousand dollars on the amount of its capital.

Other banks have suffered a corresponding decline; and the depreciation in the price of bank stocks of the city alone falls not far short of three millions. Insurance stocks of all kinds have declined in a corresponding degree. With such proof, it is idle to deny the distresses which prevail. These are not declarations; they are facts, which must carry conviction to every member of the House.

Within the last few days, less incredulity seems to prevail; the language is now changed; and it is admitted, within and without this House, that there is a pressure in our commercial cities along the Atlantic, but that it does not extend to the country; and it has been asked, by at least one, of what importance were these dealers in tape and buckram?

Let me, said Mr. S., tell the honorable gentlemen who represent the interior, that they are mistaken if they suppose the storm is only to reach the shores of the Atlantic; they will find it extending, with increased fury, to every town, village, and hamlet in the interior; prostrating, in its course, not only their mercantile and manufacturing establishments, but their workshops and their crops; leaving to those, of whom I (said Mr. S.) have the advantage of being one, the profitable business of collecting the ruins.

This is not all; every improvement is now in danger of being stopped. Your railroads and canals: from whence is the money to come with which to continue these works?

Should the consequences extend further, and which we have great reason to apprehend—should the stocks which have been issued by the different States, and now owned in Europe, be returned upon the American market for sale—should the foreign fundholder become alarmed at the passing events here, and seek safety by partial sacrifices—how would the credit of State securities be sustained? Our rich men might avail themselves of the depreciation to some extent, and become purchasers; but, in doing it, they must withdraw their means from the points where they are now loaned, to the ruin of their debtors, and to the immense depreciation of their property.

I ask, said Mr. S., the representatives from Louisiana, what will become of her ten millions of securities held in Europe? the representatives of Ohio, what will Ohio do with her four millions of debt in London? and the representatives of Pennsylvania, what course will that great State pursue with her twelve millions of stock held by foreign owners? Can these States take advantage of the market, and buy them? Where is the money to come from? How are their public works to be completed? By the stock list to which I have referred, it appears that the Ohio six per cent. State stocks have depreciated ten per cent., or one hundred thousand dollars on every million which they may be compelled to borrow; and this, too, at a time when the resources of the commercial cities are dried up.

Let us proceed to another relation affected by the present state of things—the relation of debtor and creditor. The amount of outstanding debts is incalculable. What constitutes one man's prosperity is another man's debt. The stock of all our banks is invested in promissory notes and bills of exchange. Debts—nothing but debts. The property of our merchants consists mostly of outstanding debts. There is scarcely a man in the country, engaged in any kind of active employment, that is not a debtor to a greater amount than would, in ordinary times, remain to him when his debts were paid.

How are all the debtors to pay? They are to pay from the proceeds of property to be sold at half the price which it originally cost. In other words, the money with

which they pay is worth and will purchase twice as much as when the debt was contracted; and he who receives will receive in value twice as much as he agreed to receive when the debt was contracted. I say, said Mr. S., the war now carrying on is a war against the debtors of the country, and, so far as the debts are paid for the benefit of the creditors, it is a war of ruin. It is a war against bank notes--it is a war against labor and enterprise. It is a war against the poor, which we, as politicians, are waging for our own advancement. It is a war against the debtors, whether by mortgage, note, or other contract.

One further suggestion, said Mr. S., and he was done. It was a favorite theory with some that we had no use for foreign capital. The amount already contracted must be returned. How will you return it? Where are we at present to find the means to pay it? Our country is prosperous: gaining every day more and more by the use of this capital. It is procured at low interest, and used at vast advantage. Why reject it? Can it injure us? Suppose, in a war with England, we should take their fortresses and strongholds, or their ships of war; would you surrender them because they were English? or would you retain them for defence, and to enforce a just and equal peace? So the possession of foreign capital affords quite as great advantage. With fifty millions of British or French property in the possession of our citizens, rely upon it we would hold a guaranty for our rights both at home and abroad, as great as could be furnished by our army or navy.

In sending the memorial to the Chair, Mr. S. stated that it was signed by about three thousand five hundred mercantile firms, consisting of six thousand individuals. He moved that it be printed, with its signatures, and referred to a special committee.

After Mr. S. had concluded his remarks--

Mr. WILDE moved to amend the motion for reference by adding, "with instructions to inquire into the allegations therein contained, the truth of the recent complaints of general pecuniary distress and loss of credit, and the alleged derangement of the currency and commercial exchanges; and, if the same shall appear to them to be well founded, to report to this House their opinion touching the character and causes of the said evils, and the appropriate and effectual remedies, together with the evidence on which such opinion is founded; with leave to take testimony, *viva voce* or by deposition; to send for persons and papers, and to report by bill or otherwise."

Mr. W. observed, it was among the last things he would have thought possible, a few days since, that he should be compelled to offer an amendment of this description, and to address the House in support of it. But the very significant hint they had just heard, admonished him that, unless he availed himself of this opportunity of expressing his opinion, he might not find an opportunity at all. It was true, the chairman of the Committee of Ways and Means had only intimated the necessity of a speedy decision, and entreated the House to stop all further debate, without intimating by what process that result was to be accomplished. But no great experience in public business was requisite to understand how quickly such entreaties were interpreted, and a degree of urgency proposed and enforced, by means more cogent than the gentleman's powers of persuasion.

Mr. W. went on to say that there were many reasons why he had no desire to throw himself before the House and the country at the present time. If, unfortunately, it was true, as all the political prognostics which met him every hour seemed to indicate, that the minds of the majority were made up as to the course they would pursue, why should he interfere? why should he throw himself beneath the wheels of that car whose onward motion was as fixed and irrevocable as that of the powers of heaven? What could he gain? Nothing. But could he have followed his own private wishes; could he cast from him those daily and hourly proofs of distress; of the distress existing not merely in the commercial world, but in all portions of the community; a distress which was aggravating with every hour, he must have been either more or less than man. If even one-half of which had reached the eyes and ears of him who now administered the Government, it would be enough to shake even that rigidity of purpose which had been so generally ascribed to him. But because he believed that the Government did not realize what was passing in the country, he would state, briefly, the reasons which had induced him to offer such a proposition to the House.

At the outset, Mr. W. said, he was met by allegations from various quarters of the House that no distress existed. It was in vain that one universal shriek came up from all the cities of the land: in vain petition on petition were heaped upon the table: in vain a most respectable delegation attended at the doors of the House from the great commercial metropolis of the country—the House was still in a doze—still gentlemen continued to declare that there was no distress. Well, under circumstances like these, what was the natural and obvious course to be pursued? When the House was told by its members that there was no distress in the community, and by the people themselves that there was, what was to be done but to inquire, in the best and most certain way in their power, whether there was any distress or not? and, if distress did exist, what were the causes of it? Was not this the plain course? Was it not a course which it was the duty of the House to pursue? If it were true that all this alleged distress was a mere political trick, got up for the purpose of embarrassing the Chief Magistrate in the exercise of his legitimate powers, which he was exercising for the public good, was there any means more decidedly calculated to put the broad seal of reprobation upon the authors of such a scheme, than the report of a committee empowered to send for persons and papers, laying the testimony submitted to them before the House? The House would then have, not the mere impressions of different gentlemen who addressed them, but palpable, substantial proof.

If gentlemen should refuse to sanction a proposal so fair and reasonable, might he not with reason infer either that their desire for truth was less ardent than his, or that the means of getting at it presented itself to them under a very different aspect from that which it had in his eyes?

In his opinion, the country and the Government stood on the brink of a deep and dangerous precipice, to which the public measures were hurrying them every instant. He did not see more distinctly the finger of time moving over the face of the clock before him, than he beheld universal bankruptcy, the suspension of specie payments, and a corrupted currency, involving vast loss both to the people and the Government, approaching the inhabitants of this Union. It might, indeed, be said, that these were but the opinions of an individual: true, they claimed no other weight, save that which was to be found in the reasons themselves.

But he had risen not for the purpose of argument; and he must content himself with the statement of general principles only, without following them out into detail. He had selected a few letters from among numerous others, with the intention of reading them to the House; but he would not do it, although they were disconnected with all party movements, and came from parties who did not fear most for themselves; although they were sufferers, but who looked on with as much philosophy as men could do who possessed the ordinary susceptibility to the sufferings and dangers of their country. They came from every quarter of the country—East, West, North, and South; and they spoke in a voice which but too distinctly pro-

claimed the inevitable ruin which impended. Thus situated, he again asked what was the duty of the House?

A wise Government never would shut its ears to the voice of public opinion; nor ever failed to redress the public grievances, when taught by the people what they were. Even an arbitrary Government never could, in this country, refuse to listen, so long as any sparks of the spirit of freedom were left among the people, or a drop of blood that was worthy of their ancestors. The Government dare not, it would not, long resist the voice of a large majority of the nation. Why should not the House consent to inquire? If there was, indeed, no distress existing, the inquiry would ascertain it, and the House would thus yield to the community whatever of quiet such a panacea could afford. But, if the allegations of distress were true; if the distress was real, and widely felt, as he was very sure gentlemen could not but know and feel, it was their duty and their wisdom to ascertain the fact. No: the allegations were not false: they were, alas! but too true; they were deeply felt in the agonized bosom of many a merchant now rich, but who feared that the next morning's sun might find him a bankrupt, (that name so fearful in a merchant's ear:) it was vouched in various quarters, from men of all parties and all classes in the community. And most incredibly did these complaints agree, if they had indeed no basis in truth. No: the distress was great; it would increase; and it must prove ruinous.

As to the proper remedy, it was not his object in this resolution to indicate his view of it. He had purposely left the terms of the resolution as broad as possible. He had, he trusted, no prejudices which would not yield to the sounder judgment and larger experience of others. One thing, however, was clear; the present state of things could not last. They must proceed from bad to worse. No one had ever ventured to say that the existing posture of affairs could or would last. All that any pretended was, that the distress, if any, was temporary, and would soon pass away. Another proof of what was to be looked for was found in the fact that the Secretary of the Treasury had disclosed to the House and the world his scheme of finance and his device to supply a currency. The country had been promised that all now done by the Bank of the United States should be done by the State banks. Now he would appeal to the House whether any friend of the administration had even attempted to maintain the proposition that the State banks were adequate to any such purpose? Again, they were told that the country was to return to specie payments. With eighty or one hundred millions of current bank notes, and not less than one thousand millions in discounts, and not more than twenty millions of specie, the country was to return to specie payments! Another plan had also been proposed by a gentleman over the way, [Mr. Ewing.] But, whatever courses might have been proposed, the only one which met with absolutely no favor was that proposed by the Secretary. Now, if a scheme which must, of course, have been well and maturely considered, had in so short a time be found inadequate, was not the House called upon to pause, and to inquire, before it resorted to a remedy still worse? Could gentlemen justify themselves to the people, and to those families which must be reduced to despair, unless, setting aside all party considerations, and mindful only of those high obligations which rested on them as representatives of a people still free, and disposed to remain so, they should bring their best judgment to the subject; and, after examining facts with calmness and impartiality, announce to the world either that they should go forward without fear, or backward without reproach?

If he knew himself, these (Mr. W. said) were the predominating motives which had urged him to intrude upon the House these observations. It might be that he was ignorant of the facts, or deceived in his judgment upon them. He might be destitute of that long-sighted humanity which could overlook present misery in the prospect of future advantage; of that sagacity which perceived the light of yet distant hope through all the gloom of the impending tempest; but, so far from indulging any thing like hope, he felt, he confessed, no other emotion than despair. The country had heretofore gone through the process which was the inevitable result of such measures; but worse was behind. The country must abide the agony of a second revulsion, in the restoration of specie payments, which, according to present appearances, must, before midsummer, be suspended. The evils, great as they were, which flowed from what had already been done—the injustice to all the creditors of the bank, as well as to the United States, which was the largest holder of its stock: all were nothing in comparison to the distress which must be felt when the restoration of specie payments should arrive, after they had once been suspended.

Thus much he had felt himself bound to say, in justice to his own bosom. He could not have laid his head upon his pillow, had he not poured forth thus, without premeditation, what had long been weighing upon his heart. After some words of disclaimer, as to intended injury to the feelings of the gentleman at the head of the Committee of Ways and Means, which did not distinctly meet the ear of the reporter, Mr. W. resumed his seat.

Mr. POLK followed. He observed that he had attempted this very morning to arrest this premature debate, and had moved to refer the whole subject to the Committee of Ways and Means. The duties of that committee comprise all the matters which appertain to the financial concerns of the country; and would any one contend that this question of the bank was not one of such a description? Why, then, should they divide between two committees that which properly belonged to one only, to the great detriment and delay of the public business, and the retarding of this very investigation which gentlemen so ardently wished for? He would go cheerfully with the gentleman who had just resumed his seat, [Mr. Wilde,] he would go hand in hand with any member of the House, in opening, in widening the investigation as far as possible, so as to enter into the examination of those charges of corruption on the part of the bank, about which the advocates of that institution had said so much. But he was opposed to an isolated memorial being made the subject of reference to a special committee. Open the whole subject, and inquire distinctly and severally into the whole of these matters and charges—the derangement of the exchanges, the depreciation of the currency, the injury to public credit, the loss of commercial confidence, the distrust between man and man, the decline of trade, and the general distress—all of which had been alleged so confidently. Let the whole question of their fiscal embarrassments be examined into; and to what committee did the matter appertain properly, but to the Committee of Ways and Means? That committee, if the subject should be referred to them, expected to perform their assigned duty, and to cause, as far as they could possibly lead to it, a speedy action upon this protracted question. The House had now been engaged in debating it for nearly two months. The excitement which had originated there, and naturally originated, considering the circumstances, had produced a corresponding excitement throughout the country. Measures ought to be at once taken to decide the question. If the report of the Secretary of the Treasury had been referred to the Committee of Ways and Means, or indeed to any committee, without this prolonged discussion, before now a specific proposition might have been laid before the House upon which members could have voted. He trusted that the House would adopt such measures as would promptly relieve the country from its present state of anxiety and suspense. It was not his wish, for one, that it should be

done by the previous question, but by a vote on the proposition itself, which would show the decided sense of the House.

Mr. P. briefly recapitulated his former argument, and observed, that though it was true he had taken a part in the debate at the outset, yet he had said at the time, that if the question could be arrived at without debate, he would not say a word more. He had paused for a reply, but none was given. They had been literally coerced into the debate. It certainly was not of his seeking.

In conclusion, after an apology for even thus much trespassing on the time of the House, and which he had reluctantly done, he moved to refer the memorial to the Committee of Ways and Means; to which committee all the former memorials of a similar nature had been referred. If, when there, it should not be acted on speedily, let the committee meet with the censure they would justly deserve.

Mr. GORHAM said, the gentleman who last addressed the House had asked, with a great deal of emphasis, when we were to have an end to this discussion? The whole of this subject, since its first introduction into that House, had been growing every day more and more a subject of public interest; and he thought it was barely courteous, after the honorable gentleman's two or three day's speech, to call upon others who had had no opportunity of expressing their sentiments to arrest the debate at its present stage. Mr. G. explained the reason of his having called the honorable member from Tennessee to order, and not interrupted the two gentlemen who had presented the petition from Maine. The honorable member from Tennessee rose not to discuss the subject of that petition, but to announce to us, in a speech of somewhat an extraordinary character, the course that was to be taken in regard to another matter. He (Mr. G.) did not think that on the reading of the memorial from New York, the subject would have been brought up again. The whole course of the administration up to this time, the whole public press engaged on its side—every speech went to show a determined purpose to change the fixed habits of the country with regard to the currency. He would ask how any gentleman could expect that he (Mr. G.) coming as he did from a place not interested in the United States Bank, but deeply interested in the currency of the country, should not deliver his sentiments upon this vital question? He did not know what the gentleman alluded to by saying what he did about certain insinuations, and certain propositions of an indefinite character when this question went to the Committee of Ways and Means. He had as yet heard of no suggestions that met his own views. All that he could gather was, that the pet banks were to be substituted for the United States Bank. In discussing all the suggestions that had been offered, it might not be amiss to discuss that of specie payments. The honorable member was proceeding in his remarks on this subject, when

The SPEAKER called the honorable member to order. The proposition before the House was the propriety of referring the memorial of the merchants, &c. of New York to the Committee of Ways and Means, or to a select committee; and to that the honorable member must confine his remarks. After some further conversation on the point of order,

Mr. GORHAM explained, and resumed his remarks. He did not see the ground changed, or but little, in the two propositions before the House. He had said that this question was the great question of the currency; he had heard of no proposition yet which struck him as one on which they relied more than on specie payments. He might remark that we were then dealing in specie, by having the United States Bank. It was one and the same thing. The gentleman from New York some days ago said that the return to metallic currency was in his view the only remedy for the present evils. And he (Mr. G.) could not see how the experience of forty years was to undergo so radical a change on a sudden.

The actual condition of the country then was the same as if there was nothing but gold and silver. He would suppose if there were an order issued to make all payments payable in gold and silver, what would be the condition? Every merchant would have his gold and his silver locked up; his neighbor would horde his also locked up; and if either of them had a payment to make, he must carry it about by any mode he could. He must have a servant to carry a thousand dollars, and a cart to convey ten thousand. He would admit that this might be requisite where there was no security in the Government, or confidence in individuals. This mode was too inconvenient and troublesome, to be practical; and a depository for money was indispensable to the carrying on the trade and commerce of individuals, as well as for the fiscal operations of the Government.

The honorable member here entered into a detail of the principles of banking, showing that a bank note was a *bona fide* receipt for gold and silver deposites in their vaults. It was, in other words, a certificate of the receipt of the amount of gold and silver, which it represents. If the certificates were large, they were directed into smaller sums for the public convenience, and thus became notes of changeable value. It would be impossible to transport metallic currency throughout the Union, from New York alone. There was another fact which had been lost sight of, which was, that banks were instituted, not for the benefit of the president, directors, or proprietors of the stock, but for the benefit of the borrowers. Nothing could be more erroneous than the converse of this. Look throughout the community, and see who it was that wanted banks: not those who had plenty of money, but those who wanted money. He regretted that the disturbance that was taking place throughout the country did not seem likely soon to be decided.

Mr. G. here made a statement relating to the amount of discounts by the bank, showing that, owing to the proceeding on the part of the Government, it had been compelled to confine its accommodations simply to the amount of available capital in its hands. Every bank standing upon its own credit, and wishing to preserve its character, must also check its discounts under similar circumstances. It would be seen by the returns that some of the New York banks had thirty or forty times as much paper in circulation as they had specie in their vaults; but as soon as the Government proclamation against the United States Bank came out, they were compelled to withdraw to a large amount. [The honorable member entered into a statement of the condition of the bank at the time of the removal of the deposites, but he was in many parts of his speech quite inaudible at the reporters' desk, and we could but occasionally gather a few sentences.] The United States Bank then owed nine or ten millions of dollars to the country, and every disposition was shown to call on that institution to its greatest extent; and it was therefore compelled to check its discounts. Were any complaints made that the State banks had withdrawn their discounts? No. Because it would be said that the United States Bank had not checked more than they had been compelled to do. Every thing was ascribed to it—was to be heaped upon the United States Bank. The proceeding of the Executive of this country, in the above matter, was unparalleled in the history of any country. Mr. G. here alluded to the connexion between this country and Europe.

He showed that we were indebted to Europe because we could invest capital profitably, and they could not. We could borrow money of them at five, four, and three per cent., which could be employed, and profitably, at eight, ten, and twelve. The honorable member then entered

into the question of exchanges, ascribing the present distressed state to the scarcity of money. The only remedy in his judgment was either in the renewal of the bank charter, or in the establishment of another, upon a somewhat similar plan. He disclaimed for himself not only all connexion with the United States Bank, but there was no city in the Union so indifferent to that institution, apart from the currency of the country, as the city of Boston, of which he had the honor to be one of the representatives. His constituents felt interested only so far as it was a great regulating machine of the whole country. He would only make one other remark: that one of the great objections made to the United States Bank was, in his opinion, its great merit; that was, its monopoly and extent. It was above the control of executive power, and therefore was not to be dreaded. Its monopoly insured its safety as a place of deposite for men of real property. Its vastness prevented it from becoming an instrument in the hands of power. Not so the local banks; they were both more easily to be controlled, and more directly under the influence of the Executive will. After some further remarks, which were not sufficiently audible to enable their purport to be given, the honorable member concluded, as we understood him, by expressing his intention to vote for the reference of the memorial to a select committee, with instruction to inquire into the allegations therein contained, the truth of the recent complaints of general pecuniary distress, loss of credit, and the alleged derangement of the currency and commercial exchanges; and if the same shall appear to them to be well founded, to report to this House their opinion touching the character and causes of the said evils, and the appropriate and effectual remedies, together with the evidence on which such opinion is founded, with leave to take testimony, *viva voce* or by deposition, to send for persons and papers, and to report by bill or otherwise.

Mr. PATTON said, it was not his intention to enter into the question of the expediency of banks, or the principles on which they ought to be conducted. The present was, perhaps, not a proper time for the discussion of so complex and important a subject. But he had risen in his seat to return his cordial thanks to the gentleman from Georgia, [Mr. WILDE,] for making a proposition which, he could assure him, should receive his (Mr. P.'s) warmest and most earnest support. The proposition was marked by sound practical sense; it was dictated by philosophical wisdom; and, if acted upon, he had not the slightest doubt that the results would be such as were desired by all. The nation had now been agitated for weeks by the discussion of this bank question, and was still awaiting, in the very heat of alarm and anxiety, the decision of the House. Efforts had been made to shake the feelings of the House on this most important question: but he was sure that every member on that floor would unite with him in the opinion that it requires the coolest and most dispassionate consideration. He was in favor of the reference of the subject to a select committee, with a view to the more speedy furtherance of the public interest. The Committee of Ways and Means had already a sufficiency of business before them: and a select committee could give to the matter an undivided attention. He remembered that two years ago, he (Mr. P.) had stood side by side with the gentleman from Tennessee, [Mr. POLK,] in advocating the propriety of sending all propositions in relation to the bank to a select committee.

I advocated that mode of proceeding then, as I do now, because I think the very magnitude of the question forms a sufficient reason for referring it to a distinct committee. He spoke from a feeling which he trusted was wholly impartial in this matter. The considerations which formerly actuated him still had the same weight in his mind. Although not prepared to sustain all the grounds of objections against the bank, urged by those with whom he was proud of acting in public life, yet he was not willing that the question should be disposed of without that which it deserved and required—a calm, cool, deliberate, and dispassionate examination by a committee of that House—a committee composed of those who should entertain no partisan feelings either in favor of the bank or of the Government.

He believed that no one could be more appropriately appointed as the head of such a committee than the member from Georgia, [Mr. WILDE.] He did hope that the proposition would be adopted. He should certainly support it. If it should fail, he trusted that the Committee of Ways and Means would go fully into the question, and investigate it in all its bearings and aspects.

Mr. POLK said, the proposition for a full investigation should have his most ardent support. There were charges made on both sides, and it was time to come to an issue.

Mr. REED, of Massachusetts, was in favor of the reference of the subject to a special committee. The Committee of Ways and Means might be considered as having prejudged the question. If that committee were prepared to report upon the subject, might it not be thought that it was on the presumption that no distress existed in the country?—that there was no suffering on the part of the people, accruing from the removal of the deposites? There were two things to be inquired into, and they could be inquired into but by a select committee. The first was, to ascertain if the distress really did exist; and the second was, to investigate as to the cause of it. He was in favor, he repeated, of a select committee, because the Committee of Ways and Means had already expressed an opinion on the subject.

Mr. LANE said, Where will gentlemen get members for a select committee, who have not expressed an opinion?

Mr. REED: Those who have not expressed an opinion within the last two or three days.

Mr. POLK replied to the remarks of Mr. R., on the subject of the latter gentleman's assumption that the Committee of Ways and Means had prejudged the bank question. He adverted to the fact that friends of the bank were on that committee, and, in particular, a distinguished gentleman from Pennsylvania, [Mr. BINNEY;] and to the fact also, that the individuals forming that committee, as well as those composing other committees, entertained different views on subjects of public policy. So there would be different opinions in the Committee of Ways and Means, as there were, and always would be, in all the committees of the House. In reference to the argument that a select committee would be more desirable on account of the greater powers with which it would be clothed, he must observe that it had been, and was, his intention to apply at the necessary time to the House, in the event of not being seconded by the majority of the committee, for the necessary powers of sending for persons and papers. He should have done this in order that the question, as was desired by all, should be thoroughly sifted. He would remark, likewise, that the subject of the bank had always been referred to the Committee of Ways and Means—it was intimately connected with the financial relations of the country—the money power was vested in the House, and the money bill emanated from that committee. He could not be considered as reflecting on any other committee of this House in making the observations, or in advocating the reference. The opinion as to a bank or no bank being established, was nothing in comparison with the charges made against the present bank of mal-practices. Mr. P. then adverted to Mr. R.'s charge that the Committee of Ways and Means had prejudged the bank question, and stated that he had not said the committee were prepared to meet it. His words had been literally and solely that the committee had had the subject before them, and that it had received their fullest

attention. The Committee of Ways and Means could only desire to be clothed with power in this matter for the purpose of eliciting truth. What other object could they have?

After some remarks from Mr. WHITTLESEY and Mr. POLK,

Mr. HARDIN rose. He said that originally he had intended to say scarcely a single word on this agitated and agitating question. But there were one or two now which might account for the change in his purpose. The member from Tennessee [Mr. POLK] had charged the bank with venality and corruption, and yet disclaims, after these grave and serious allegations, any prejudgment of the question. Now he (Mr. H.) thought this very fact a prejudgment in the strongest terms our language can afford. With the fullest, the most entire confidence in the honest views and known integrity of character of that honorable gentleman, and the other members of the Committee of Ways and Means, he must observe that the best men, in forming a judgment upon a subject, on which they may have preconceived opinions, are liable, with the best intentions, to act under the influence of feeling. He was sure that the committee would not knowingly report upon this question otherwise than the case demanded; but it was in the nature of things that a latent feeling may exist to sustain charges made.

Yes, sir, said Mr. H., the hundred thousand copies of this speech have been spread abroad throughout the country, and were supposed to be read by every man in the United States who felt an interest in the matter. In this speech were repeated these charges against the bank in the strongest language. He (Mr. H.) imagined the honorable gentleman from Tennessee would find himself in the position that an honorable man once did, who swore to the identity of a horse, and afterwards discovered that he was in error. "Well," says he, "may be I was wrong; but as I swore, I will stick to it." The honorable gentleman from New York, the second on the Committee of Ways and Means, [Mr. CAMBRELENG,] has also made his speech; and, in the opinion of the honorable gentleman from Tennessee, it was a very able one. He (Mr. H.) would not, however, attempt to give his opinion upon it, deeming it perhaps better to be sent to a jury of the country to decide upon. But that speech had also gone to the nation, and to that course he would leave it. The proceeding with regard to sole investigation by the Committee of Ways and Means reminded him of a man going to a churchyard to see a ghost, and a ghost he was sure to see at every step! The honorable member from Tennessee told us that he was perfectly convinced there had been corruption; and corruption he would see, whatever evidence of the senses might be presented to the contrary. As the man or the child was certain of seeing a ghost, going with a previous determination of seeing one—so would the honorable gentleman discover corruption. The honorable member from Georgia had said, that it would be almost impossible to select a committee in that House who had not made up their minds upon this subject. Be it so. But it was easy to select a committee who had not expressed their opinions.

For his part, he would as soon trust his honorable friend over the way as any other member upon that floor. He (Mr. H.) could see no difference between this question and the one of the fiscal concerns of the nation. It was alleged that the question presented itself in the form of a contract made between the Government and the United States Bank, and that the President of the United States had violated that contract by the withdrawal of the deposites from the bank, alleging that sufficient reasons existed for doing so. Thus it was a question closely connected with the fiscal operations of the nation. Before he concluded, he must be permitted to indulge in a further remark on what has been said by the honorable gentleman from Tennessee. He has been repeating for the last two months, (and he must confess himself under great obligations to the honorable member, for if he had not so repeatedly affirmed it, it might have been forgotten; for he always regarded it as exceedingly fair of his adversary to do so,) that the friends of the bank shrunk from investigation. As for himself, (Mr. H.,) he unequivocally denied it. The issue has been held to be between the Government, or the Secretary of the Treasury, and the bank; and from what had already transpired there was scarcely a single isolated fact to be inquired into. He, for one, was anxious to see the investigation commence, and no one could be more anxious to see it progressing. And what did we hear from the honorable gentleman, after telling us over and over again that the bank shrunk from investigation? After occupying two or three days in giving his own views upon the question, the gentleman on his right hand moved the previous question; and if his (Mr. H.'s) recollection did not fail him, the gentleman voted in favor of that motion. Nothing could better show the spirit in which this subject would be investigated before the committee at the head of which was the honorable member from Tennessee.

He (Mr. H.) had voted against the previous question before, and he should do so again to-morrow, if the honorable member again called for it. I care not, said Mr. H., for all the Taneys and Van Burens, and all the other clans, whoever they might be or whence they might come; I voted against it before, and I will do so again in spite of them. I want this House to express its opinion upon the subject; I want every gentleman on both sides to express his opinion, that these opinions may go forth to the nation at large, and be read and reflected upon by every man in the country. We will hear from them from Maine to the Gulf of Mexico, and from the bosom of the ocean to the farthest part of the interior will they speak to us; and we will speak to them of the father of his country, the greatest and best of the old Romans, since Cassius, as holding the sword in his right hand and the purse of the people in his left. I want, sir, the people to know how matters stand, and that their liberties were gone forever, unless they rose with one sword and withstood the encroachment. I want to hear them speak from every part and to every part of this nation, like distant thunder—east, west, north, and south—so that it reach even into this very hall; and then, perhaps, the honorable gentleman from Tennessee may change his views. He (Mr. H.) was sorry at that late hour to have been led into these remarks, and would not have made them but that the gentleman from Tennessee had so repeatedly declared that the bank, and the friends of the bank, shrunk from investigation. It was well known that, when this bank went into operation, the currency of the country was in a total state of derangement. What had it effected? To speak of the western country alone, for the last six years he had never seen it in such a high state of prosperity. All the rag system which was 25 per cent. below par, as soon as the United States Bank went into operation disappeared.

Thus, after a long dry spell, when the atmosphere has become foul, as a thunderstorm purifies it and drives away the musquitoes, so did the United States Bank purify and drive out this worthless and valueless currency. This bank had done much. It had kept the public money of the nation in security and safety, and an amount of $460,000,000 had been deposited in its hands, which it had disbursed throughout every part of the United States. But, above all, it had equalized the currency. Whenever you destroy this equality, whether for twelve dollars or twelve and a half cents, there is a set of vermin, a society called brokers, who by thousands and thousands will fatten upon the misfortunes of the community. It is a matter of vital importance to keep the currency equal every where. The Bank of the United States had done this. He would, how-

ever, forbear going into this subject then, as he designed at some future day to state his views more at length.

Mr. WAYNE said, the question as it then stood before the House was so situated that the motion of the honorable member from Tennessee superseded both the other propositions. He did not intend to discuss the merits of the question, but simply to state that he should support the reference of the memorial to the Committee of Ways and Means, because that was the usual and only proper course. It was the duty of that committee to investigate all propositions relating to the public revenue, and especially wherein relief was asked. He wished the question decided then, because if the matter were adjourned over, it would stand still till next Monday, and the result would be that they would proceed no farther with petitions than the State of New York. The honorable member then entered into an explanation of his vote two sessions since, to refer the question to a select committee, and not to that of Ways and Means, stating that the present question was of a different character to what it bore then, and concluded by entreating every gentleman, earnest in his desire to have this question settled, to come to a conclusion at once, and refer the present memorial to the regular committee—that of Ways and Means.

Mr. HUBBARD observed that he had the honor of being a member of the Committee of Ways and Means, and he heard with utter astonishment the remarks which fell from the gentleman from Massachusetts, that this memorial, with the instructions, ought to be referred to a select committee, and not to the Committee of Ways and Means; because, forsooth, the committee had prejudged the matter—had formed their opinion—that the sentiments of some portion of that committee had already been given to the public, and that the subject-matter of this memorial would not receive an impartial examination by that committee. Upon what authority, sir, has that gentleman presumed to declare, in the presence of this House, such sentiments? Does he know the opinion of one individual member of that committee upon the question involved in that memorial? Most assuredly not; for during all the meetings of that committee, since the commencement of the present session of Congress, (and he was confident that he had not been absent at a single meeting,) the subject of the Bank of the United States had not in any way or manner been presented to their consideration. The question in relation to the deposites; the renewal of the charter; the cause of the distress, (whether real or pretended, he would not say,) have in nowise engaged the attention of the committee at their sittings. How, sir, can the gentleman say that the Committee of Ways and Means have prejudged the case, or expressed opinions upon the subject? The gentleman from Tennessee, I admit, sir, has given his opinion at large upon the report of the Secretary of the Treasury, touching the removal of the deposites. He was followed by the gentleman from Pennsylvania, upon the same subject, and the gentleman from Pennsylvania was followed by the gentleman from New York, all members of the Committee of Ways and Means; and this morning we have been favored with the views of the gentleman from Massachusetts, in relation to the Bank of the United States. And how stands the account? Has the gentleman from Kentucky stated the case fairly—that, inasmuch as the opinions of the gentleman from Tennessee had gone forth to the American people in his printed speech, he was not a fit person to take charge of this memorial? Sir, does not the gentleman from Kentucky well know that the opinions of the gentleman from Pennsylvania had also gone forth to the American people, in his printed speech? The one, sir, followed close in the track of the other. It follows, then, that two members of that committee have expressed their opinions one way, and that two other members of the same committee had expressed their opinions the other way, (on the absorbing question now before Congress,) in relation to the bank: and the opinion of no other individual member could be known, unless it be that of the gentleman from Georgia, (who is also a member of the Committee of Ways and Means,) who has been pleased to make to the House, this morning, some general remarks in reference to the bank.

Although he (Mr. H.) had intended for some time past to have spoken upon the subject of the deposites, he had not been successful in his attempts to get the floor; yet, he could not doubt that, if this memorial should be referred to the Committee of Ways and Means, it would receive its impartial, deliberate, and candid examination; that it would receive from that committee all the attention which its importance demanded.

It has been said that it ought not to be referred to the Committee of Ways and Means, because it speaks not of the deposites or of the Bank of the United States; and the gentleman from New York has said that it is a totally different question. Now, sir, what is the memorial? He could not be mistaken as to its importance. It speaks of the distresses which pervade the land; of the pressure which bears heavily upon the various classes of the community; and tells us that the moving cause of this great calamity is to be found in the new relation produced between the Bank of the United States and the local banks. In other words, it has been produced by the removal of the deposites from the Bank of the United States, and placing them in the State banks. Disguise it as you may, this is the plain English of the memorial. And it further says, that the sovereign remedy for all these evils is, the rechartering of the United States Bank, or the creating of some bank with similar powers. And yet, sir, it has been reiterated that the question involved in the memorial is wholly distinct and different from the question of removing the public deposites, or of rechartering the Bank of the United States; and, therefore, it should not be sent to the Committee of Ways and Means.

And what are the instructions proposed by the gentleman from Georgia, to accompany this memorial? Why, sir, the committee are to inquire into the "truth of the recent complaints of general pecuniary distress and loss of credit, and into the truth of the alleged derangements of the currency and commercial exchanges;" and that, if the complaints be well-founded, in the opinion of the committee, they are to report the causes of the said evils.

And what is the pretended cause of the alleged derangement of the currency and commercial exchanges? Nothing more, nor nothing less, than the removal of the deposites. There is, then, no difference in fact, or in principle, between this memorial and the hundred others which have heretofore been presented, and by order of the House referred. Memorials and resolutions from Legislatures, from chambers of commerce, from boards of trade, and highly respectable individuals in different parts of the country: and what has been the order of the House in relation to all these? They have been referred, one and all, to the Committee of Ways and Means. And why give to this memorial a different direction? Why send it to a select committee?

The gentleman from Massachusetts has been pleased to state the reasons which would influence him; they had been repeated by the gentleman from Kentucky. He verily believes that the committee did not merit the reflection thus, in his view, cast upon them.

The subject, properly and legitimately, comes within the jurisdiction of the Committee of Ways and Means. it belonged to them, and, properly, to no other committee. It was most intimately connected with, and had relation to the public finances, and thus should follow the disposition of all similar memorials which had come in before it. Before resuming his seat, he would make a single remark in reply to what fell from the gentleman from

Kentucky, in relation to some observations which were made this morning by his friend from Tennessee. That gentleman did not say that he purposed to move the previous question, and thereby to cut short the debate.

He said no such thing. He said what he ought to have said, the force of which every member must feel, and must acknowledge. He said that this House had been in session nine weeks; that the question of the bank, in one way or other, had engaged most of the time and attention of this House during that whole period; that the complaints were floating on every breeze; coming from every quarter; that they were long and loud; and that he would most earnestly appeal to the House to unite with him in producing speedy and prompt action upon the subject.

The country demanded it; the time had come when there should be action—prompt and speedy action; and, to bring this about, he most earnestly entreated the members of the House to hear all that was to be heard, and then deliberate and decide upon the great matters in controversy. This was, in substance, what his friend said, and it was all that he said; and is there a man who does not most heartily respond to these sentiments? If the distress be real, the cause should be known and divulged at once: if it is fictitious or exaggerated, the imposition should be exposed: if the panic is got up for political effect, its aiders and abettors should receive public execration.

The sentiment of every man should be—it ought to be—whatever is to be done, let that be done quickly.

Mr. BAYLIES said that he thought too much importance had been attached to the question of reference, though he was of opinion that the proper committee was that of Ways and Means. This he thought the most appropriate course, because subjects of a similar nature had hitherto been so referred. He would say, in addition, that he believed the Chair had assigned to that committee a full proportion of talent and integrity; nor had he any reason for supposing that they were more prejudiced, or that their minds were more made up on this subject, than were those of any of the other standing committees of the Houses. He wished it to be understood that he should vote the reference of this petition to the Committee of Ways and Means, because he believed that it would obtain a more favorable consideration from that committee than from any other. This memorial, coming as it did from such an emporium of commerce and trade as the city of New York, was deserving of every consideration. It was signed by a great number of the most influential members of that community; they complained of a derangement of the currency, of distresses brought upon the commercial community, and sought for relief; and it became that House not to treat the prayer lightly. He would yield to no one in feeling for the sufferings of the people; and that great distress prevailed at the present moment, could not be doubted. Whatever the cause was, should be duly inquired into, and he would be behind none in an anxious desire to afford relief. With regard to the great question of rechartering *the* bank or *a* bank, he did not deem the present a proper time to discuss it. But this much he would say, whatever censure it might subject him to, that he had not constitutional scruples upon the subject of a bank. He spoke not of any particular bank; but, upon the abstract question, he had no doubt of the constitutional power of Congress to charter a bank for the purpose of becoming the depository of the public money of the country.

This, however, was a subject demanding the serious attention of Congress. He would not charge any gentleman with being influenced by party feelings; but it was the duty of every member of that House, if they entertained such feelings, to lay them aside, and to apply their minds seriously, dispassionately, and without prejudice, to this vital and important subject. Mr. B. said he claimed no exemption from error for himself, but he could say that he was unconscious of professing any party attachments in relation to this subject, so strong as to overcome his attachment to the rights, the interests, and the welfare of the country. If, by the feeble light of an imperfect understanding, he should be enabled to discover the right path of duty, however solitary and dreary might be the way, that path alone should he deem it his duty to pursue.

Mr. REED rose to explain.

Mr. McKINLEY said he should not have troubled the House at that late hour of the day, but from the circumstance of his being a very humble member of the Committee of Ways and Means. He should simply express his opinion that he could see no propriety in referring subjects of the same character, comprising similar details, and involving the same principles, to two distinct committees. There was already enough before the Committee of Ways and Means to enable them to report on the whole of this subject; and he could see no reason for creating another committee for the same object. What greater benefit could be derived? Each committee was armed with the same sources of evidence; each had the same power of investigation; and the only result that could happen would be confusion, if not an awkward and embarrassing collision. A select committee would not approach nearer, or by a more rapid course, than the standing committee, in satisfying the public.

It had been urged as an objection to the latter, that a portion had already made up their minds; but he presumed there could scarcely be found a member of that House, who had attended to the debate, who had not come to a conclusion upon it. Even so, there could be no charge of partiality; for although two members of that committee had expressed their opinions on one side, it was equally true that two had also avowed an opposite opinion, and another was doubtful. The honorable member, after some further remarks on the propriety of not departing from the usual course, concluded by saying that he should vote for the proposition of the honorable member from Tennessee.

Mr. LYTLE said, he could not forego the opportunity afforded, at this time, of expressing his willingness to go hand in hand with the gentlemen from Georgia and Virginia, [Messrs. WILDE and PATTON,] in making a thorough investigation of this whole subject. He rejoiced with the gentleman from Virginia, to find it emanating from a quarter so unexpected, and yet so welcome, as the gentleman from Georgia. If he had correctly understood that gentleman, however, he seemed to despair of the success of that or any similar proposition; and rather tauntingly intimated that there were those here who were more disposed to smother than expose the truth. Mr. L. could assure the gentleman from Georgia, that, for one, he was prepared to go all lengths with him upon this crusade after truth. He was unwilling, however, when he did start, to be deterred or diverted from his object by side-way difficulties, on subjects of minor importance. He was for a search that should stop short of nothing but a complete and radical knowledge of the disease complained of; and, as an evidence of his wishes and intentions on this subject, he had, simultaneously with the honorable member from Tennessee, [Mr. POLK,] prepared an amendment to the amendment of the gentleman from Georgia, which, in the event of its adoption, would connect with it the power to send for the books and papers of the Bank of the United States, and the officers of that institution; and, further, to make a thorough examination into all its branches and respective agencies. It was such an investigation only as would content him, or satisfy the just demands and expectations of the country.

Sir, (said Mr. L.) I admit the distress that pervades the whole country. I am far from denying the existence of

a great pecuniary pressure upon the people. But, who, sir, is the author of these evils? Who has produced, and is now producing, an extension of these disasters? What great invisible and potent agency is at work, in thus suddenly striking us with this afflicting panic? Is it the Government of the United States, or the government of the bank? I say, sir, with the gentleman from Georgia, let us have the truth, the whole truth, and nothing but the truth. If any functionary of this Government has dared to transcend the high and sacred trusts reposed in him by this nation, and, by the exercise of an unconstitutional and high-handed power, has produced this deep distress complained of, let the door of inquiry be thrown so widely open as, by the ascertainment of the fact, he may be made to answer for the bold offence at the bar of this House. But if, on the other hand, we shall find this bank to be the foul aggressor; if she has procured this great clamor, and got up this excitement; if she, who was brought into life for the purpose of affording facilities to the Government, and relief to the people, has, with unhallowed purpose, erected herself into an engine of torture and oppression, and precipitated, as we are told, the whole country to the very brink of bankruptcy, it is high time that the people should know it; that we should exhibit her unmasked deformity; that the veil should be torn from her odious and distorted features, and she be exposed to the scornful gaze of an insulted and indignant community.

Sir, let those shrink who dread the trial. I will vouch that no Government officer will shun the ordeal. But gentlemen cry out, Now is the time. Now is the accepted moment. There should be no delay, they tell us; and the question must be tried on this lame, confused, and half made-up issue. No, sir, it should be a distinct and isolated proposition. It has merit enough to stand alone, and disconnected with the subject immediately before us. If gentlemen are in earnest; if they really desire a full and fair inquiry, they must be assured that it cannot be made in season to meet the present and pressing emergencies which they tell us the country is under. A year of hard labor, and close inquiry, will be too short a time to examine and disclose the truth, as it should be disclosed. Let, then, this memorial take the usual direction, and go, where every other like document has gone, to the Committee of Ways and Means, who have the matters complained of directly before them, and whose report upon all the information they may possess will enable them to point out some immediate remedy that will be adequate to meet the present difficulty. By any other course, they will only accumulate misery, and extend the period of its infliction.

I am at a loss, Mr. Speaker, (said Mr. L.,) to discover why this memorial, large and long as is the list of its subscribers, and however elevated their standing in the community, should pass by the standing Committee of Ways and Means, where its fellows are lodged, and claim the pre-eminence of a special committee to investigate its claims. It states no new facts, it embodies no new arguments, to give it such precedence. Why, then, depart from the settled usage of the House, and take it from the standing committee, who have before them similar appeals from all sections of the country, to gratify a small portion of the people of this Union, by a special reference to another body? Sir, to the whole mercantile community, as well as to the merchants of New York, I am willing to accord the homage of my respect. They are entitled to the unqualified regard and attention of this House, especially upon a matter like this, so deeply interesting to them, as to constitute the very basis of their whole business transactions; yet, sir, they are at last nothing more than citizens, having no stronger rights, or higher claims, than any other class of our community; and strong, and influential, and talented, and enterprising as they are, they form but a meager fraction of the empire State—that State, which, through her Legislature, elected with reference to this very question, and concentrating the will of its entire population, has expressed itself entirely adverse to the views of these memorialists. I ask not which voice is entitled to the most regard: that which emanates from a mere class of a single city, or that which comes from the great mass of the people of a whole State, through the medium of her Legislature, instructed so to utter it. But the memorial of this body has gone to the Committee of Ways and Means, while the merchants call on us for a special committee. Sir, they are entitled to no such preference; and permit me to add, that, by insisting at this time on the amendment proposed, gentlemen only add to the difficulties complained of, and increase the hazard of a prompt alleviation. Let them start at the right time, and go forward in the right manner, and they will accomplish their commission. We are charged (said Mr. L.) with skulking from an investigation, with a disposition to procrastinate, to prevent a settlement of this question. Not so, sir; the charge is utterly groundless. It recoils upon those who make it, the instant you refer to the history of this debate. The delay in this matter cannot, with truth, be lodged at our door. But I am rejoiced to find some, who differ with me in other matters, are prepared for action in this. Let us agree to investigate, and the culprit will soon be found.

The gentleman, who has so eloquently advocated this memorial, endeavored to set forth the benefits of the United States Bank, and to show that the currency called for by the memorial offered the only remedy for the present distress. He then endeavored to show that, through the medium of this institution, a sound currency had been established, and repudiated the idea of its being offensive or dangerous as a political institution. He regarded it, on the contrary, as harmless and inoffensive, and, as an argument against its mischievous capacity in a political aspect, he illustrates the position by a most extraordinary chain of reasoning. He refers to the presidential election. He admits that the issue was fairly made between the bank and the President, before the people; and that, because the people vetoed the bank, therefore the bank was not a dangerous or political institution, and ought to be rechartered. Why, sir, it would be difficult to determine whether the gentleman was entitled to most credit for his candid admissions, or his logical conclusions. The bank taking the field against the President at a national election, and, because it got beat, was no political institution! or, if so, by no means dangerous, because the people, forsooth, in very hate, pronounced its doom by electing its opponent—I need not say, sir, by how large a vote—it was overwhelming! Little did they dream, sir, that so soon it would take the field again, when so recently they had rebuked its presumption at the polls.

But, Mr. Speaker, the Committee of Ways and Means have been ruthlessly assailed for the honest discharge of their duty, in suggesting that theirs was the appropriate body to which this paper should be sent; and the disposition to assail that committee has displayed itself not unfrequently this session. Why, sir, it is a sorry compliment to the Chair, and to this House, that a committee, thus chosen, should be subject to such low scurrility. I am not, sir, so well skilled in parliamentary rule as to decide how far it may be consonant with its privileges; but assuredly the remarks made on this subject by the gentleman from Kentucky are adverse to the common usages of good breeding and gentlemanly conduct.

But that gentleman did not end here. Not content with venting his wrath upon the Committee of Ways and Means, and especially the chairman of that committee, he has, as the champion of the bank, pronounced its eulo-

gium, and given it absolution from all sin; and laid at the door of the venerable Chief Magistrate of our country the whole load of censure for this pecuniary pressure upon the people. All this might have been overlooked; but in tones of bitter sarcasm and derision, he speaks of "this father of his country" wishing to unite in his own hands the power of the sword and the purse, to prostrate the liberties of his country.

Oh, shame, where is thy blush? Andrew Jackson turn "despot" and "usurper" in his old age! One who, from very infancy, as it were, until the snows of nearly threescore years and ten had whitened his honored head, had presented a life of constant peril and patriotic devotion to his country. With the evidences of his attachment sealed by the free outpouring of his blood—that such a man, in the chill winter of his life, should be denounced by a statesman, in the councils of his country, as a tyrant and a monster, still grasping after power, and aiming to overthrow the liberties of a people he had periled every thing to defend! Jackson betray his country, sir! He who, at a time when there was room enough for skulking, declared to his little army that his own body should "perish in the last ditch," before the foot of the proud and brutal invader should pollute the soil that he defended. He whose sleepless energy and unwavering patriotism threw around the besieged city a protecting barrier, that was a wall of fire to the foe, and a safe sanctuary to its terrified inmates, from the violence of a brutal soldiery. He, who, when the battle had been won, when the shouts of victory were still pealing in his ears—covered with laurels that were yet bright and verdant with the tears of gratitude from a redeemed people; surrounded by the gleaming sabres and glistening bayonets of his victorious troops, in the heat of victory, and in the hour of triumph—this usurping chief, this bold and lawless despot, walked into your court of justice, and, with a calm submission to the civil authority, paid from his own pocket a fine of one thousand dollars, (for which, to this hour, he has received no remuneration,) for the sin of employing the only earthly means allowed him of saving the city in which he thus stood from sack and pillage! But this is your "usurper!" and now, when all that mortal could desire to soften the asperities of a long and toilsome life, in his rapidly declining passage to the tomb; struggling as ever to give his last energies to vindicate the laws, and bring back his countrymen to the strict observance of the pure principles of constitutional liberty; alone in this world, which he must soon exchange for a better; in the tameness of his age, with his blood kept warm only by the undying fires of an unextinguishable patriotism within his own bosom; this venerable patriot—the head of our Government—wifeless, and, sir, childless—ay, without even the apology which might be presumed to influence one governed by the hope of lineal succession—this is the man that sage and upright patriots tell us is the usurper of the laws, the invader of our constitution, and the enemy of his country!

"Can such things be,
And overcome us like a summer cloud,
Without our special wonder?"

Ah, sir, I can tell the gentleman, whose fears of the tyrant Jackson have so alarmed him, that, to find the true tyrant, he must change his venue; he must look elsewhere for the despot the people have to dread. I would commend him to the good city of Penn, if he seeks to find a throne in our country; there is none existing in the ten miles square. Such thoughts dwell not in the bosom of that old man, who, the gentleman sneeringly tells us, "has filled the measure of his country's glory." No, sir, I am wrong—he repeats this as the language of the hero's sycophants, his base parasites and flatterers. Does the gentleman know the real author of this sentiment? Sir, I will tell him that it was the sage of Monticello—the great apostle of constitutional liberty—the sainted Jefferson. But alas! sir, for poor humanity! abuse, and calumny, and revilement, have ever been the tax imposed on genuine greatness.

"Detraction ever loves a lofty mark!"

It has ever been the province of envy to bring down to the degradation of its own level those elevated above its reach. Why, sir, Washington had his enemies; Jefferson his revilers; and how can the patriot Jackson hope to escape? Sir, he has been threatened with the dagger of the assassin. But, die when he may, and how he may, grief from the heart of every patriot will lament his death, and tears from the eye of gratitude will moisten his tomb.

When Mr. L. had concluded, the question was taken, and the memorial referred, without instructions, to the Committee of Ways and Means by the following vote:

YEAS.—Messrs. John Adams, William Allen, Baylies, Beale, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Cambreleng, Carr, Casey, Chaney, Chinn, S. Clark, Clay, Coffee, Connor, Cramer, Day, Dickerson, Dickinson, Dunlap, Ewing, Forester, Fowler, W. K. Fuller, Galbraith, Gillet, Joseph Hall, T. H. Hall, Halsey, Hamer, Joseph M. Harper, Harrison, Hathaway, Hawkins, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Thomas Lee, Leavitt, Lucas, Lytle, Abijah Mann, J. K. Mann, Mardis, McIntyre, McKay, McKim, McKinley, McVean, Miller, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Ramsay, Schenck, Schley, Shinn, Charles Slade, Smith, Speight, Standifer, Sutherland, Wm. Taylor, Francis Thomas, J. Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, C. P. White.—113.

NAYS.—Messrs. J. Q. Adams, Heman Allen, John J. Allen, C. Allan, Archer, Ashley, Barber, Barnitz, Barringer, Bates, Beaty, James M. Bell, Binney, Bouldin, Briggs, Bull, Burd, Cage, Carmichael, Chambers, Chilton, Choate, Claiborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, W. R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Evans, Edward Everett, Horace Everett, Felder, Fillmore, Foot, Foster, Fulton, Gamble, Gholson, Gilmer, Gordon, Gorham, Graham, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Hiester, Jabez W. Huntington, W. C. Johnson, King, Lewis, Martindale, Marshall, John Y. Mason, McComas, McKennan, Milligan, Moore, Patton, Potts, Reed, Rencher, Selden, Augustine H. Shepperd, William Slade, Sloane, Spangler, Stoddert, William P. Taylor, Tompkins, Tweedy, Vance, Vinton, Watmough, E. D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Wilson, Wise, Young.—97.

And then the House adjourned.

TUESDAY, FEBRUARY 4.

EXTENSION OF THE PENSION LAWS.

After the ordinary business of routine, the resolution of Mr. CHILTON on the subject of extending the pension laws, with Mr. BOULDIN'S amendment, coming up as the unfinished business—

Mr. POPE observed, that he had but a few remarks to make, and that they should be hastily submitted. In fact, he should have contented himself with giving a silent vote on the resolution under consideration, had not the discussion which it provoked assumed an objectionable

aspect. But he felt constrained to say something, from the fact that the debate had unnecessarily wandered from its legitimate sphere, and partaken of a spirit foreign from that good feeling and mutual harmony which should prevail in the House. He felt impelled to speak, for the double purpose of presenting a few reasons why he thought the resolution should be adopted, and of redeeming from unmerited, but perhaps unintended imputation, the conduct of those who participated in the struggles to which the resolution refers. And although, during the discussion, unwarrantable imputations have been cast upon the pioneers and early warriors of the West, yet this circumstance should not provoke him to perpetrate injustice upon his unoffending fellow-citizens of the North. He should not retaliate by fulminating charges against the people of that quarter; nor should he seek to place their conduct in our warlike struggles in disadvantageous contrast with that of their more western brethren. His purpose was to vindicate the conduct and the cause of his neighbors, and of his friends, and of their fathers; not to cast reproach, perhaps unmerited, upon others. He was willing to admit that the people of the North had been ever animated by a disinterested attachment to country. He was willing to admit that the late war found their gallant tars upon the deep, asserting, with the cannon's voice, their country's rights; that it found them boldly careering through every sea, and giving our stars and stripes to the breezes of every clime; but he asserted that it also found the western warrior bleeding at every pore, and expiring upon every battle field.

Mr. P. inquired why the usual courtesy was not extended to the resolution under discussion? Why it was so bitterly opposed in its very incipiency? Why a committee were not permitted to examine and report its merits? Were not the objects whom it seeks to benefit worthy of the kindness and consideration of the House? Had they not shed their blood, periled their lives, and fought the battles of their country?

But it is objected by the gentleman from Rhode Island [Mr. Burges] that the wars in which they were engaged were private wars. That they were waged for the defence of individual rights and property. Can this be so? (inquired Mr. P.) Look, said he, to western history, and see if the fallacy of the assertion is not stamped upon every page. Look to general history, and it will be found that at the close of the revolutionary war, when the Atlantic States were enjoying the blessings of "profound peace and undisturbed repose;" when the last cannon's roar had died away upon the breeze; when the shrill notes of the fife had been succeeded by the busy hum of revived and awakened occupation; when the instruments of death were laid aside for those of more peaceful vocation—did the people of the West enjoy the same happy state of things? Did they bask in the same sunshine? Or were their midnight forests still lighted with the flames of continued war, and the very air loaded with the screams of murdered and mangled victims?

But how, said Mr. P., were these private wars? Of what character were the campaigns under Hardin, and Harmar, and Clark—the great Clark, who has been justly styled the Hannibal of the West? Of what character was the campaign under the unfortunate St. Clair? Were these conducted to carry on private wars, or predatory wars to protect individual rights and property? Certainly not. The rich blood that flowed in torrents at St. Clair's defeat flowed not in a private but in a public war. St. Clair did not head a self-constituted band, congregated for the purposes of plunder, or the prosecution of a private feud; but he commanded an army under the direction and control of the Government of the United States—from which authority he derived his commission of command, and to which he was amenable for his conduct. Mr. P. repeated that it was a public war, and, in support of that view, referred to the resolutions of Congress of the 21st of July, 1787, directing "the Secretary of War to place the troops of the United States in such positions as should afford the most effectual protection to the frontier inhabitants of Pennsylvania and Virginia from the incursions and depredations of the Indians; for preventing intrusions on the federal lands, and promoting a favorable issue to the intended treaty." He also referred to another resolution of the same body, requesting the Executive of Virginia "to give orders to the militia in the district of Kentucky to hold themselves in readiness to unite with the federal troops in such operations as the officer commanding them might judge necessary for the protection of the frontiers; and that on the application of the commanding officer of the federal troops the said Executive be requested to give orders that a part of said militia, not exceeding 1,000, be embodied, and take such positions as the said commanding officer should direct for acting in conjunction with the federal troops in protecting and defending the frontier inhabitants, and in making such expeditions against the Indians, in case they continued hostile, as Congress should thereafter order and direct."

These resolutions (continued Mr. P.) incontestably establish the fact that the Federal Government looked upon these wars as national in their character, and betray an anxiety on the part of the public functionaries of that day to bring them to a speedy termination. Yet, in despite of this testimony to the contrary, it is now gravely contended that they were private wars. Certainly this assertion cannot be predicated on the fact, that the western country happened to be the exclusive theatre of the shocking butcheries that occurred. Because, in that view of the case, Kentucky and Tennessee, and other States, might, with equal propriety, contend that the late war was a private war, it not having been waged within their territorial limits. But, sir, they did not assume that ground. The people of those States were animated with the same hopes and fears that were felt by the patriots of other States. They mourned over the reverses, and rejoiced at the successes of their country; and their swords were ready then, as they ever will be, "to leap from their scabbards," at the call of duty.

It has been well remarked (said Mr. P.) by one of my colleagues, [Mr. Hardin,] that the wars spoken of were a continuation of the revolutionary war. If this be so, said he, the question is at an end. He proposed briefly to examine that point, and desired it to be borne in mind that, when the revolutionary war commenced, we were at peace with every tribe of Indians. That the British Government adopted the cruel policy of stimulating the savages to confederate with her troops in the war, and to imbrue their hands in our blood. That that Government literally bargained in American blood, and trafficked in American scalps. To such a murderous extent was this horrible policy pursued, that it roused the matchless Chatham to one of the noblest efforts of his life, and induced him to pour out his indignant feelings in strains of fervid eloquence unparalleled in the efforts of the times. When peace ensued, what was the course (inquired Mr. P.) pursued by the British Government? Did that Government surrender the posts on the lakes, or did it retain them in open violation of the treaty concluded between the two nations? It not only retained them, said he, but its agents actually supplied the savages from thence with all munitions necessary to continue the war and harass us with their butcheries and depredations. The savages did continue the war, and it was from these very posts that the victors of the unfortunate St. Clair and his army derived their implements of destruction. In the face, then, of all these facts, asserted by history, and corroborated by the concurring testimony of the survivors of the scenes that occurred, how can it be asserted that these were private

wars, or predatory wars? How can it be doubted that they were a continuation of the revolutionary war? It is true (said Mr. P.) there was a written treaty of peace; but it is equally true there was no peace. It is true there was an avowed and stipulated suspension of hostilities, but it is equally true that the British Government prolonged the war through the means and agency of the savages. The glad tidings of peace had officially gone forth; but still murder and rapine reigned with unmitigated fury. Mr. P. considered there was no peace until an actual suspension of all hostilities; until the allies and confederates of the British Government had ceased to brandish the infernal tomahawk; and until the military posts alluded to were actually surrendered by the British Government into the hands of that of the United States. He dismissed this part of the subject, by the avowal of an opinion that every drop of patriotic blood that was spilt in those wars; every soldier that was slain; every scalp that was taken, and every victim that was butchered, was all done in a common cause, for the common defence, and during the continuance of the war of the revolution.

Mr. P. proceeded to notice the objection taken to the pension system by the gentleman from Virginia, [Mr. BOULDIN.] He was opposed to the amendment offered by that honorable gentleman. He could not agree that the tendency of pensions was demoralizing. In this particular case, it could not generate the spirit of idleness, which the gentleman from Virginia so earnestly deprecated, because the objects to be pensioned had already reached an age when their habits, good or bad, were fixed. They were now in the "sear and yellow leaf," and their habits were immutable. It had been also stated in debate, that the pension system was of demoralizing tendency, inasmuch as it held out inducements to perjury. Mr. P. did not think this a sound objection. It was an objection that would apply with equal force to the laws and judicial proceedings of every State in the Union. In many, or all the States, a man seeking the collection of a debt, or the enforcement of a claim, is allowed to swear to the statements of his bill or affidavit. Assuredly there is as great temptation to perjury held out in this practice as in the pension laws. The system (said Mr. P.) is like every thing else of human contrivance, liable to be abused. But, surely, said he, the possibility of such an occurrence can constitute no legitimate objection to the system itself. Let us discharge our duty. Let us discharge a long existing debt of gratitude. And if any unworthy citizen, in seeking to obtain that to which he is not entitled, shall forswear himself, let us leave him to abide the judgment of his own conscience and that of his Maker. So far from objecting to the system, Mr. P. was its advocate. He was so, because he believed all its tendencies were good; he believed it calculated to nerve the warrior's arm in the hour of battle; to stimulate him to deeds of nobler daring; to induce him to leap, with a lion's bound, into the storm of the conflict, convinced of the justice and beneficence of his Government, and of its protection and support of those whom his possible death in the struggle would leave unsheltered and forlorn.

Mr. P. had deemed it his duty thus feebly to raise his humble voice in support of the resolution offered by his worthy friend and colleague, [Mr. CHILTON;] a resolution which embraces, within its provisions, a remnant of a race of men, many of whom still linger in the district he had the honor to represent in Congress. A race of men, whose hands, he thanked Heaven, were unstained with plunder; who were revered where they were best known, for their virtues and their valor; who were ardently attached to the honor and glory of their country; and whose last breath, he doubted not, would be expended in invoking for it the blessings and protection of their God.

Mr. BOULDIN rose to address the Chair; and, at the same moment, rose Mr. CROCKETT.

The CHAIR decided that the member from Tennessee [Mr. CROCKETT] was entitled to the floor, inasmuch as the member from Virginia had spoken already on this question.

Mr. CROCKETT said he had not risen to make a miscellaneous speech. There had been too many speeches of that sort already. He rose to move the previous question.

The CHAIR decided that the previous question was not in order, at present, as the gentleman from Virginia would be entitled to the floor after the gentleman from Tennessee had yielded it.

Mr. CROCKETT: Well, sir, I will make a little short speech. It was well known to this House and to the nation, he said, that he had always supported the pension system. He had always contended that the volunteers and militia-men were even better entitled to pensions than the regular troops. The regulars sell themselves to the Government for a fixed price; but the volunteer goes into the war for the love of his country. He had no doubt that the Indian fighters were as much entitled to the bounty of the Government as any of the soldiers of the revolution. There was no question that they suffered as much as any men who engaged in any other service. They suffered as much by the scalping knife and from the want of provisions. He had been accustomed to that sort of thing, and had taken a hand in it himself. His object was to move the previous question, and, if it was not in order now, he hoped it would be when the gentleman from Virginia had spoken. He had now finished his speech.

Mr. BOULDIN rose to speak, but the CHAIR reminded him that but a few minutes remained before the expiration of the hour.

Mr. ADAMS, of Massachusetts, having obtained the floor, and called for the reading of the original resolution, said he should detain the House but a very short time. With the amendment proposed by the honorable member from Virginia, he had nothing to do. If it should be the opinion of the House that the pension system was immoral in its effects or tendency, or that it was inconsistent with the good policy of the nation; then, in his opinion, some other Legislature than this would be necessary. As the resolution of the gentleman from Kentucky had for its object merely an inquiry, he presumed the vote of the House would be taken upon it in that light, and he (Mr. A.) should so support it. It was nothing but an act of justice to those whom it concerned. He should also vote for the resolution, because he knew of no reason why he should vote otherwise.

In the debate on this subject he had felt his heart warmed at the eloquent statements made by the Representatives from that part of the country, who had already addressed the House. He had met with only a single objection to this inquiry, and that was, that the Indian wars between the treaty of peace with Great Britain, in 1783, and the treaty of Greenville, in 1785, were merely private wars, and were not to be held in the character of a public or national war. In his judgment, this opinion was not well founded. To him, they were different from private wars, and he would briefly state to the House the reasons on which that opinion was founded.

He believed the nation were as much concerned in these conflicts as in the war with Great Britain itself. Though peace was concluded with this Power in 1783, it still left us, in point of fact, at war with many of the Indian tribes. He held in his hands the Journal of Congress, or rather of the old Confederation, at that time, and many references would be found therein in which these wars were regarded as national. On the 18th of October, 1783, there was a proclamation for disbanding the army of the United States; but three days before this, namely, on the 15th, there was a report made to Congress, by a commit-

tee to whom had been specially referred sundry papers and letters relative to Indian affairs. That report proposed the establishment of boundaries with the Indian tribes, and acknowledged in clear and express terms that the United States were then at war with them. He would read a single sentence of the report, though many extracts might be quoted of a similar tendency; but he did not wish to detain the House. It says, "nor can the Indians themselves have any objections against the establishment recommended;" that is, the establishment of a boundary line. It then proceeds, "they were, as some of them acknowledge, the aggressors in the war, even without provocation."

This was enough to show that it was not then regarded as a private war—an official document of the old Congress recognising it as a national concern. There were a number of other reports of committees and acts of Congress, from that time till the 3d of October, 1787, when a force of seven hundred men was ordered by Congress to proceed in repelling the incursions of the Indians.

On the 29th of September, 1789, there was also an act of Congress recognising that a force of seven hundred men be raised for the purpose of encountering the Indians. In this act, also, was something more than the bare recognition of the war. In the 5th section it was expressly declared that these men were raised for the purpose of repressing the hostile incursions of the Indians; and the President of the United States was authorized to give orders for their assembling, their pay, subsistence, &c. They were regarded in the same light as other troops employed by the country in foreign war.

From that time down to the present, we had been almost perpetually engaged in war with some one or more of the Indian tribes. He could not find any one principle upon which these wars could be considered as private wars. He would reply, once for all, that if they were any thing, they were public wars. It might even be said that the adoption of the constitution of the United States was founded entirely upon this war. He would observe that the Senate Journal also corroborated what was found in the Journal of the other branch of the old Legislature, as the very first message of the President of the United States therein printed would show.

That objection being disposed of, he could arrive at no other conclusion than that the men engaged in the Indian warfare were as much entitled to partake of the bounty of the nation as any other soldiers then on the pension roll. It was not merely for themselves that they fought. They fought for the protection of their fellow-citizens; they fought for their country, and the lands of the country; and the whole community were then reaping the benefit of their exertions.

Mr. A. concluded, by saying that he felt the more called upon to express his opinions upon this question, because he came from a different part of the country than those gentleman who had preceded him. It was incumbent upon him to say this much, and he hoped that all the members coming from his part of the country would do the same.

Mr. CHAMBERS rose to address the House, but the SPEAKER stated that the hour had expired.

BANK OF UNITED STATES.—PENSION AGENCY.

A message was received from the President on the subject of the refusal of the Bank of the United States to transfer the money and books of the pension fund to the Girard Bank; and the message having been read—

Mr. HUBBARD moved that the message, with the accompanying documents, be referred to the Committee of Ways and Means.

The message being accompanied, among other papers, by a written opinion of the Attorney General of the United States, respecting the law question made by the bank, and on which its refusal rested—

Mr. WILLIAMS called for the reading of that paper. It was read, in part, when, on account of its length, Mr. W. withdrew his call for the further reading of it.

The question being on the reference of the papers to the Committee of Ways and Means—

Mr. WATMOUGH said that he hoped no such course would be adopted. The document was one of as great importance as any paper which had been sent to the House this session. It disclosed an entirely new set of principles on which the action of the Executive was to depend. It went directly and violently to assail an institution, the officers of which believed themselves to be acting under the solemn sanction of the law; and a thorough examination of the case would prove that the ground which they had taken was in strict conformity to the laws of the land. The House was now called upon to refer this paper to a committee which—he would not say with what appetite—seemed eager to devour every thing that was sent to the House. Without any regard to the prescribed duties which properly pertained to that committee, papers and questions of every sort were to be ingulfed in it as in a great vortex.

Mr. W. was proceeding, when

Mr. WHITTLESEY, of Ohio, rose to order, and inquired of the Chair whether such a discussion was in order, after the hour for morning business had expired?

The CHAIR replied that the paper had been presented, and must have some destination given to it; but that it was certainly out of order at this time to enter upon its merits.

Mr. WATMOUGH then moved that the message and papers be referred to the Committee on the Judiciary.

Mr. CHILTON moved that the consideration of the question be postponed until to-morrow.

Mr. PATTON suggested that so much of the motion as related to printing be excepted from Mr. CHILTON's motion: to which Mr. C. assented.

The question was then put on the postponement, and negatived. Ayes 95, noes 113.

Mr. HUBBARD said that he had moved that these papers go to the Committee of Ways and Means; and if there was any one subject which manifestly and indisputably pertained to that committee, it was such a question as this. The gentleman from Pennsylvania had, indeed, said that the bank was acting in strict conformity with law, but this was begging the question. He denied the position *in toto*.

The CHAIR here interfered, and said that the merits of the question embraced in the documents could not be discussed.

Mr. H. then said that there was a peculiar propriety in sending this inquiry to the Committee of Ways and Means, inasmuch as the message contained a charge against the Bank of the United States; and all the memorials which had hitherto been laid before the House, in reference to that institution, had gone to that committee. He could not see why the message should go to the Committee on the Judiciary. It involved simply an inquiry, whether the bank rightfully withheld the money of the nation from persons who were by law entitled to it. It contained a charge against the bank of mal-conduct. All the other papers containing similar charges had gone to the Committee of Ways and Means.

Mr. BARRINGER said that he had no very decided choice, nor did he feel any great solicitude, as to what committee the papers should go. He had had, however, some little experience as to the course of proceedings in the House, and he believed that hitherto all questions of law had gone to the Judiciary Committee. The Committee of Ways and Means seemed, indeed, as had been remarked by the gentleman from Pennsylvania, to be an all-

absorbing vortex, that was to swallow up all the business of the House. But, to him, it seemed strange that when it was an admitted point that the whole difference between the bank and the Government turned upon the construction of a law, gentlemen should refuse to send the papers to the law committee. The bank stood upon its construction of the law; it construed the law one way, and the Government construed it another. Could any man reasonably doubt to which committee of the House such a question should be referred? Before he sat down, he should desire the reading of the communication from the president of the bank. Might it not be that the bank asked for the interposition of the House, in order that it might discharge itself from the obligation of the law, by which, at present, it conceived itself to be bound?

To what committee, for such a purpose, should it go, but to the Committee on the Judiciary, who have under their charge all that properly concerns the construction and administration of the laws? For the life of him (Mr. B. said) he could not see for what purpose this question was to go to the Committee of Ways and Means. Did it relate, in any way whatever, to the financial administration of the Government? Here, said he, is an appropriation made for a specific object, in consequence of which a certain sum has been set apart in the custody of the Bank of the United States, where, it is contended, it is beyond the control of the Executive, and can only be expended in the manner prescribed by law. Now, (Mr. B. asked,) was it part of the intention of the law that this money should be transferred to the local banks, and the pensioners be paid in their notes, instead of the notes of the Bank of the United States, if it should please the Executive to suppose it better that it should be so? And how would the bank get rid of its responsibility for this pension money, placed in its keeping by the law, if it undertook to dispose of that money without law? If the question presented by the message had these strictly legal bearings, it ought clearly to be examined by the Committee on the Judiciary. Mr. B. said he doubted not the capacity of the Committee of Ways and Means; but, he asked, was that committee selected in reference to the exercise of judicial functions? He had always supposed that the end for which standing committees on certain leading subjects were appointed was, that they should be selected with reference to their peculiar fitness for the investigations respectively belonging to them. He presumed that, in the appointment of committees, the Speaker had not failed in his duty in this respect. Mr. B. then asked for the reading of the letter of the president of the bank, accompanying the message, that the House might understand what was the question in contestation, and be better able to decide what committee it would be proper to send it to.

These papers having been read—

Mr. B. resumed and said, however long a time the reading of these papers might have occupied, he could not consider it as time misspent. Whoever had listened to the reading of these papers would have a clear conception of the nature of the case, and would perceive that no difficulty existed on the part of the bank, except such as arose out of its construction of the law: and surely a mere difference of opinion in respect to a legal point did not amount to such an offence as would require a labored castigation from the Committee of Ways and Means. It seemed to him that the construction of that clause of the act of June, 1832—

Here the CHAIR interposed, and reminded the gentleman from North Carolina that it was out of order, at this time, to enter on the merits of the subject. The question before the House was merely a question of reference.

Mr. B. then asked for what purpose the President had sent these papers to the House? Was it that he might get an opinion adverse to the bank; that he might hold up the institution to the indignation of the public, and have its conduct reprobated, as exhibiting a new item in the long catalogue of its crimes? Was this the object? or was it to enable Congress to do whatever might be necessary to put an end to the embarrassment? He presumed it was in order for him to presume that the President had no motive but to invite the legislation of the House with a view of removing a difficulty which had arisen from the construction of a law. If he had any other end in view, were not the courts open? Could not the bank have been compelled to do its duty? But was there any gentleman on that floor who believed that the Government would venture upon a suit against the bank, even backed as it was by the opinion of the Attorney General? He would put it to every legal gentleman in this House whether he would advise such a course? He would venture to say, and he should be borne out by the tone (and he was sorry to witness the tone) of those papers, that there was wanting no disposition on the part of him from whom the message came to coerce the bank, who had the power to coerce it in his hands, in consistency with adjudged cases. What, then, had the President sent the papers here for? That there might be legislation on the subject; that steps might be taken to bring the controversy to an end.

To what committee ought the papers to go? Had it been the practice of the House to refer questions arising out of the construction of law to the Committee of Ways and Means? Or had it not been the practice to send such questions to the Committee on the Judiciary, that the House might get the opinion of its own judicial organ, who should present to it both the facts and the law as preparatory to its proper action? To him, it seemed that this controversy was based on one of the strangest questions in the world—the question whether the pension laws were pension laws.

Here the CHAIR interposed, and reminded the gentleman that he was going into the merits of the message.

Mr. B. replied that it might be necessary for him, in endeavoring to show to which committee the papers should be referred, to advert to what the papers contained.

The CHAIR said that the gentleman had undoubtedly liberty to refer to the matters in the papers for this end; but he could not permit the gentleman to wander into the merits of the subject of the papers. The gentleman was at liberty to show that the question was a legal question, but there he must stop.

Mr. B. resumed: In regard to the final settlement of the matter, it was, perhaps, of little consequence to what committee the papers went, but there was a peculiar impropriety in sending questions of such a nature to the Committee of Ways and Means. The controversy could only be settled, after all, by bringing in a bill, and passing that bill into a law; and beyond question the proper committee to report such a bill was the Committee on the Judiciary. That was the appropriate organ for such a purpose. Let them report their construction of the law. He would venture to say that the Government would never enter a court to settle the question. Let a committee report whatever might be necessary to consummate the wishes of the administration, and let there be no quibble or quarrel about it.

Mr. CLAY inquired by what right the gentleman had asked whether the Committee of Ways and Means meant to ingulf all the business of the House? Had that committee grasped at any thing beyond its proper sphere? What subject had it interfered with, but subjects of revenue and of the bank? Had the committee demanded the reference of any other matters? and was it extraordinary that questions of this nature should be sent to that committee? To what other committee had they gone for years past? Nay, had not the gentleman's own vote re-

ferred the whole bank question to that committee, so long as it had been organized to his taste? But now, gentlemen held different language. It was not for him to impugn the gentleman's motives. He was not at liberty to do so. But why had the gentleman cast an imputation on the committee, as grasping at every thing that came into the House? He defied the gentleman to point out a single instance. But he would put to the gentleman one interrogatory. Was the Bank of the United States to be suffered to dictate to this Government, and that at the risk of the starvation of the pensioners?

The CHAIR reminded the gentleman he was not in order.

Mr. C. said that if he was not to be suffered to reply to what had been said by other gentlemen, he would submit to the Chair. He had full confidence in the Committee on the Judiciary, but hitherto all papers respecting the bank had been sent to the Committee of Ways and Means. He could not see why there was to be a division of the subject. After all, this was nothing less than the old question of the removal of the deposites. It was in substance the same question which was already before that committee. It was emphatically the question of the removal of the deposites. What did the law of 1832 say?

Mr. C. was here about to read the law, when the SPEAKER interposed, and again reminded him that he was out of order, and admonished him that, if he persisted in thus violating order, he should enforce the rules of the House. The gentleman must be aware that the merits of the main question were not now to be discussed.

Mr. C. said that there could be no need for the Speaker to inform him that the rules of the House would be enforced. He had not resisted the rule, but had insensibly been drawn in to a reference to the subject of the papers. He should, however, submit to the Chair, but would state another reason why those papers should go to the Committee of Ways and Means. Would the gentleman say that the pensioners were to starve till the bank chose to pay them? Was the Government to await the progress of a law-suit, and, in the meanwhile, to suffer the men to starve? He presumed gentlemen would not say that this was intended. But how could it be prevented, but by applying to the appropriate organ of the House for an appropriation? The bank was in possession of a fund intrusted to it for the purpose of paying the United States pensioners under the act of 1832. The bank refused to deliver up the money to the organ appointed by the Executive. Would gentlemen say that the pensioners must be left to starve till the bank chose to pay over the money, or was compelled by a suit to do so? He hoped not, and therefore he was for sending the papers to a committee, and getting a new appropriation. The present debate had already lasted two months, and was likely to last two months more. In the mean while, the Committee of Ways and Means ought to have the subject referred to them. He had purposed to show that this was the main question, but the Speaker had decided that it was not competent for him to quote the laws of the United States. He presumed, however, that it was competent for him to allude to what the gentleman from North Carolina [Mr. Barringer] had said. The bank, it seemed, was afraid that it should not get credit at the Treasury for the money it paid over. Was there any gentleman who would presume to say that this fear was well founded? Who believed it? Who could believe it? It surpassed the credulity of man, far! far! No man could believe it; no man did believe it. There was not an officer or director of the bank who believed it. Why, then, was it offered as an apology? The bank had formerly presented a memorial, demanding indemnity for the removal of the deposites. This was but another part of the same question. He could not distinguish between them. What was involved in the bank's memorial but a question of the construction of law? It claimed the indemnity on its own construction of its own charter.

Mr. BARRINGER here called Mr. C. to order.

The CHAIR again decided him to be out of order.

Mr. C. insisted that he was not out of order. He was going to show the identity of this question with the other. If this question could not go to the Committee of Ways and Means, then the other ought not to have gone there. The question under the bank's memorial was a question of law; and he was showing, by analogy, that the same question of law ought to go to the same committee. This he conceived to be strictly in order. When that memorial came before the House, that would have been the time to raise the objection that it was a law question. He did not know that any such objection had then been made; but, if it had, the House acted upon it, and sent the memorial to the Committee of Ways and Means. That was a law question on a charter; this was a law question on an act of Congress. The Executive Department of Government consisted of a Chief Magistrate. The Executive had arrested the deposites, and it now demanded the pension fund, and yet the bank had—what should he call it?—the impudence to suggest that if they paid it over, the Executive would not give them credit for the money. But this was like all the other language of the bank. That institution was accustomed to dictate to the Government.

Mr. WATMOUGH here called Mr. C. to order.

The CHAIR said he was very sorry the gentleman from Alabama exhibited such a determination to disregard the order of the House. He had repeatedly admonished the gentleman, yet still he persisted.

Mr. C. said he would read one or two rules of the House, which he thought must settle the question. Mr. C. here read the 57th and 63d rules, and argued to show that they gave the papers to the Committee of Ways and Means; and, then, after several times repeating the ground he had formerly taken, at length resumed his seat.

Mr. BARRINGER rose to explain. He wished to reply to something very like an imputation upon him, which had fallen from the gentleman from Alabama. The gentleman had asked whether it was his desire that the pensioners should starve? To this question he should reply that his object was to prevent their starvation. The 4th of March, which was pension day, was fast approaching; and, if these papers went to that all-absorbing vortex, [Here the CHAIR called Mr. B. to order,] to which the gentleman wanted to doom them, that day would arrive, and nothing would have been done. He wished to send them to a committee which would prepare the House for action, and report without delay. Which of the two, then, had the most desire to starve the pensioners? As to what the gentleman had said about the bank's getting no credit at the Treasury, the gentleman was mistaken in quoting him on that subject. He had not said a word about it. The gentleman got all that out of the papers, not from him.

Mr. CLAY disclaimed any purpose of imputing to Mr. B. a desire to starve the pensioners. He had only meant to say that they would be likely to starve if Government had to wait the progress of a suit.

Mr. CHILTON said, it mattered little to him what committee got these papers. It would not be in order for him to suppose that any committee of the House would fail in discharging its duty; but the question, as to what committee such a subject pertained, connected itself with the nature of the subject. He could assure gentlemen that, in any remarks he had to make, he should carefully abstain from any violation of the rules of order. He had regretted to witness the very many attempts of the gentleman upon his left to get at the merits of the main question. The gentleman had not only been repeatedly called to order by the Chair, but had been reminded, in whisp-

ers, by his friends around him, of the delicate situation of the presiding officer, and that the Speaker had thereby been restrained from doing what he might otherwise have supposed his duty to require. Indeed, so numerous and so various had been the attempts of the honorable gentleman to get into the merits, that it strongly reminded him of a story he had once heard about a schoolboy who was in the habit of being tardy in his attendance upon school; who, coming very late one winter morning, was sternly interrogated by the master on the subject, and replied that the roads were so slippery with ice, that he could not get there any sooner; he had done his best; but whenever he took one step forward, he slid two steps backwards. "You lying little dog," replied the master, "if that had been the case, how could you have got here at all?" "Why, sir," replied the boy, "when I found how the matter was, I turned round about, and came here backward."

[This sally excited loud laughter, and the CHAIR called to order.]

Mr. C. then went on to argue that, if this question referred to the raising of money to pay the pensioners, then it would legitimately belong to the Committee of Ways and Means; but no such matter was in controversy; there was no question how the means were to be provided. The means were already provided. The question was, whether the money should be paid by A or B. While it had hitherto been paid at one point, it was now sought to have it paid at another; and the whole question turned on the words of a statute. He would ask any candid man (and he trusted in God he addressed a body of candid men,) whether this was not a question for the Committee on the Judiciary? Supposing a question of law was raised in court: on the one side was the judge, on the other the steward, whose business it was to supply the judges and other officers with food and accommodation. To which of these persons ought the question of law to be referred—to the judge or the steward? The Executive understood this matter perfectly. The moment the difficulty was presented to him, to whom did he go? He went to the law officer of the Government. He sent for the Attorney General. He could see in a moment that it belonged to the judicial department, and not to the fiscal. For what end was a Judiciary Committee raised at all? Were they to have nothing to do? He had heard a gentleman who belonged to the Committee of Ways and Means, (not the gentleman who stood at the head of it, but the gentleman who was at the other end of the committee,) observe, that he should consider it an imputation on the committee if these papers were withheld from it. But might not the Judiciary Committee more justly consider it a flagrant violation of order and propriety to withhold from them a naked question of law? A gentleman from Alabama had asked, whether it was not a money question? He answered yes, it was a money question, but not a question as to the raising of money. The question was, who was to pay the money? Whom did the law appoint to pay it? And this was a law question. If it were in order to go into the inuendos of the gentleman from Alabama, he should really be delighted to do so. He had seen the rising storm—

The CHAIR here called Mr. C. to order. It was not in order, (the Speaker said,) to go into subjects of a personal kind. If the gentleman had finished his argument, he must take his seat.

Mr. C. replied, jocosely, that he had really thought that he was himself the best judge whether he had finished his speech, or not; but, if the Speaker thought otherwise, he should certainly take his seat; and he sat down.

Mr. BINNEY said he thought he understood the rule of order which the Speaker had been compelled so frequently to state to some of the honorable gentlemen who had preceded him, and that he both adopted and approved of it. The question between the bank and the Secretary at War (said Mr. B.) is not the question immediately before the House. The principal question regards the construction of the act of 7th June, 1832. The question before the House is upon the reference of the President's message to one of two committees. Upon the construction of the act of June, 1832, the president of the bank has expressed one opinion, the Attorney General a different opinion. Which is right, and which wrong, is not now to be decided, but only what is the most appropriate disposition of the subject, to put it in train for decision by the House. The House is not only precluded by the rules of order, as the Speaker has stated, from discussing the principal question, but must at present be wholly unprepared for that discussion. I observe, sir, from the papers read at the Clerk's table, that the letter of Mr. Biddle to the Secretary at War, which presents a clear, and, it appears to me, a candid statement of his view of the duties imposed by law upon the bank, was written on the 23d January, and that the opinion of the Attorney General, which has been sent to this House today, bears the date of yesterday; so that his view of the case could never have been communicated to the bank, nor has the bank had an opportunity to consider the argument which that officer has submitted to the President. The bank has, therefore, not only not opposed the reasoning of the Attorney General, but it has had no opportunity either to assent to it or to examine it. Mr. Biddle's letter, consequently, not being an answer to, or an examination of, the Attorney General's opinion, as it perhaps would have been had he been apprized of it; the members of the House must themselves make the examination, before they can be prepared to discuss the principal question. Gentleman must, therefore, dismiss this question for the present from their consideration.

There is another matter, sir, which may be dismissed from consideration with equal profit. The gentleman from Alabama has asked whether the bank desired that the old soldier shall starve? and something like this is the strain of the message. Sir, if the question were whether the old soldier should starve—if it were a question between the bank and the old soldier—I have a personal regard for the soldier, which, placed in opposition to what is at most an impersonal regard for the bank, would make me, I fear, a very partial judge of the issue. But the question, under the act of June, 1832, is not whether the old soldier shall be paid, but who shall pay him; and if the Secretary of War wishes him to be paid, he has nothing to do, while the House are settling the construction of the act, but to recall the order given to the bank not to pay him. The bank, it seems, is both willing and desirous to pay to the extent of all the funds in hand. The commissioner of pensions has directed the bank not to pay; and the bank has said, and ought to have said, that it will conform to the order, while it remains in force. If the Secretary at War does not wish the old soldier to starve, the recall of that order will doubtless produce immediate payment to the pensioner. If he starves by the order of the Department, it will be a matter of great regret. This question concerning the old soldier may, therefore, be put aside for the present, with the principal question.

The merits of the immediate inquiry are in a narrow compass; and, if it did not happen in this, as in most other debates on this floor, that collateral circumstances are brought in to force the mind from the real question, there could be no difficulty in arriving at the truth. The bank entertains the opinion that, by the acceptance of the pension agency under the laws of Congress, though it is burdensome and costly, and one that it has voluntarily undertaken to perform, at its own expense, in aid of the Government, and not one that it was originally bound to perform, still, that having undertaken to perform it, it must continue so to do, until discharged by law. It sup-

poses that this is its duty, under all the pension laws, including the act of 7th June, 1832. It sets up no right whatever—it pretends to nothing of the kind: it supposes that it is bound by law to pay these pensions as well as the others, and at its own expense; and, being so bound, it supposes that the Secretary at War has not the right to transfer the books, papers, and funds to other agents in the same place. Up to the act of 7th June, 1832, and as to all previous pensions, the Secretary at War admits that the bank is right. The Attorney General is of opinion, as it regards the pensions under the act of June, 1832, that the bank is wrong, and the President refers the matter to Congress for their action. The simple question is, to which of two committees—that of the Ways and Means, or that on the Judiciary a reference will be most appropriate.

Sir, to the due preparation and despatch of the business of the House, a regard to the organization adopted by the House is indispensable. If the special design of the different committees is not to be regarded, the House may as well divide its body into convenient sections, and let the business go to them by hazard or in rotation. The organization framed by the House ought not to be deranged, and therefore the proper functions of the two committees should decide the matter of reference, and nothing else should be permitted to affect it. What are they? The Ways and Means are a committee whose functions are indicated by their name. Their proper business is to prepare plans for raising revenue, for protecting it from waste and misapplication, and for appropriating it to the particular purposes of Government; and nothing that has not a connexion, direct or incidental, with these duties, ought, either upon general principles or by the rules of the House, to go to that committee. The rules of the House are framed upon this hypothesis. Now this message does not present a question having any such connexion, direct or remote. There is no question of revenue, safe-keeping, appropriation, or expenditure, but a simple question of agency in making a disbursement that has not been made, and which all agree must be made; and this question turns upon the interpretation of an existing law or laws, regulating or affecting the agency to make that disbursement.

Sir, the gentleman from Alabama has asked, upon what principle is it that the memorials of the banks, of boards of trade, and of the merchants of New York, have been referred to the Committee of Ways and Means, and that it is proposed to refer, in like manner, the Secretary's letter on the deposites, if this message is not to be so referred? I will tell him. All those papers present a question which has a double aspect. In one point of view, they regard the rights of the bank under their charter; and, had this stood alone, I should have said the Committee on the Judiciary was the appropriate committee. But they also present the questions of the actual condition of the treasury, in point of security, of the influence of that condition upon the amount of the revenue, and upon the future value of the revenue as it may be affected by a deranged currency. Had the inquiry been asked on this second aspect alone, all must have agreed that the subject belonged to the Committee of Ways and Means. The difficulty or inexpediency of dividing the questions has led to the reference of the whole subject on both aspects to that committee; and, although I proposed a division, I have nothing to say, at this time, against the judgment of the House.

But, sir, the question under the message is purely a judicial question; and whatever is to be the action of the House, if it act at all, its measures should be prepared by the Committee on the Judiciary. It belongs to that committee to inquire whether the existing law is what one of the opinions communicated to this House asserts it to be, and not what the opposite opinion asserts it to be; and whether that difference should be left to the department that interprets the laws, or should be remedied by a new law. Nothing can belong more appropriately to the Judiciary Committee than such a question; and the rule of the House must be so understood as to give that committee cognizance of every question of a judicial character, and not as confining them to matters in a course of judicial litigation. To take this matter from that committee is to say that they have not the confidence of the House. Whatever may be the language of gentlemen, their acts will say this, if they give it to the Committee of Ways and Means.

Sir, the gentleman from Alabama says that this is part of the question of the deposites. It has nothing to do with the deposites. If it had, the Secretary of the Treasury must remove it, and not the Secretary at War. It is not in bank as a public deposite, but as an appropriation paid to that bank and its branches, as pension agents appointed by Congress, and only removable by them. At least, that is the question in controversy.

In addition to these general views, sir, there are two reasons why I think this subject should not go to the Committee of Ways and Means, even if it belonged to them appropriately; and I state these reasons as I entertain them, without any reference to the present structure or composition of that committee. The first is this: From my position in the committee, I am able to say that the course of the committee has been, hitherto, in my mind, above exception—every thing transacted before it having been done in a spirit of courtesy and amity. But, sir, it has an immense mass of exciting matter yet to attend to; and if the questions of the deposites, and the bank, and the currency, and the trade of the country, are to come up before it, what is likely to be their effect upon the discussion and decision of a question wholly unconnected with any of them—a dry question upon the pension laws?

Sir, we may expect, while man is man, that the feelings excited by one inquiry will disturb and derange the other; and that we shall have any thing but the result of cool and dispassionate judgment upon it, seeing that the Bank of the United States is one of the parties. The other reason, and the last which I shall submit to the House, is this. I address it particularly to the friends of the old soldier. If the Department of War will not withdraw the order they have given to the bank not to pay, this House ought to desire an instant action upon the question. It should be settled immediately whether the law is to remain as it stands, or to be superseded by a new law. If it goes to the Committee on the Judiciary, the action of that committee will be prompt, and we shall separate at least one subject from the mass of controversy that the public deposites have raised: but if it goes to the Ways and Means, there is not only the question how it will be decided, but when it will be decided. Doubtless, sir, the greater will draw to itself the less—the accessory must follow the principal—the pension question must attend upon the bank and the currency question; and we shall find the question of the pension laws and the old soldier overlaid and smothered by the question of the deposites and the charter. When it will be decided no one can tell. For one, I shall be happy if, either at the end of two months, or of three months, or at the close of this session, we shall find the House at the conclusion of any of those questions. I do not expect it. My apprehension is of still more protracted delay. I hope, sir, therefore, that the matter will be permitted to go to the Committee on the Judiciary, that it may be immediately disposed of. If it goes to the Committee of Ways and Means, my impressions and fears are, that we shall see it adjusted only when we adjust the question of the public deposites.

Mr. BELL, of Tennessee, said, if it was the object to have the legal question inquired into and reported upon,

then, according to parliamentary practice and the rules of the House, the subject ought to be referred to the Judiciary Committee; not, however, because that committee was more competent to the duty, but because it related to duties assigned to them. If he was compelled to say which committee embraced the best legal ability, he would say that it was the Committee of Ways and Means; but that was not the question. If, again, the object of the inquiry was to find where the blame of the transaction lay, or to institute a legal proceeding against the bank, the Judiciary Committee was the proper one. If we are to go to a legislative act, and express a declaratory law of the meaning of the act of 1832, the subject belongs to the Judiciary Committee. But if the House thinks that a regard for the public interests requires that the agents should be changed, that by a new law new agents should be constituted for the disbursement of pensions, then the subject belongs properly to the Committee of Ways and Means.

Mr. FOSTER said, that though a member of the Judiciary Committee, he was averse to engaging in this contest between committees. But the importance of the question involved here induced him to express his opinion. We could make no question, it seemed, which was not involved with the deposite question. We placed the pension fund under the control of the Secretary of War. The Secretary placed it in the Bank of the United States, not as a place of deposite, but as the agent for disbursing the fund. The Secretary had no control over the money. Why has the question been given to the Attorney General? Because it was a question of the construction of a law. The Committee of Ways and Means had nothing to do with the question, because the money had long since been appropriated.

Mr. WAYNE expressed the opinion that the duties assigned to the Committee of Ways and Means related to the appropriation of money, and to the proper and legal disbursement of the money appropriated. Now the question arose, under the law of 1832, who should make the disbursement? and it fell upon the Committee of Ways and Means to consider how the money was to be disbursed, in conformity with the law. The disbursement of a fund was necessarily connected with the subject of the revenue, and therefore belonged to the Committee of Ways and Means.

Mr. LANE said that, upon examination, he had found that the question presented by the message was intimately connected with the subjects heretofore referred to the Committee of Ways and Means. He understood the 57th rule of the House to devolve this subject expressly upon that committee. By the 57th rule, it was made the duty of the Committee of Ways and Means "to examine particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws." If this was a controversy whether one or another should disburse the pension fund, it belonged, by the very letter of the rule, to the Committee of Ways and Means. The 63d rule assigns duties to the Committee on the Judiciary touching all judicial proceedings. Would any one say that this was a judicial question—whether money was to be disbursed by A or B? It was said that the President had sent the papers here without motive. He was very happy to hear it acknowledged, for once, that the President had sent us documents without any unworthy motives. The gentleman from Pennsylvania says, that the communication from the president of the bank is full, clear, and candid. Yes, sir; all that comes from the bank is pure and unsullied as snow.

Mr. JONES, of Georgia, considered the subject a judicial question, arising from the construction of an act of Congress—whether the bank is the proper disbursing agent, and is legally empowered to pay the pensions ordered. It is neither more nor less than this. There is no question concerning a sum to be raised, nor any concerning an appropriation to be raised; but whether some other officer shall be selected to pay the pensions. The President's call on the Attorney General for a legal opinion shows that, in his judgment, at least, it is a legal question requiring a legal investigation. Had it been a question of finance, the Secretary of the Treasury, not the Attorney General, would have been called on to express an opinion. This is therefore a presumptive proof that the question is within the peculiar jurisdiction of the Committee on the Judiciary, not the Committee of Ways and Means.

He regretted that his friends, or those with whom he voted and concurred in opinion on the deposite question, should intermingle this subject with that. He considered it better not to have them entangled. By the bank charter, the Secretary of the Treasury has full power to remove the deposites from the United States Bank, if he assigns sufficient reasons for his so doing. But the present subject is, whether one officer or agent shall be preferred to another. The Committee of Ways and Means have such an accumulation of business before them, that they will not have time, even if they have inclination, to devote that attention requisite to the pension agency of the bank. With that committee it must necessarily be but auxiliary to the main question, which would be reported on, perhaps, previously to considering this question; and the pension agency must be suspended in the interval. But when it is exhibited as an isolated question, consigned to the Judiciary Committee, who have less business on hand, it will receive proper and prompt attention.

Mr. BEARDSLEY thought that a due consideration of the rules of the House, which explain the proper functions of the several standing committees, would point to the committee under whose jurisdiction this subject more immediately comes. The object of the Judiciary Committee is stated in the 63d rule to be limited to judicial proceedings. Now there is no topic of that kind before the House, no judicial proceedings in any court, nor any action of that nature, to obtain the moneys and papers withheld by the bank from the Secretary of War; and as there are not now any judicial proceedings, the House cannot contemplate any. If the Executive required to institute an action on the subject, there is already sufficient power invested in the Government for the recovery of all moneys, &c. due to it. Its authority being now ample, no additional will be required; and as it has not been thought proper to appeal to judicial proceedings under this authority, no such proceedings can be contemplated by an appeal to Congress to arm the Government with further powers.

The bank has received an appropriation of $500,000 for the pension agency fund. The control over this fund has been given to the Secretary of War, who has the appointment of what agents he pleases in the management of the concerns of his department. If the bank will not pay the pensions which will be payable in March, and refuses to submit to a transfer of the pension fund, then must Congress be required to order another appropriation for that purpose. This is surely not the business of the Committee on the Judiciary, nor of the Committee on Pensions, nor of any other committee but that of Ways and Means. By the 57th rule, the functions of this last committee extend to the control of every thing relating to collecting, keeping, and appropriating the revenues or moneys of the nation. This committee is to decide concerning the means of raising revenue, and the mode whereby it is to be expended. The subject is therefore strictly referrible to the Committee of Ways and Means.

Mr. McKINLEY asserted that the question really is, the jurisdiction of the respective committees. Now, as

every Executive Department is accountable to the Committee of Ways and Means for the due discharge of its duties, and as this committee is to investigate every transaction relative to the receipts and expenditures of the national treasury, were the question one on an action to recover money, it might belong to the Judiciary Committee; but where it involves the accountability of an agent in the disbursement of the public funds, it is a question properly within the cognizance of the Committee of Ways and Means.

Mr. BELL, of Tennessee, explained. He stated that the alternative of reference should be decided only according to the object contemplated by the reference. If the House merely sought to have an investigation of a legal question, and to have an opinion expressed in a report of a committee on that subject, then should the reference be made to the Judiciary Committee; but if something farther, if legislative action consequent on a legal investigation, be required, then should the reference be to the Committee of Ways and Means. So if it is only to try who is wrong in the construction of the act relative to the agency of the pension fund, still it is the province of the Judiciary Committee; but if it is to try whether the bank shall continue its agency, or if it is thought necessary to change the paying agents and officers of the pension fund in accordance with the new fiscal arrangements contemplated by the Executive Government, then the subject devolves on the Committee of Ways and Means; for to this committee, and not to any other, belongs the question of agency in all matters affecting the national revenue. To continue former agents, or appoint new ones, belongs more properly to the Committee of Ways and Means than to the Judiciary Committee.

Mr. BRIGGS called for the reading of the first part of the message.

The question was now loudly demanded, and was about to be taken, when

Mr. DENNY said, that as it had been hinted that the old soldiers were likely to starve, and as he was the professed friend of the old soldier, he would move the following instructions:

"And that the said committee be instructed to report a bill, directing the Secretary of War to rescind his order, by which the Bank of the United States is prohibited from paying to the soldiers of the revolution, and other persons, the pensions directed by law to be paid to them; and to report such other provisions as shall secure to the soldiers of the revolution, and others, the regular payment in par money of their pensions by the agents, and at the places and times already designated by law, or which shall be hereafter designated by law."

Mr. MANN, of New York, moved the previous question.

It was seconded by the House, ayes 109—put, and carried by yeas and nays, 119 to 96.

[This decision cut off Mr. Denny's proposed amendment.]

The main question, on referring the memorial to the Committee of Ways and Means, was then decided by yeas and nays—yeas 107, nays 106.

YEAS.—Messrs. John Adams, W. Allen, Beale, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Cambreleng, Carmichael, Casey, Chaney, S. Clark, Clay, Coffee, Connor, Cramer, Day, Dickerson, Dickinson, Dunlap, Forester, Fowler, W. K. Fuller, Gillet, Joseph Hall, T. H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Heath, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Lawrence, Luke Lea, Thomas Lee, Leavitt, Lyon, Lytle, Abijah Mann, J. K. Mann, Moses Mason, McIntyre, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Murphy, Osgood, Page, Parks, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Polk, Pope, Schenck, Shinn, Charles Slade, Smith, Speight, Standifer, Stoddert, Sutherland, William Taylor, Francis Thomas, J. Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, C. P. White.—107.

NAYS.—Messrs. J. Q. Adams, Heman Allen, C. Allan, Archer, Ashley, Barber, Barnitz, Barringer, Bates, Baylies, Beaty, James M. Bell, Binney, Bouldin, Briggs, Bull, Burd, Cage, Carr, Chambers, Chilton, Choate, Claiborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, W. R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Duncan, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, P. C. Fuller, Fulton, Gamble, Gilmer, Gordon, Gorham, Graham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Hiester, Jabez W. Huntington, W. C. Johnson, Seaborn Jones, Laporte, Lay, Lewis, Love, Martindale, Marshall, Mardis, McComas, McKay, McKennan, Milligan, Muhlenberg, Parker, Patton, Pinckney, Potts, Ramsay, Reed, Rencher, Schley, Selden, William B. Shepard, Augustine H. Shepperd, William Slade, Sloane, Spangler, Stewart, P. Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, E. D. White, Elisha Whittlesey, Wilde, Williams, Wilson, Wise, Young.—106.

So the papers went to the Committee of Ways and Means.

And the House adjourned at sunset.

Wednesday, February 5.

THE DEPOSITE QUESTION.

After the usual morning business, the deposite question coming up in order, and Mr. ARCHER being entitled to the floor, he rose, and was about to address the House; when

Mr. McKINLEY asked leave, before he proceeded, to give a notice to the House.

Mr. ARCHER having yielded the floor,

Mr. McKINLEY said, that it had been ascertained that the Secretary's letter, on the removal of the deposites, had been referred to the Committee of Finance in the other House; and he now wished to give notice that when the gentleman from Virginia should have closed his speech, he hoped that every member would come prepared to bring the present question to a conclusion. Should the papers go to a committee, and a report be given in, the general question would still remain open, and every gentleman would have a full opportunity of expressing his views; and should they even fail in referring it to the Committee of Ways and Means, which he hoped they should not, the same opportunity would still be given. He therefore repeated that he hoped all would come prepared to bring the question to a termination. It was not their intention to coerce a termination of it, but to endeavor to obtain it in the regular way.

Mr. J. Q. ADAMS said that if he had rightly understood the gentleman from Alabama, he had risen for the purpose of giving a notice to the House; and, if he had heard him correctly, the notice was that every body must be ready for the question as soon as the gentleman from Virginia [Mr. Archer] should take his seat. If that was not the notice, what was it?

Mr. McKINLEY said he was sorry he should have exposed himself to criticism by the phrase he had used. What he meant had been only to express his wish that the question would be speedily taken.

Mr. ARCHER then proceeded to address the House in continuation of his speech commenced on the 29th of January, on the removal of the deposites; the whole of which is given entire below.

Mr. ARCHER said he was one of those who thought the subject could not be too much discussed, involving the important bearings it did to the powers of the Government and the interests of the country. He should not add a great deal, however, to the debate in this stage. The position his State had assumed to the question, requiring from some of her members the exposition of her opinions, and the deep participation he acknowledged himself to take in the feeling it had awakened in the community, would not permit him to give a silent vote.

Before proceeding with his remarks, he owed the respect of a notice to the personal appeal which had been addressed to him by the gentleman from Georgia, [Mr. JONES.] That gentleman had invoked his opposition to the instruction for restoring the deposites to the bank, on the ground of his uniform advocacy of principles of construction of the constitution which would disallow the recharter of the bank, which the gentleman insisted would follow from the restoration of the deposites.

The principles imputed to him, he (Mr. A.) acknowledged; but he held other principles, he presumed, in common with the gentleman from Georgia, which no less forbade him to tolerate a danger of another kind—intrusion of one department of the Government on another, and permitting the fear of the legislative misconstruction, which would recharter the bank, a contingent evil, to operate the sanction of the loosest and most dangerous construction of the Executive authority in a case actually before us for decision, which had ever been exhibited in the history of the Government. In this view, he had a right to expect the concurrence of the honorable gentleman with him in the vote which they were about to render.

The allusion to the appeal of the gentleman from Georgia led him to observe on the extraordinary effort which was in progress here and every where to pervert the true issues of the case, by representing the question as equivalent to that of the recharter of the bank. This had become not the strong ground merely, but almost the exclusive ground, insisted on in vindication of the Government proceeding. Other defences had now been abandoned to fall back on this intrenched position; from which the tocsin was sounded to the formidable host of prepossessions subsisting against the bank—a phalanx known to be invincible to argument, which, if it could be animated to ardor in the contest, (for which topics of excitement were abounding,) would not fail to bear down all resistance and conquer the cause. Of the great importance of this movement of party stratagem every one was aware. It rendered doubtful a contest which, whilst it rested on its proper forces, was on the point of being subdued. Men who could not perceive (for that was not easy) the connexion of the recharter of the bank with the return of the deposites, were yet led to fear this result as something possible, though not intelligible. Another class feared the imputation of not perceiving the connexion; and the two fears formed the sustaining forces of the Government proceeding, which could not stand deprived of this support. Suspended in the scale of a false and prejudiced issue, the question of undoing the Executive act (the only effective corrective) might continue to hang doubtful, or even be weighed down.

It was of the utmost consequence to a just decision, therefore, to show that this was a false scale; that the connexion and dependance so much insisted on was not real between the recharter of the bank and the restoration of the deposites. And how was this connexion shown? By what mode was the restoration to produce the recharter? By the disclosure, it was said, of the power of the bank. But the bank was to gain no accession of power or advantage by the restoration. It was only to be put in the condition it was before. If it was endowed with power to produce the recharter, this power would be derived in no degree from the act of restoration, nor be augmented by it from what it had been previously; as the institution would stand not better after the restoration, but worse, in this respect, by the diminution of its profits, and the great inflammation of the animosity to it incurred in the interval of removal of the deposites.

If it were supposed that the pressure of the bank on the commercial operations of the community was to produce the recharter, by demonstrating its necessity to the healthful course of these operations, then the correction of the alleged source of the pressure, the removal of the deposites, by the restoration of them, was the way not to continue but arrest the pressure and its consequence; or, if the pressure were nevertheless continued, the alleged reason (be it cause or pretext) being removed, then an odium would result to the bank, which would be the effectual preventive of recharter. Take the proposition either way, that the restoration of the deposites would, or would not, arrest the pressure of the bank, still it must arrest any tendency this pressure might be supposed to exert in the production of the recharter.

But the victory which the bank would be achieving over the Executive! This was the subject of apprehension. Here lay the rub—the real difficulty and point—the matter not to be digested! Up to this time, it was the Executive which had gained advantage of the bank, not the bank of the Executive. The office asked of Congress by those who would return the deposites was, to restore the parties to their prior and proper condition; not to give advantage to one party, the bank, but neither, on the other hand, to confirm advantage obtained to the other party, the Executive. But to carry on this principle of fairness and justice,—to give equal measure to its adversary—not to refuse to ratify its aggression—this, in the present temper of absolute, not to say abject devotion towards the Executive, was to give a victory over it! The restoration of things to their former condition; peace in its best form; any thing short of affirming conquest to the Executive, was assigning victory to the opponent.

But did gentlemen see the import of their argument? If the return of the deposites, the reversal of the act of the Executive, was to produce the recharter of the bank; was not the inference fair, that the operation of the act, the removal of the deposites, was to prostrate the bank? Then the inquiry forced itself forward, how far the accomplishment of this object, however good, belonged to the Executive? How far an institution, however bad, standing on the basis of law, was to be put down by the fiat of the Executive; and the many momentous consequences realized, which it was known must follow the act, from the complicated relations of the institution with the most essential interests of the country? What was the answer which was alone encountered to these inquiries? That the bank must not be permitted to obtain a victory over the Executive! What aggravation to the feelings proper to the subject was suggested by this topic of vindication!

But farther on this subject of danger of recharter of the bank: as there could have been no question of restoration of the deposites to produce it, if there had been no removal of them, did gentlemen see where the responsibility for the danger, if it existed, was to rest? The President, in the paper read to the "cabinet," the Secretary, in his report, had told us that it had been decided that the bank was not to be rechartered. The issue had been "argued on both sides before the tribunal of the people, and their verdict pronounced." And this decision on the subject had been assigned, in both papers, as the leading ground of proceeding in the removal of the deposites. If the danger of recharter, thus extinct, were now revived, as involved in one of the possible issues of the act of removal, would not this evil, too, if it were

realized, the theme of so much deprecation and declamation, have to find sanction under the potential phrase—"I take the responsibility;" which, though not proceeding from a magician, had more than magical power, since it wrought the sanction of every measure on which it was pronounced, without even a spell on the senses or understanding?

What, then, was the purport and amount of this argument—of more influence than all others—that the return of the deposites was to be forborne, lest it might lead to the recharter of the bank? In the first place, the assumption of the consequence was gratuitous altogether; the just inference being exactly the reverse. And supposing it just, the purport was, that this danger, which had no existence when the act of removal of the deposites had been adopted, and but for its adoption could not have had existence, was now to plead indemnity of that act in all its parts—one of the mischiefs of which it would have been the creator beyond dispute—was to form its immunity from correction, no matter what might be its other demerits! Was not this doctrine monstrous? And what was the application, in the circumstances of the case? A perversion and breach of law were alleged to have taken place in the act of the removal of the deposites; an undue and dangerous power to have been assumed; a violent blow to have been struck on the commercial operations and general prosperity of the country. The interposition of Congress afforded the only corrective, if those assertions were true, and was exacted by its highest obligations of duty. But, no! it was said; the interposal of Congress for this end would have (it was difficult to see how) the effect of giving new life to the bank. The law, the constitution, (the general suffering appealing for redress to the high censorial and corrective office of Congress,) were to be lost in the cry which harked us on to the hunt of this detested institution!

Such (Mr. A. said) appeared to him to be the character of the secondary, and what he regarded false issue, in this case. He should now proceed to inquire into the real issues. He had no complaint to urge that this secondary issue had been brought forward with so much industry and effect. The change of position had become a necessary refuge in the defence of the Government proceeding. Separate the act of the Executive from the feelings indulged towards the bank; disconnect the return of the deposites from its asserted influence to favor the recharter of the bank; and, he appealed to the abounding evidence supplied by the public prints, the experience of every hour, and the candor of every man, that the materials of further contest would be extinct.

It was a material point of the inquiry, as related to the proper question, in what manner it had been brought upon us. He would trace the history of this matter to the House. In the annual message last year, the head of the Executive had expressed distrust as to the safety of the public deposites in the bank; and, in reference to the alleged limited power of investigation of the Department of the Treasury, recommended an auxiliary inquiry by Congress. The House of Representatives had conformed to the recommendation; instituted a protracted inquiry, with a power to send for persons and papers; and finally responded, at the last moment of the session, when there was leisure only for business deemed of the most essential consequence, that they regarded "the public deposites" as safe in the bank. This response, it was to be observed, was strictly, under the circumstances, the expression and communication to the Executive of an opinion that the "deposites ought not to be removed;" not volunteered, however, and obtruded, but given in compliance with the Executive request and consultation. What happened afterwards? What degree of respect had been evinced to this opinion, thus elicited by requisition, and thus communicated at a moment, and in a manner, showing the estimate of its importance? The first we hear again of the subject, in the next recess of Congress, after the arrangements rendered necessary by the changes which took place in the departments, is the promulgation of the fixed determination of the Executive to carry the purpose of the removal of the deposites into effect. The interval, however, before the reassembling of Congress, had not sufficed to mature the arrangements which were demanded, and properly deemed necessary to complete the plan. In the immaturity of these preparations, admitted to be essential, the project is consummated; however, little more than sixty days previous to the reassembling of Congress. Did not the haste and the immaturity of preparation warrant the inference, that it was part of the plan to anticipate that event? And, if it were, then he (Mr. A.) had to ask, what was the construction to be put on the proceedings, both as regarded the respect which was due and the authority which belonged to the Legislative branch of the Government? for it was to this branch that belonged the ultimate jurisdiction of the question of the removal of the deposites. That was not denied. This (Mr. A. said) was no immaterial inquiry. The power of Congress to act, after the measure had been in operation for sixty days, was no compensation for the power which, if in session, it would have had of preventing the measure altogether. Much of the commercial distress to ensue from it would have had time to occur. The facilities and faculty of putting a stop to the measure would, from various causes, be much obstructed. It might be said, as it was now said, that, the injurious consequences having been exhausted, there would be no saving in retracing the step; and the bugbear of the recharter of the bank might be presented in advance, to prevent the correction of the procedure. The feeling, too, or the discipline of party, might be appealed to; for the fact was not impossible, nor incredible, that men, under this influence, might be brought to sustain what they could not, in its inception, have been brought to counsel or approve.

What he, (Mr. A.,) however, meant to say on this part of the subject was, that the authority of Congress had been treated with gross disrespect, even supposing no purpose to elude it. To advert to this derogation and breach of respect, he felt was demanded by the spirit and duty of his place. He was aware there were those far worthier to assert this office, but it would be a reproach to any member discussing the subject to pass the matter without comment; and he hoped he was one of the last to omit to affix to it the just stigma of reprobation.

This, then, was the way in which this question had been brought upon us! Now, what was precisely the question? The President had declared that the deposites should be removed on the 1st day of October. The then Secretary of the Treasury had refused to become the agent of this behest. He had been dismissed for this refusal, and another put in his place, who had previously promulged his readiness to acquiesce in the requisition. The President then had ordered and dictated the removal; the Secretary had been the instrument of it. The fairness of the statement would not be disputed. It could not be, without a violation of known facts, nor without disrespect, too, to the President. He had said, in a paper which he had promulged to the world, that "the measure was his own; that he assumed the responsibility;" and he had named the day by or before which he required it to take effect. It had taken effect on that precise day, which proved that the measure was, indeed, his own. He had dictated, then, the measure which the Secretary had adopted. This, it was said by his vindicators, he was not only authorized, but bound to do. As head of the Executive, he was bound to see the laws faithfully executed, according to his judgment of them; and the exercise of his power of removal was proper in relation to subordinates who should refuse to carry his views into effect.

He proposed (Mr. A. said) to examine the validity of this reasoning, and of the powers which had been exerted in the present instance, both by the President and the Secretary. He believed he should be able to show that each had gone beyond the proper bounds of his authority. That either had done this knowingly, he was not at liberty to charge, as the regularity of their proceeding was the subject of so much question.

The authority then claimed for the President in this case, was to direct that the act in question should be done; and to give effect to the direction, by the exercise of his power of removal of the Secretary not concurring in his opinion.

This he had done: had removed a refusing Secretary, and the act had followed. The first inquiry which arose, was, in what respect this differed from a power in the President to do the act directly himself? Was the difference any thing more than form? Yet, if the President had signed the order for the removal of the deposites, it was admitted the act would have been illegal. That a discretion was intended to be confided to the Secretary, appeared from his being required to give the reasons of his procedure to Congress, if he should order the removal. Whose reasons? His own; not those of some one else. In this case, the Secretary had given a transcript of reasons which had been assigned by the President previously. Suppose that he had reported that these were the reasons of the President; that there were none influencing his own mind to require the act, but that he had deferred to the authority merely of the President in performing it; should we not all have regarded such report as an outrage? Suppose he had added, that he had acted under the intimation that he would otherwise be removed from office; would not indignation have broken the bonds of party, if there were those who wore such bonds, in the reception of such a report? And how far did the facts differ from those suppositions? That a removal of a Secretary for non-conformity to a dictation which the President could not execute directly had really take place, not merely been threatened.

But the President must have the law executed, conformably to his own view of it! Might not a grant of discretion to another officer be a part of the law which the President would be bound to respect as much as any other part? It had been shown that the law gave a discretion to the Secretary in this case. Might there not be good reasons for such grant in this, as in many other cases? What would be the injury, if this might not be done? The President could not be fitted to prescribe the mode of discharge of every sort of function and office which it might be expedient the law should create. Suppose the law directed a road to be laid out by an engineer—a legal proceeding to be conducted by the Attorney General: was the President, who might be no engineer or lawyer, (the law giving him no specific authority,) to be allowed to supersede the professional capacity of those persons, or, if they refused to submit, to remove them? Then, what became of the public interests which might demand the exercise of these capacities? Individual interests and rights might be just as much involved. Take an example from the pension laws. Might the President, because he could remove him, direct the Commissioner of Pensions which cases he was to pass, which to reject? If he could, what became of the safeguards of the public, in the first case? of the rights of the pensioners in the last? The objection to this doctrine was, that it merged all discretions into one discretion in public office, and left a single Executive will in the State.

The argument was illogical which inferred the right of the President to prescribe to officers the mode of discharging their duties, from his power of appointing and dismissing them. It was said, that, as the power of appointment involved that of dismission, so that of dismission involved the right to prescribe the mode of exercise of the office. But the reason which justified the one inference, did not hold in the other. The power to dismiss was necessary to attain the real beneficial end of the power to appoint to office, with some exceptions comprised in it. But the power to dismiss involved no such consequence, as regarded that to prescribe the mode of discharge of the official duty. This last was not required by the ends of the first; just the reverse was the fact. If I had the power to direct an officer what to do, what need of a power to dismiss him? I only wanted the power to dismiss when I could not prescribe to him: a power to dismiss excluded, then, instead of affirming, a power to prescribe the conduct of the officer.

But could not the President, it was asked, employ his removing power to prevent mischief before it occurred? Was he armed with no power to arrest the Secretary, in a purpose of removing the deposites, if this had been his design, and the President had regarded the measure, as its opponents do now, as both unauthorized and pernicious? This question had been asked with great triumph, as if the answer were to overwhelm the opponents of the act of the Executive. The answer was simple and sufficient. How was the President to know that the Secretary designed the act? Was he to play the inquisitor, to dive into his thoughts unannounced by any action? A principle of this sort was at war with the genius of just and legal institutions. The President could have no basis on which to plant the exercise of his power of removal till the Secretary had acted. Was there any danger or mischief in this doctrine? Not at all. Mischief was as effectually prevented by the President acting after the Secretary had acted, as before. The day that the order for removing the deposites was signed, the Secretary who issued it might have been dismissed, and another Secretary have rescinded the order. This was not equivalent to a power to dismiss beforehand. First, because there would be legal ground for the dismission after the act was done, in place of suspicion or inquisition. Secondly, a dismission for an act performed, or the power to dismiss for it, that act inducing a change in the existing state of things, was very different from the power to produce the change. A power to keep things *in statu quo*, (the law as it was,) is a safe power to recognise in the Executive. That was the character of a power to dismiss after an act was performed.

The power to dismiss, to compel action, was essentially different. It gave the Executive the discretion to alter the condition of things established by, and reposing on, the laws. Could there be no dismission, then, for omission? and would not this be very injurious? Yes, certainly, where the omission was of an act specifically prescribed. Then the intent of law was ascertained. Omission, in such a case, was as much a breach as commission; no discretion was superseded by removal in such a case, which subjected the will of one officer to that of another, and made them one will, when the essential principle of free government demanded scope for diversity of wills, in which, more than in "multitude of counsellors," there was safety.

But the argument perpetually recurred, the President was head of the Executive; the Treasury was one of the Executive Departments; the Executive controls, at will, all the members of these departments, and can be guilty of no assumption of authority in exercising this control. Were all these propositions, or how many of them, just? And first, was the Treasury to be considered as an Executive Department? If it was to be so regarded, it was an anomaly presented by our system to the ordinary and approved theory of free government. The Treasury an Executive Department! Then what did the safeguards of free government require to be separated from Executive control? Not the sword of the State; that was

obliged to be in the hands of the Executive. If the Treasury belonged to it, too; if it was lawful for the power wielding the sword to put the whole purse of the State into the hands of the paymaster of the forces; where was the "separation," or was there any, between the powers, the lawful possession of which constituted the theory of despotism? What, with the lawful power to put the whole treasure of the State in any place he pleased, stood between the lawful commander of the public force, and that danger which had been the terror of all free States—a military force which might be turned against the State? The gentlemen from New York, [Mr. Beardsley,] and Georgia, [Mr. Jones,] had maintained, indeed, that this danger could have no existence in our Government. Why? Because, they both said, that the power of raising troops and money was placed by our constitution in Congress. But what did it matter to an ambitious commander of the national army by whose authority it was raised, or by whose authority the revenue of the State was raised, if he might have the lawful control of the revenue, to apply, if he chose it, in the debauchment of the army, and turning their arms against the State? This argument was mockery, that because a dangerous man had not the lawful authority to raise troops and money, his misuse of them was not to be apprehended, if they were put into his custody! This was an argument that the thief, who had not got money by wrong acts, would not break trust if it were committed to him to keep.

It would be an anomaly, then, if the Treasury was an Executive Department. Was it such in our Government, by the constitution or the law? The constitution, in no instance, mentioned the money power in any of its branches; the raising—the collecting—the disbursing; but it appropriated the power to Congress. But Congress, the Legislature, like the other departments, stood in the necessity of employing administrative functionaries. Congress could not do every thing by committees; it might, and was obliged to have agents for various purposes. Every member of the money power, with the exception of the direction as to the mode of raising the money, must be discharged by agents. When the Department of the Treasury was established for this end, were the agents submitted to the arbitrary direction of the head of the Executive, to have the mode of exercise of their functions prescribed by him, and under his control? Strange and anomalous proceeding, if it had been so! No; the smallest sum of money could only be disbursed, under the constitution, by an appropriation made by law; and as many as four officers were established, each with a duty of judging and watching, as to the regularity of the process of disbursement, in conforming to the law for it. No one of these could the head of the Executive direct, or prescribe his discharge of duty to; and all were required to concur in every separate act of disbursement.

A person "to receive and keep the public moneys," (the Treasurer,) was appointed, who, so far from being amenable to the prescribing power of the Executive head, or any other, was required to give bond (implying, of course, the possession of a proper discretion) for the discharge of his duties. Finally, the head of this supposed Executive Department, (the Secretary,) was to make report and give information to either branch of the Legislature, in person or in writing, (as he may be required,) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services, relative to the finances, as he shall be directed to perform"—of course, by Congress. Did this description fit an officer who was to take the law and rule of the discharge of his duty from the mandate of the head of the Executive? The power of the head of the Executive to remove him, for any or no cause, proved nothing as regarded the point in dispute; for the power was the same in regard to all officers but the judicial.

This doctrine, then, of the Treasury being the subject of Executive direction, was equally disavowed by the just theory of free government and our constitution and laws. But, suppose the Treasury an Executive Department proper; still, was there any thing to forbid the Legislature from making an officer of this department its agent for a specified purpose? And if there was not, would not this agent be, *quoad*, an officer of the Legislature, and responsible only to the Legislature? If we make a Treasury officer our Speaker, one of the Auditors our printer, would they not be our officers, responsible to us? The payment of the public debt was a legislative function, made so expressly by the constitution. We instituted a commission to execute this function for us. This commission (of the sinking fund) was composed of the presiding officer of the Senate, the Chief Justice of the United States, the Attorney General, and two of the Secretaries—of State and Treasury. The two first were not executive officers. Were the other three executive officers, though they sat at the same board, at the side of those invested with authority from the same source, by the same mode, to the same extent, discharging the same function?

The remission of forfeitures and fines, in like manner, was an uncontested legislative function; and Congress was in the practice of devolving this function on the Secretary of the Treasury, in relation to a large class of subjects. Did that make the function executive, so that the President might take control of it, and direct the officer, in the execution, to which case he was to give, to which refuse remission? Or was this the proper allotted function of the officer himself, under no superior but the law and the alterations of it by the Legislature?

It appeared, then, that his being head of the Executive, and bound to see to the faithful execution of the laws, gave the President no control over the positive discretion vested in officers of the Treasury, whether this were an Executive Department or not. No one contested the power to remove from office, for any or no cause, this or any other officer; but the question was, whether this power could be exerted without abuse, to attain control, not designed by the constitution and law, over a subject, the very last which, in their just construction and intendment, there could ever be thought of submitting to the Executive? Was there any difference in the amount of reprobation due to the assumption of power or the abuse, if the sum of mischief were the same? The Executive had the lawful command of the navy and army. Suppose he employed the first to make war in his personal quarrel, or gave the last a lawful command to march to Washington, but with the purpose to overawe the Legislature; would these acts be in the least less criminal as being irregular and abusive exercise of a legitimate authority, instead of a direct assumption of it?

Such were the remarks which he had to make on the power which had been assumed for the President, and exerted by him in relation to this measure of the removal of the deposites. He should now proceed to discuss the exertion of authority on the part of the Secretary, which, though more directly and obviously connected with the subject, would be found marked by traits no less extraordinary than the other.

The sixteenth section of the bank act, on which this question had arisen, required that "the deposites of the money of the United States, &c. shall be made in the said bank or its branches, unless the Secretary of the Treasury shall at any time otherwise order and direct; in which case the Secretary shall immediately lay before Congress, if in session, and, if not, immediately after the commencement of the next session, the reasons of such order or direction."

The Secretary claimed the authority he had exerted under this section, and independently of it at the same time, as a power which he had before, not augmented by the section. The parts of the claim were inconsistent; for, whatever the law was previously, it was superseded by this clause, which comprised the whole power whilst it continued to operate.

The Secretary must, therefore, rest his claim on this section. Now it was to be remarked, in the first place, that the authority "to order and direct" the removal did not give right to the Secretary to be the agent of the removal, or to assume the custody, or assign it for this purpose; but to give a legal mandate to some other person for these ends. He was to order and direct, not to do or act. It became, then, material to inquire who was the agent designed by the law to receive the direction. The function to take and keep the public treasure, or direct where it should be kept, had never been assigned to the Secretary of the Treasury. Before the enactment of this section, it had belonged to the province of the Treasurer. Under this section, it had been confided to the bank. It was to the Treasurer, then, that the order and direction were to be addressed, when the custody of the bank was to be superseded, and who was to be the agent to remove the deposites. This was no unimportant distinction, for many reasons. The causes were palpable, why the person who was to direct the application of the public money to its legal uses, (who was the Secretary,) should not also be the person to keep it, which was the office of the Treasurer. The reason was an essential one—of safety to the public money. The law in the bank act, as before, kept this distinction in view. In the case of the transfer, as the disbursement of money, as the Treasurer transferred before the bank act on the requirement of the Secretary, so, by the fifteenth section of the act, all transfers (even where there was no branch of the bank in the place) were to be made by the bank, on the requirement of the Secretary, but not by the Secretary himself. He was never to have the disposal of the custody, any more than the custody itself, of the money—and for good reason. The Treasurer, if he had it, gave security; the bank afforded ample security, if the bank had it. Not so with the Secretary: he gave no bond—he might have no adequate responsibility. The power, then, to remove the moneys from the bank, gave the Secretary no authority to remove to any custody he pleased, nor to any other custody than that indicated by law, and which afforded responsibility—the custody of the Treasurer. When the Secretary had ordered the public money, then, to be put in hands other than those of the Treasurer, he had transcended the law, notwithstanding his authority to remove the deposites. There had been confusion in the usage of the Treasury, as related to the directory power of the Secretary over the places of deposite of the public money.

This power of selecting places of deposite had been exerted both before and since the bank law, by the Secretary, though certainly without warrant of law, after the money came to the charge of the Treasurer by his receipting for it. How was this irregular usage to be explained? Mr. A. thought he could furnish the solution. The Secretary had always been invested with the superintendence of the collection of the revenue. Under this authority, he possessed and had always exerted complete control as regarded the places of deposite of the public money, until it came, by his receipt for it, to the hands of the Treasurer. And this preliminary authority, as it appeared to Mr. A., had run over the distinction as to the time when the money became transferred to the Treasurer, at which it properly ceased, into a general usage of directing the places of deposite of the public money at all times, without restriction. Nevertheless, however the usage might exempt the Treasury officers from censure, he repeated that this authority no longer attached to the Secretary, after the money had reached the custody of the Treasurer, which was the legal sense and acceptation of the treasury. The Secretary had transcended his power, therefore, in this respect. His authority to direct the removal of the deposites from the bank did not extend to the selection of places, much less of persons, for their custody, and still less of uses (as had been the case) unindicated and unknown to the law. After the mandate of the removal had issued, the function of the Secretary in this matter became satisfied, and the custody was remitted to the former and proper guardian, the Treasurer. This last officer might have yielded to the direction of the Secretary on this subject, and it must be admitted to have been the usage of the officer to permit this direction. It was deference to this usage and the construction of law, which he found established in the department, which had governed the Treasurer; for he (Mr. A.) had known him long and well, and there was no man less capable of any knowing surrender or dereliction of his duty. But whatever the usage, it was not warranted by the law, which had been studious to separate the office of keeping the public money, which, in the absence of legal expression, included that of selecting the places of keeping, from the office which was assigned to the Secretary, of superintending the application of it to its legal uses.

He would now come to consider briefly the validity of the reasons which the Secretary had assigned for the exertion of the authority of removal. As regarded the bank, the Secretary considered his authority as arbitrary; that the bank was entitled to raise no question as to the grounds of his action, be they what they might. This was a very extraordinary doctrine to maintain in the same breath with the statement of the proposition, which was fundamental in the report, that the bank charter constituted a contract between the Government and bank. Who had ever heard of a contract, and that of the very gravest form, a charter, the construction of an important clause of which admitted the indulgence of mere arbitrium and caprice? This was the first instance of the maintenance of such a doctrine. It was the more extraordinary in this case, because the language of the clause under construction was imperative—"The deposites, &c. shall be made in the said bank," &c. It was not only required, too, that the act of removal, if it took place, should be founded on reasons, but the case was to be regarded as of that peremptory character, that the reasons were to be rendered to the supervising authority by the Secretary, at the first moment it could be done—"immediately to Congress, if in session, and, if not, immediately after the commencement of the next session."

This clause was part of the charter, and of course of the contract with the bank, which the charter constituted. This was so plain a matter, that, though it had been made a question, Mr. A. said he would not argue it. All the stipulations on each side evidently formed parts of the contract. The power was reserved by the contract to the Secretary, to vacate or suspend one of those parts, (that which gave the bank the deposites,) of course on sufficient reasons only, as he was required to make an immediate report of his reasons. Now, what were the reasons which could alone justify the vacation or suspension of a part of a contract? These reasons (unless in cases in which the cause was pre-existent to the contract) were reducible to a single form and description—some breach of the contract on the side which was supposed to have incurred the vacation or "suspension." But the contract with the bank was complex; comprehended various conditions—some relative to the stockholders and community at large; another class confined to the relations and transactions of the bank with the Treasury. In the event of breaches of the conditions of contract, neither party constituted, in reason or justice, the proper arbiter to pass on them. Accordingly, for general breaches with

which the bank might be chargeable, one of the courts, as in other cases of contract, was made the arbiter. Appeal might be made to this tribunal; might be made at the instance either of the President or Congress. This was the proper guard in this respect—that recognised by the genius of our institutions, which assigned courts and juries as the triers of questions of injury or right. Here was a case for exception, however. The bank, under direction of the Secretary, was bound to transact essential operations of the Treasury, and for this purpose had the custody of the public money. If the bank were guilty of any failure in respect to these operations, it would not do to wait for judicial inquisition in matters of this sort. The public interest would not permit it.

The operations of the Treasury, which the bank transacted, must go on at every moment, and any irregularity be open to instant correction, or the public interest must suffer. In contravention, then, of the common principle that a party was not to be judge in his own case, it was necessary that the Government should reserve to itself, as regarded the fiscal conditions of the bank contract, the superintendence of their execution, and the application of the promptest remedy for failure in the performances. This had been done by the power reserved, as regarded the withdrawal of the public funds from the bank, which was to be exerted, not only in the event of an opinion of their insecurity, but from any cause affecting the regularity of the discharge of the duties which the bank had assumed in relation to the Treasury. But did it follow, that though the bank should be guilty of no irregularity as regarded those duties, the advantage which was given as a main consideration of that discharge might be withdrawn at pleasure? This would violate the first principles of justice, and rules for the construction of contract. Though the Government reserved to itself the decision as to what constituted the breach of the duties in question, and the application of the remedy, it was not absolved, whilst it had made itself arbiter, from observance of the principles and rules which bound other arbiters. It had the abstract power, but could not justly vacate any advantage it had stipulated to grant, unless for just, that was to say, sufficient cause—for cause such as would bind a court of justice, in the same circumstances, to vacate. It was bound, indeed, to stricter observance of this rule than a common arbiter, as being the judge in its own case. It could not, then, justly vacate the privilege of having the public deposites, which was valuable to the bank, and the principal compensation, indeed, for the functions relative to the Treasury, which it was required to perform, unless breaches occurred on the part of the bank of the functions correspondent to the grant of this privilege, and of which it was designed as the compensation. But none such had occurred. That was now given up on all hands; admitted by the Secretary in his report, as by every body else. The fact, in this respect, was, indeed, incontestable.

Then (Mr. A. said) there was an end of the case. If the only condition in which the exercise of the power of removal of the deposites could be justified had not occurred, by the admission of every one, friend or foe to the bank, the bank could not be justly exposed to this injury and wrong. The Government, being the judge in its own cause, was only bound, Mr. A. repeated, to greater strictness of construction and action in this respect. And this was the answer to the inquiry, whether, admitting the Secretary to have been without sufficient justification for his act, Congress, when the case was brought before it, was not let loose from the restraints which bound the Secretary, and free to act as it saw occasion in the matter? The obligation on Congress was, it had been seen, of stricter character than on the Secretary; and this, whether he was to be regarded as the arbiter in place of Congress, or the agent to act provisionally, and report to Congress. The arbiter for Congress, or Congress, whether acting by an agent or directly, could not dispense themselves from the obligations of good faith.

That the engagements of the bank, relative to the operations it was to conduct for the Treasury, were those alone contemplated for the action of this power of withdrawing the deposites, was proved, then, by the reason of the reserve of the power in the hands of the Government, which had relation only to this class of its engagements; and not only no proper application to, but was positively improper in regard to any other class. It was proved by the character of the agent to whom the power was deputed, the fiscal officer of the Government, in whom any other jurisdiction, in regard to the bank, would be highly inappropriate. And, finally, it was proved by the indication of another and better jurisdiction—a court of justice—for remedy, in case of other failures of its engagements. There might be cases, indeed, of irregular conduct of the bank, for which no remedy could be found either in the exercise of the authority granted to the Secretary of the Treasury or that allotted to the courts.

Several of the cases of misconduct, adduced by the Secretary in his report, fell under this description, as interference in elections, &c. Was there no remedy, then, for these? or what was it? The remedy was, by changes in the direction of the bank, which might be made annually, and by the refusal to recharter, or the modification on recharter. If all misconduct of the bank were corrigible, as the Secretary supposed, through the exercise of the power over the deposites, where would be the occasion for the jurisdiction assigned to the courts, or the reserve of the right of refusal of the recharter? In regard, then, to all misconduct of the bank, other than that which related to its operations for the Treasury, he, (Mr. A.,) forbore all discussion, as matter which, whether the allegations on the subject were well or ill founded, did not belong to our jurisdiction in the present inquiry. That which did belong to us, gave no authority to confirm the act which the Secretary had performed on our part and behalf towards the bank.

He came now to consider what he regarded in a more serious view than any other part of the discussion—the amount and import of the authority set up in the Treasury Department by the doctrines of the report. It was more extraordinary than had ever been asserted for a single officer in a limited Government. He would (Mr. A. said) detach the several propositions in which this authority was asserted from their dispersed places in the report, so as to bring them together in a single view. It had been seen that the Secretary contended for an authority, arbitrary, so far as the bank was concerned, to the exercise of which, even without reason, the bank had no privilege of exception. The power asserted was no less, and more dangerously arbitrary as regarded the public. It was, that the Secretary was authorized to remove the deposites for any cause affecting the public advantage or convenience which he might deem adequate. This assertion was repeated many times, and with great emphasis, in the report—"whenever the change would, in any degree, promote the public interest." "The general interest and convenience of the people must regulate his conduct." "Without any reference to the manner in which the bank had conducted itself, it became necessary to decide whether the deposites ought to remain in the bank until the end of its corporate life, or be removed at some earlier period. In forming my opinion on this subject, I could only inquire which of those measures would most conduce to the public good." Now, this power of removing the deposites for the "public good," involved, as a part of it, in the view of the Secretary, that of applying them to uses unknown to the laws—the sustaining the operations of banking institutions, and giving a sound condition to the currency. Was not the doctrine which had been

exploded on all hands, and as regarded all the branches of the Government combined, of being at liberty to operate for the "general welfare," in the form of a regular disbursement of the public money, here revived, and asserted in a form the most extravagant, and passing to extremes, which that doctrine repudiated? Did that doctrine ever claim to operate without the forms of regular appropriation of the money to be employed, or for such ends as the maintenance of the operations of banking institutions? But see farther the modes in which this extraordinary power was to conduce to its end and purpose. It was laid down as an undoubted position, ascertained by an authoritative expression of the public opinion in the last election of the President, that the Bank of the United States was not to be rechartered. This was assumed, let it be remembered, in the face of a contrary declaration, rendered through the organ appropriated by the constitution for expressions of the public will on this class of subjects—the two Houses of Congress.

This organ had voted the recharter, and by no inconsiderable majorities. The denial of recharter being assumed, however, it was next assumed that provision ought to be made immediately for the expiration of the charter.

This assumption, too, was made in the face of legislative declaration—a part of the bank charter appropriating two years after the expiration of the charter for this purpose. The two propositions assumed that the charter was to expire, and the provision for this event to be immediate; the inference next to be drawn was, that the removal of the deposites was to form the instrument of this provision, which was, of course, to be in the hands of the Secretary. So that here was a determination of the public will collected, not through the appropriated organ for such purposes, but against the declaration of that organ! Derived from an election of the President! Had we ever heard of a mode of this kind of collecting public sentiment, on subjects appropriated to the legislative authority? Not in this country, indeed, but enough of it in others, whose calamities had made it familiar, in which this mode of appeal, not only beside and above the organized forms of the government, but against these, had been made the instrument, in discord and violence, to overwhelm the Governments. The first revolution, or what is called the rebellion, in England—the first revolution in France, not to mention other instances—had inscribed this instructive lesson, in the pages of their history, in characters of blood.

It was the conclusion, however, to which this doctrine was one of the conducting propositions, that chiefly challenges remark. If the non-renewal of the bank charter were pronounced, and provision to be made for that result at once, through the medium of the removal of the deposites, this matter fell under the control of the Secretary of the Treasury. All the authority and arrangements, not a little extensive and important, which the procedure required, belonged to him.

And what were the authority and arrangements it did imply and require? The law incorporating the bank allowed the institution to proceed, without arrest of its operations, till the end of the charter; and then it was allowed two years more to wind them up. The first exercise of authority, in the present instance, was to decide that it must be made to commence the winding up of its operations two years earlier than the first period, the end of the charter.

This was the first assumption of legislative authority. It was by no means the most considerable. When the treasury established by law, in the bank and the branches, where there were branches, was broken up by the removal of the public moneys, the establishment of another treasury, which in our extensive country must embrace many branches, was required. This was no simple affair, as regarded the arrangements or responsibilities. New banking institutions had to be selected; their solvency and fitness had to be ascertained; contracts had to be made with them; securities for faithful discharge of the duties assumed to be framed. Were all these essential and complex arrangements proper incidents to the legislative power, or to that of the Secretary of the Treasury? The transfer of the treasury had been made in the apparent presumption, indeed, that these arrangements belonged properly to the authority of the Secretary; for, although the session of Congress was near at hand, that event had not been waited for, and the plan of transfer had been carried into effect, with the arrangements unmatured even by the Secretary.

The Secretary had assumed, then, and greedily grasped, very high legislative authority in this respect. The most remarkable of his assumptions, however, related to the claim to take control of the currency, and prevent its coming to an unsound condition on the termination of the bank. Next to the powers of Government which affected liberty, this of controlling the character of the currency was the most important in its relation to individual and general happiness and prosperity. On the soundness and steadiness of the currency depended the regularity and safety of all the exchanges, which constituted the business and prosperity of society; which gave to the rich the avails of their property—to the poor, of their labor—which was their fund of property. If currency were artificially degraded, according to the degree of it, men were ruined through delusion. If artificially enhanced, they were ruined through pecuniary distress. There was no subject of public concern, too, in regard to which the interference of authority could be so little guided by adequate knowledge, and in regard to which, therefore, it was more likely to lead to mischievous results. This truth was now admitted every where. It had especial application, however, to our country. For our currency was composed, in a greater degree than had taken place in any other country, of credit as distinguished from coin. The most essential purchases of the produce of our lands and labor, on which the prosperity of every man depends, were transacted by credit, and credit principally furnished by banking institutions, in their usual modes of discount of private notes and bills of exchange.

These institutions formed a great and most complicated machine, the parts of which were intimately and indissolubly connected; as, besides taking the paper of each other to some extent, they dealt with the same persons. Derangement in any one part of the mechanism necessarily produced the same effect on other parts. Each member, therefore, had to have its operations adapted in some degree to, and determined by, those of the other members which were in relation with it. All banks measured their discounts and contractions of discount, to a great extent, by those of other banks. Of this great complicated machinery, the Bank of the United States had become the principal and controlling spring. It did not matter whether this state of things were desirable or not, as to the present inquiry; the fact was so. The Bank of the United States was the principal instrument by which the currency was kept uniform, and the exchanges of the country, the soul of its prosperity, in activity. A blow struck on this institution, therefore, by which it should be compelled suddenly and violently to contract the facilities it had been affording to the community, must be felt by every bank in the community, as they were all in relation with it, and every interest in the community. The removal of the deposites was such a blow struck on the Bank of the United States, and had been felt by every bank, constraining all of them to increased caution in their grant of facilities, if not to the contraction of those already granted; and through this medium of contraction, or the fear of it, every interest in the country had been affected, and that most injuriously, as could not be denied.

This, then, was the office which had been assumed by the Secretary of the Treasury, of regulating this im-

portant action and influence, as far as control over the deposites would go, (and this was a great way,) of the Bank of the United States, on the commercial interests of the community. Dismissing from view the enormity of an officer, appointed for the mere administration of the affairs of the treasury, assuming on himself such an office, let the inquiry be into the wisdom he had displayed in the exercise of the office. The public distress which had followed on his act—great, admitted, growing—the end of which no man could see—was the best and the sufficient answer on this point. The occurrence of this distress was in no degree accidental, though the degree in which it actually had occurred could not have been foreseen, certainly. The removal of the deposites was obliged to produce a great contraction of accommodation of the bank to the public, unless its direction was devoid of capacity for their office. The only question that could arise would be as to the amount of this contraction. The declaration in the report, that the bank ought to have gone to the Treasury, which had struck the blow at it, to consult on this subject, was like that other declaration of the same paper, that "it was bound to consult the general good, rather than its private emolument, if they should happen to come into conflict with one another." Such sentences of puerility were proper earmarks of the just character of this paper.

The charges made in the report against the bank, as regarded that part of its conduct connected with the expansion and contraction of its accommodation, were inconsistent. It was arraigned for the profusion of its accommodation from December, 1832, to August, 1833, and then for the violent contraction of it. But, if the first of these proceedings had been warranted, then the last was not only warranted, but required. Expansion, which had been excessive, surely justified and demanded a correspondent corrective process of contraction of its accommodations. The only blame could be for the degree to which this process had been carried, which had not been disproportionate.

The gross error of the Executive, on which its proceedings had been based, was the idea that the accommodation derivable from the deposites of the public moneys would be equivalent, in the State banks, to what the Bank of the United States could afford to make it. This was, indeed, a singular defect of just conception on the subject. The accommodation to be granted on deposites was not a fixed sum, nor in any fixed proportion to the amount of the deposites. It varied with a great variety of circumstances—in the condition of the bank itself, of other banks, and of the commerce of the country. It was a general proposition, however, that could not be contested, that a bank of large capital, and a commanding position like that of the United States, could issue, in a much larger proportion, on a deposite fund, than banks of smaller capital and inferior position.

The cause of this was obvious; they had much larger resources to sustain the consequences of mistake and overissue, if they should be betrayed into error in this respect. The State banks, favored by the transfer of the deposites, might even find themselves unable to extend their accommodations at all, in consequence of this aid, if a great bank, like that of the United States, was under a large and rapid process of withdrawing its accommodations. Why? The issues of those favored banks, as fast as they went out, would be absorbed by the great bank, in the payments it would be receiving; to meet which, indeed, this new accommodation would be chiefly wanted, and these issues be immediately returned on their parent banks. The State banks, not favored, would be equally withheld, from the same cause, from the increase of accommodation, and probably be compelled to contract it. Even the amount of private deposites, and of any accommodation which, in ordinary times, might be granted on them, would suffer reduction, from the confusion and alarm which this conflict of banking operations was calculated to produce. In no respect, then, could the deposites of the public moneys in the State banks be equivalent to their continuance in the Bank of the United States; the supposition of which, honestly entertained, had led, he was convinced, to this mistaken and mischievous operation of the Government.

This led to the consideration of the question of the restoration of the deposites, regarded as standing on a footing distinct from that of the removal. Supposing the removal, as was said, a mistaken proceeding; would the restoration retrieve, and would it not renew, the distress which was experienced? Would not the distress always be the same, from compelling the Bank of the United States to wind up? This view of the subject, by which many persons had been really misled, was founded on an inaccurate conception of the mode in which the distress had resulted. It excluded from a just consideration the influence which the suddenness and temper of the removal, scarcely less than the evil itself, had exerted. Was it an element unimportant, in estimating the effect of this operation, that it had been announced on the 18th of September, to commence thirteen days afterwards? Was the consideration of less influence, that the operation was conceived to have been dictated in a temper towards the bank, which would force it into a position such as if a blow had been dealt by an enemy? The persons involved in deep engagements with the banks constituted, and to a great extent, by means derived from these engagements, the immediate market of the country. If the Bank of the United States, influencing, as its mode of operation did, very essentially, the operations of all the other banks, were to expire at the termination of the charter—a known period two years distant—opportunity would be afforded for preparation to meet these important engagements, without distress to the parties, or consequent embarrassment to the commercial operations which depended on them.

The Bank of the United States could have no motive, nor indeed had a motive, of interest, opposed to any preparation for its close by harsh operations on the dealers with it. Its winding up in a regular way would have been attended with no shock, and, though not without some, yet moderate distress. Alleviation would have been found, too, for this distress, in the constant and correspondent return of the payments into the bank on the market, in purchases, or other forms of loan. There would be no occasion, as now, to retain them. The State banks would not be restrained from accommodating freely, by the great obstruction, the fear of the operations of the United States Bank, which was the effectual bar on their liberality in this respect; augmented, of course, in force, whenever the Bank of the United States was put in a position which made its course of operation uncertain, as must be the case when threatened with hostility of the Government. There would soon be room, also, for more enlarged accommodation by those banks, in the proportion in which the Bank of the United States should withdraw its credits. So, too, would there be for the establishment of other State banks to fill the chasm of the United States Bank; a relief which, not only the want of room, but the uncertainty and peril of the times to set up in, would preclude, till the chasm had occurred. All these were causes why the winding up of the Bank of the United States, in a regular way, without any forced operation, would have been attended by no such condition of distress as we were now witnesses to. The same alleviating causes would operate, though to somewhat a diminished extent, if the forcible operation which had been brought to bear on the Bank, by the removal of the public moneys from it, were arrested now by their deposite there in future. The Bank of the United States must, in that event, enlarge its accommodations. The other banks would be relieved from restraint, in regard to accommodation. Time would be afforded for every interest to meet the event of the expiration of the

charter. When the event came, the reabsorptions of the United States Bank would be immediately returned for relief, in purchases, new loans, or aid in the establishment of new banks.

There were the strongest reasons, then, for the restoration of the future deposites to the bank; and what were the considerations opposed? Two: the fear of the recharter of the bank, and jealousy of the triumph it might seem to obtain in a conflict with the Executive! How was the recharter to come? By the distress growing out of its operations, which would demonstrate the necessity for it? Then withdraw the motive, or the pretext for the operations which were the source of distress; and the operations must be corrected, from the absence of occasion for them, or the fear of odium, and the danger of the recharter obviated. If continuance of suffering from a position of the bank, the necessity of which was ascribed to the removal of the deposites, were to be added to the indignation which many indulged at the supposed wrong done to the bank, and undue assumption of power by the Executive, how could the recharter of the bank be prevented? It was this manifest result of persistence in the policy of the Executive which furnished one of the strongest arguments to arrest it, by reversal, and restoring the deposites in future (for that only was proposed) to the custody which the law had established for them.

But the leading consideration for adopting this proceeding was, that it was due to the faith which the Government owed to its contract with the bank; was due to the law which had been perverted; and, above all, was due to the adjustment established by the constitution between the legislative and executive powers of the Government. It was to restore the equipoise of these powers that the deposites ought to be restored. The Secretary had assumed, on the basis of a declaration of the public will, furnished by an election of the President, that the bank was not to be rechartered, but to expire; that provision was to be made for that event through his Treasury power; and that this power involved incidents which not only comprehended large legislative authority, but some of these transcending the limits of the proper legislative authority. These were the ills which claimed redress and repression for the future at our hands, by the only effectual mode—undoing the act which had brought them on us, and blotting out the precedent it would constitute, if not effaced.

Another consideration was, least of all, to be forgotten, in connexion with this part of the subject, which went further than any other, in his (Mr. A.'s) mind, to deepen the color of the Executive proceeding, and had, indeed, been the mainspring of the lively excitement to which he acknowledged himself to have been awakened in relation to it. It was, that the proceeding had been adopted with the manifest purpose of eluding the appropriate action of the Legislature on the subject. Not only the time of adoption, but the haste and immaturity of the arrangements admitted to be necessary, put this beyond question. With this speaking characteristic to mark the act, the barrier had been levelled which fenced the public purse from the custody of the Executive; and the call was now addressed to us, the deputed guardians of the law, and sworn conservators of the constitution—to do what? to raise up, to restore, to stabilitate this barrier? No! to ratify the destruction of it! and it was said that this would be done. It might; and still there was no occasion for despondency. The spirit of the country, with which remedy would be found, was beginning to be aroused.

It had slept, but was not dead. It would arise, like the lion provoked in his lair, or like the strong man after the locks of his vigor had grown out, and the pillars of power which stood around would be subverted. He was proud to be able to say, that the most decisive indication of this arousing feeling of the country had spoken in the voice of his own State—that voice which he hoped would in all, as in former times, carry confidence to patriots contending for their principles. Virginia bade the associates who were willing to do battle with her in this cause, in the language of the great Henry, to "rally to her white plume." And they would rally in sufficient force; and, as in '98, so now, under the same guidance—the banner of outrage, though it might float now, as then, in a transient triumph, would be torn from the constitution, and that edifice of our hopes and prayers, our fortress at once and our temple, be established on a firmer foundation than ever. He should have a distrust, the reverse of his real feeling, for his countrymen, if he could doubt this result.

When Mr. A. had concluded,

Mr. PEYTON was successful against half a dozen competitors in obtaining the floor, and spoke for some time in reply, especially to the speech of Mr. MCDUFFIE at the commencement of the debate. Before he drew his remarks to a conclusion, he gave way for a motion to adjourn; which, though resisted by Mr. CRAMER, who demanded the yeas and nays, (which the House refused to order,) succeeded, and the House adjourned about three o'clock.

THURSDAY, FEBRUARY 6.

PENSION LAWS.

Mr. CHILTON's resolution on the extension of the Pension law, coming up again as the unfinished business of the morning—

Mr. CHAMBERS rose and said: The resolution now before the House, with the proposed amendment, has elicited so much discussion, and received so much attention, that its adoption or rejection will probably express the deliberate opinion of the members on its merits. Believing that both principle and policy are involved in this question, of no ordinary interest, I ask the indulgence of the House whilst I submit the reasons which shall influence my vote.

At any other time than this, when Congress and the nation are engrossed with the absorbing question of the currency and public distress, the question involved in this resolution, and the legislation to which it might lead—of an expenditure, probably, of millions of dollars—would have been considered no ordinary question; and though it be now comparatively of minor interest, yet it is of such interest as to deserve the grave consideration of this House. The discussion has been chiefly confined to the advocates of the original resolution. From honorable members of several of the western States we have had eloquent encomiums on the valor, services, and merits of the survivors of those who participated in the Indian wars from 1783 to 1795. Eulogies have also been pronounced in commemoration of those who are no longer with the living, and whose names are said to be associated with hills, streams, and battle grounds, that are monuments to their patriotism and valor. These panegyrics on the living and the dead, who perilled their lives and property in wars with a savage foe, are calculated to arouse the sympathies and enlist the feelings of the members. No one, I presume, has heard them with indifference; and many a member has no doubt felt his pride of American character raised by the description we have had of some of the heroes of those frontier wars, whose names are but little known to fame, or in the general history of the country.

Whilst I listened with satisfaction to the description of some of those frontier campaigns, as given to the House by the gentleman from Kentucky, [Mr. HARDIN,] I regretted his reproachful allusions to Generals Harmar and St. Clair. As their reputation has since been vindicated on this floor by others, I will only remark, that it is enough for me to know, at this distant day, that, with all their misfortunes, those generals possessed and retained the confidence of Washington, than whom no one was

better qualified to judge of their courage, ability, and fidelity.

Far be it from me to detract from the reputation of those who were distinguished in those wars. I am disposed to honor the brave, whenever their bravery is on the side of the law: and on this occasion I will presume that those wars were of savage origin, and that the blood that was shed by my countrymen was authorized by the laws, and was in defence of their soil, or in the chastisement of a savage foe, who had slaughtered or taken captive their families.

With the best feelings towards my fellow-citizens, actors in those wars, I consider myself, as a representative of others, constrained by duty and responsibility to oppose the resolution of the gentleman from Kentucky, [Mr. Chilton.] It is not by legislation that the individual feeling and sympathy of the representative is to be indulged and gratified, unless those feelings are on the side of right and duty. As representatives, we are assembled to legislate for the people: as guardians of the national treasury, we hold it in trust for the necessary and reasonable expenses of the Government, under the constitution and laws. If claims in this House are to depend on the feelings that may be excited, and not on justice or right, what security is there against an extravagance and prodigality which, whilst it wastes the public treasure, will corrupt our citizens?

This hall is not the place for the exercise of generosity. However exalted the feeling may be, the representative is not entitled to its reputation who is exercising his generosity by legislating away the money of the nation. No, sir; we have, and must maintain, another standard to measure rights and duties here than generosity. Parties, having claims on this Government of limited powers, must be satisfied with justice. The claims of individuals on the Government for services ought to arise out of some contract, engagement, or stipulation. If the individual gets what the Government contracted to give him, or a reasonable compensation for services rendered for and at the instance of Government, for which no express stipulation had been made, he has no cause to complain. When he has become disabled in the service of Government, by the accidents and perils of war, he may then be a fair object of pension from his country. If those in the service of Government are provided for on these principles, we then have some rule on the subject; but if Congress disregards such rule, and gives way to the undefined action of generosity and bounty, it will not be long before there will be a host of pensioned favorites, which will be followed by an empty treasury. It will be classes that at first may present themselves; but then individuals, availing themselves of some popular feeling of the day, or other favorable circumstances, will present their claims, and address themselves to the feelings and sympathies of this House.

With such opinions, I cannot approve of sending to a committee a claim so undefined and uncertain as that embraced by this resolution. It is proposed to extend the pension system, by this resolution, to those engaged in the Indian wars from 1783 to 1795. Who are those persons? They have not asked either justice or bounty from the Government. Were they under the orders of Government? and, if so, has the Government withheld what it stipulated to give? Are their names on the archives of the General or State Governments? Is their period of service evidenced by any roll or document? or is it dependant on memory or tradition?

Where is the authority or principle on which it is proposed to bestow the public money on such claimants? —no, I cannot call them claimants, for they have preferred no claims. Are they creditors of the Government? No. There is no evidence or allegation of indebtedness by the Government to them. It is to be a spontaneous offer of the Government to bestow its moneys as rewards, on unknown numbers of its citizens, for services, the measure or extent of which is equally unknown to the members of this House. Do gentlemen who advocate the original resolution state any authority or principle for this legislation that is received and maintained as the rule and policy of the Government? I do not ask or expect to be referred to any specific power or provision in the constitution in reference to this object. But to what class of powers does it belong? My friend and colleague [Mr. Denny] alleges that it may belong to the power to declare war and raise armies, and that, in the exercise of this power, Congress may, to obtain officers and soldiers, incite them by a promise of pensions. Certainly, Mr. Speaker, it is competent to Congress to propose such terms and offers to those who enter their army or service; but, when that is done, it is stipulation; and, when accepted, a contract, which determines the right of the citizen, and the obligation of his Government.

The officer or soldier who has received from the Government all that it stipulated to give and allow him for his service, has no just claim on that Government, or any cause to complain.

I am well aware that some of those Indian wars were recognised by the Government, and prosecuted under its orders. If so, the officer and soldier received the remuneration that was provided by law, and with that remuneration they must be content. To what purpose is it that Government should provide terms of enlistment and service, if the parties so engaging can call on the Government, after the expiration of the service, for a new measure of remuneration, in the form of bounties and pensions?

But again, sir, I ask, what are the precedents of the exercise of a like power by Congress? Though precedent in legislation, under a constitutional Government, is a species of authority not of a very high character; yet, is there any precedent of legislation by Congress carried so far as the pretensions of this resolution?

There have been some instances of legislation in this House, under the influence of feeling. The donation made by Congress, in charity to the inhabitants of the city of Caraccas, of $50,000, was an instance of legislation under such influence, not to be forgotten. This, however, has been too much reprobated to be referred to as a precedent to guide and direct Congress; but may be used as a beacon to warn us of the danger of legislation under the influence of excited feelings.

But we are referred to the precedents that are in the acts of Congress, providing pensions for the officers and soldiers of the revolutionary army.

The situation of this class of our fellow-citizens was peculiar; their services were under circumstances that had not occurred before or since, and which cannot well arise again. The officers and soldiers of our revolutionary war fought for principle. They performed the most arduous duties, and endured the severest sufferings, for the right of self-government; not for themselves alone, but that every American citizen should have the right to choose the representative who legislated over his personal liberty or rights of property. The revolutionary officer and soldier encountered the greatest privations in the service of a Government but half-organized, and bankrupt both in resources and credit. This army was exposed to the most inclement weather of winter campaigns, but half-clothed and badly fed, often without shoes to their feet, and without the means of procuring, either from the Government or by their own credit, the necessary articles of clothing and subsistence. They were paid by the Government in a depreciated paper currency, of no more value than the rags that covered them. The immense debt of the Government, and the want of resources that it could command, disabled it, after the

peace, from paying its officers and soldiers what they had been promised, and what they were entitled to as matter of right. Whatever terms the Government proposed, the officer and soldier had no alternative but to accept, as they had no means or remedy to recover their rights.

Congress was afterwards, from year to year, solicited, by memorials, to do justice to those brave men who had fought our battles, and established, in fact, an independence, which Congress had before only declared on paper.

The claims of these men for remuneration were advocated as matter of right, arising under stipulations that had not been fulfilled by the Government; and that they were so regarded is manifest, from the opinions expressed by all who advocated their claims. The committee who reported in their favor treated them as claims of rights withheld: members distinguished for their legal attainments and reputation expressed the opinion that, if the jurisdiction of the courts admitted of these claims being brought into such courts, they could be sustained on principles of right and equity. It is alleged that the measure that was meted out to the officers and soldiers, by the law of Congress, was not regulated by a due regard to the contract and rights of the individuals. To this I reply, that such a failure in the provisions and details of the law does not subvert its principle, and only shows that, when legislation is on the confines of bounties, it is apt to slide into irregularity. Whatever was allowed beyond the just claim of the officers and soldiers was improper, and, as such, the precedent is not to be regarded.

Those who were engaged in the Indian wars from 1783 to 1795 were in the service of a Government established; administered by representatives chosen by the people; able and willing to satisfy all who had any just claims then arising, not with a depreciated paper currency, but with one equal to silver and gold. These men, whose valor I admire, were fighting, not for the right of self-government, against an enemy who aspired to govern, but in defence of property and possessions, the value of which was enhanced for themselves and their posterity. It is, however, alleged that the Indian wars were a continuance of the revolutionary war. After the peace of 1783, the Indians fought for revenge, and to indulge their love of blood and slaughter. The American citizens of those days were under no apprehensions that they were in any danger of being brought under subjection to Indian power; what was sought, and obtained, for those exposed on the frontier, was security against Indian massacre and plunder.

The situation of those engaged in the wars of that period is distinguished, in the most material circumstances, from that of the officers and soldiers of the revolutionary army; and no precedent is to be found in the provision for them that would extend to those intended to be provided for by this resolution.

It has been attempted in Congress once before, if not oftener, to ingraft this provision on our pension system; and it has been rejected.

If the system is to be extended beyond the claims of justice and right, and that of invalids for military services, what are to be its limits? We may expect, next, an appeal to us on behalf of the officers and soldiers of the late war. We had, in it, displays of valor and hard service, not only on the land, but by our gallant tars on the ocean, not surpassed by any men in any war. But, sir, I would leave them to the fixed remuneration of the existing laws, and to that glory which is above the measure of your laws or treasury. There are also the heirs of the revolutionary officer, for whom no provision was made. I never could reconcile the justice which provided for services, as matter of right, and extended it not to the descendants of those meritorious officers who were numbered with the dead before the tardy justice of their country was brought into action. The right was a vested one, and, as such, transmitted to their heirs: the grave did not cancel the obligation of the Government, or satisfy the claim.

The early settlers have been every where in these United States exposed, at some period of our history, to like frontier wars with the Indians, from the first settlements of the country, at Jamestown and Plymouth, to the present time. After the defeat of Braddock, in 1755, the whole frontier of Virginia, Pennsylvania, Maryland, and New York was exposed to the ravages of Indian war, elated with victory and stimulated by French influence, arms, and presents. The settlers could only maintain their residence by the erection of stockade forts, at their own expense, and which formed a shelter for a time against the incursions of these savage enemies. They also pursued the enemy into their fastnesses and hiding-places, and avenged the deaths of their slaughtered friends. We had in Pennsylvania, in those days, many a gallant leader, who, in personal bravery, disregard of privation, and boldness of enterprise, would bear a comparison with any that have been eulogized in this debate. These men have all been permitted to pass to their graves without remuneration from the Government; and in many other parts of the nation, other settlers, who have had like trials, have had no better treatment than in participating with their fellow-citizens in the security of their homes and the improvement of the country.

If this system is to be extended from time to time, where is it to end? The only limits suggested are military service, which is broad enough to exhaust, for years, the ordinary resources of the Government. I am opposed to the extension of the system; but would remark, that I cannot discover any good reason why military services should be so much the subject of remuneration and bounty, beyond providing for disability. Are we to inculcate in our republican Government that it is in the ranks of the army that not only the road to fame and glory is to be found, but that it is there also that the citizen is to look for the highway to the chief offices, as well as to the treasury of the nation? I can well suppose that the man whose constitution has been impaired, and his corporal and mental energy wasted, in the arduous duties of official confinement to desks, books, and papers, has as great a claim on his country for relief as the soldier or officer of six months' service in an army. Is not the able, faithful, vigilant, and accommodating officer now at the head of the Pension Office, as Commissioner of Pensions, earning his pay by service as arduous, and deprivations as great, as one-third of those whom he has placed on your pension list? The discrimination is unsound; and the only safe rule is, to allow it by way of remuneration for a right withheld, or for infirmity and disability contracted in military service.

The amount and increase of the pension expenditure shows how little reliance is to be placed on estimates in matters of legislation, where the number of individuals to be provided for, or the extent of service, is to be conjectured. When provision by pensions has been under consideration in this House, they have been advocated as only providing for a few surviving patriots, whose numbers were very limited, and that the expenditure was but a small matter to the national treasury. When the law of 1832 was before Congress, the committee who reported the bill in this House, after a close investigation and research as to the number of the revolutionary army at every period of the revolutionary war, and making the ordinary allowance for mortality and decrement, estimated those unprovided for under the existing laws, and who might be the subjects of the new law, at about 7,000, requiring an expenditure of less than a million of dollars per year, for a few years. Well, sir, how has the reality corresponded with the predictions and estimates? It appears from the

report of the Commissioner of Pensions that the number of applicants under the act of 1832 is 30,625; and, of these, he has placed on the pension list under that law 23,438. These are in addition to 11,034 revolutionary pensioners provided for under previous acts, making a total of revolutionary pensioners already provided for of 34,472, exclusive of those on the invalid list.

The amount paid to pensioners under the act of 1832, within the last year, is stated to be $3,537,170. The amount paid to revolutionary pensioners, under various acts of Congress, till November, 1833, exclusive of invalid pensions, is $21,629,828; paid to invalid and other pensioners, $4,603,615, making a total of $26,233,443. Are not the amount of expenditures for pensions, and the number of pensioners, calculated to make this House pause before they extend the system? The only suggestion as to the number to be provided for under this resolution comes from the gentleman from Indiana, (Mr. Lane,) that the number may amount to from ten to fifteen thousand. If the reality should not exceed this estimate, it would occasion an expenditure of one or more million of dollars per year—for how many years we cannot tell. Will the treasury of the nation admit of such demands? The report of the Secretary of the Treasury to Congress shows that the treasury cannot sustain any extraordinary expenditure for the current year. The President, in his last annual message, expresses his opinion to Congress, "that the receipts of the next year, with the aid of the unappropriated amount in the treasury, will not be more than sufficient to meet the expenses of the year, and pay the small remnant of national debt."

I would remind the members of the House that the present administration came into power with the most solemn pledges and promises of reform and retrenchment in the administration of the Government; and would ask, what has been done to redeem those pledges? The national expenditures of the Government, exclusive of payments to the national debt, have been as follows:

In 1827, - - - - - -	$12,653,095
1828, - - - - - -	13,296,041
1829, - - - - - -	12,669,490
1830, - - - - - -	13,229,533
1831, - - - - - -	14,777,991
1832, - - - - - -	16,516,388
1833, - - - - - -	22,086,063

Under the present administration, professing economy, and charging its predecessors with extravagance, the national expenditures have been increased from an amount of twelve or thirteen millions, to a sum exceeding twenty-two millions of dollars. If this is reform, according to the Government vocabulary at Washington, I know of no perversion of language that will make it pass for retrenchment.

I would say to the friends of this administration, that, as all the promised retrenchment is yet to be accomplished, it is time to begin the work; and it will be no small job to lay on the coming three years the retrenchments that belong to them, without touching those belonging to the preceding five years, that have been allowed to pass with accumulated expenditures. This resolution, and the expenditures to which it may lead, I trust, is not to be adopted as a step towards it.

What will be the state of the national treasury at the end of the current year? The Secretary of the Treasury estimates the national expenditure at $18,506,912, exclusive of $4,995,032 towards the payment of national debt. In the report of the Secretary of the Treasury of the preceding year, the national expenditure was estimated at $17,638,577, whereas the actual expenditure is above twenty-two millions.

The present Secretary of the Treasury, in his estimate of receipts for the current year, states those from customs at fifteen millions of dollars; and from public lands at three millions of dollars; bank dividends, &c., five hundred thousand dollars. In making the estimate, the Secretary further states that "he assumed that the imports of 1834 will nearly equal those of 1832;" and "that the general state of our commerce, and the situation of the country, justify the belief that there will be no serious diminution in the coming year."

In this opinion, and in the estimate, the Secretary will, I apprehend, find himself most egregiously mistaken; for, as the ordinary channels of trade are now interrupted and obstructed by the want of confidence, the condition of the currency, and the money market, many merchants will be without their usual facilities and means to make their purchases and importations. If they have the means, or the credit that will command them, they will prefer using them at home, where value is increasing, than sending them to Europe, to purchase and import merchandise, for which there will be no certainty of buyers. Unless the public distress is soon relieved by Congress, in restoring soundness to the currency, security and confidence to the financial operations of the Government, and the public deposites to where they were, trade must diminish most seriously; and, with it, the revenue from customs, as well as from public lands. Unless the present state of things is immediately changed, by a return to what we had some months since, we must have, before another year, a poor account of the treasury. The deposites of the Government will be then so small an affair, as to be no object of desire to any bank.

If the treasury is to be made bankrupt, I will not contribute to it, by any expenditure under this resolution.

As to the amendment submitted by the gentleman from Virginia, [Mr. Bouldin,] I would remark, that I consider the tendency of the existing pension law is to demoralize many of our citizens; and that the frauds and impositions which are or may be practised ought to have the consideration of a committee. That in so extensive a pension system there should be imposition, frauds, and even false swearing, practised, was to be apprehended, and even expected. We have in these United States every variety of character, exhibiting the same passions and infirmities as characterize men under other Governments; and, whatever high pretensions we may make to patriotism and moral character, we have as much of the cupidity of gain and love of money in us as is to be found any where else. Laws, then, providing emoluments for all who will bring themselves within certain provisions, to be made out by *ex parte* parol testimony, as to transactions beyond the ordinary memory of man, are strikingly addressed to the corrupt passions of the human heart. It will, with many, lead to fraud; and that fraud will be supported by false oaths. The experience and policy of the times, as formed, established, and exhibited in our halls of legislation and courts of justice, are against the admission of parol testimony, as to very ancient transactions. Such is the infirmity of human nature, the uncertainty of such testimony, and the danger of fraud and falsehood, that it is obviated and dispensed with as far as possible. Time, possession, and other circumstances, are made to supply its place. But, under our pension system, we invite persons to make out their claims by their own oaths, and those of others selected by themselves, and who are at liberty to choose their time, place, and officers, when, where, and before whom it is done, without any notice to any officer of the Government.

It was to be expected that such facilities for imposition and fraud on the Government would be taken advantage of by many. It is, no doubt, with some, made a common cause, who support each other's claim. It is probable, also, that many an honest man, with a feeble and impaired memory, without being conscious of it, may confound hearsay, tradition, and the workings of his own imagination, with his supposed recollection of facts.

If such a system be not demoralizing to a considerable extent, then I must acknowledge myself mistaken in human nature, as well as in the standard of morals.

These reflections are only cast on the unprincipled, who have imposed, or attempted to impose, on the Government. The number already on the pension fund, together with the number of applicants, is so excessive, and beyond all reasonable calculation, as to excite a strong suspicion of fraud and imposition. The Commissioner of Pensions has rejected, as inadmissible, upwards of eleven hundred, who have applied under the act of 1832. A committee of this House, in 1832, from a statement of the numerical force of the revolutionary regular army, during each year of the war, from 1775 to 1783, and making a reasonable allowance for decrement from deaths and other causes, estimated the remaining officers and soldiers of the revolutionary regular army at 12,632; and the number of militia, applying the same rate of decrement, at 6,472; making a total of 19,104, of whom there were then on the revolutionary pension list, under previous laws, 11,876, leaving about 7,000 to be embraced by the act of 1832. The same committee estimated the average age at 77.

What number would the last census of the United States furnish of that age? The number of white male citizens returned on the last census, from seventy to eighty years of age, is 57,772.

Of these, it is estimated that there would not be above the age of 77 more than - - -	20,000
In the same census are males above the age of 80, - - - - - - -	18,143
Above the age of 77, - - - -	38,143

From this number are to be deducted those who were engaged in service for a term less than six months, all non-combatants, tories, Hessians, and other British soldiers who remained in the country, and emigrants since the peace, above that age.

At the close of the revolutionary war, the numbers of the army were - - - - - -	13,470
The number of officers, exclusive of foreigners, then in the army, was - - - - -	2,480

In 1832, of these officers, there were but 282 receiving pensions; and, as it is presumed all had applied, it would appear that 7 out of 8 of the officers of the army at the close of the war had died before 1832.

There is much reason to suppose that the number of revolutionary officers and soldiers of six months' service is short of 30,000, and yet the number provided for, under acts of 1813-'20,-'23,-'28, is - - - - 11,034

And applicants under act of 1832, before November last, were - - - - - -	30,621
Exclusive of those on the invalid list, - -	41,655

That there is abuse of the system, and imposition, there can be little doubt. But it may well be asked, will we abolish the system because it is abused; and withhold from the deserving their fair remuneration, because others are imposing on the Government? For myself, I reply, no. I respect the honest revolutionary officer and soldier, and would not deprive him of justice from his country. Though I am unwilling to apply the knife to the whole system, yet I would be disposed to submit the subject to a committee, which, availing itself of the experience acquired in the department of pensions, might devise some additional remedy and provision to check and prevent frauds, and protect the Government against unprincipled applicants.

THE DEPOSITE QUESTION.

The House next proceeded to the consideration of the deposite question.

Mr. PEYTON resumed and concluded his speech commenced on Wednesday; the whole of which is given below.

Mr. P. rose and addressed the Chair as follows:

Mr. SPEAKER: It is strange, indeed, that the man who has given his life to the service of his country, who has toiled and perilled so much in defence of its institutions, should now be represented as dangerous to its liberties, and regardless of its laws. These sentiments have been urged and reiterated against the President from the commencement of this debate. I will endeavor, Mr. Speaker, in a plain, brief manner, to answer some of these charges, before I proceed to the consideration of the subject before the House.

I agree with the gentleman from South Carolina, [Mr. MCDUFFIE,] that it is dangerous to unite money and political power. But, sir, we must trust somebody; and I had rather intrust the management of the treasury to those whom the American people have selected as the guardians of their liberty, than leave it exposed to those who have become furious by the rebuke they have received at the hands of the people. Sir, we have exhibited before the nation and the world an extraordinary spectacle—a scramble for the control of the public money. An attempt is made to wrest it from the constituted authorities by gentlemen whom the people pronounced undeserving of their confidence. Yes, sir, they demand that the public treasure, which is the "soul of the body politic," shall be yielded up at the overbearing dictation of this strange alliance, formed by a union of party leaders from all points of the political compass. Well, sir, if power is to change hands, let us see if the country will be benefited by it. Who are they who demand the change? Are they not the same restless spirits who so lately brought their country to the brink, "where it was but one step down, and all was lost?" Let us pause and survey the scene! We hear of tyrants, and revolutions, and resistance. Who is producing this uproar, this clamor for the public treasure, and grasping at that power, I had almost said, in a revolutionary tone, which they were not able to reach in the spirit of our institutions—which the stern voice of a republican people denied them? What do we behold? Why, those who but yesterday glared upon each other with a tiger's look, and bristles up, are now folded in each other's patriotic arms, and lauding each other as public benefactors. They benefactors of the country! "It is an insult to the nation to say so." I borrow the phrase from the gentleman from South Carolina, [Mr. MCDUFFIE.] "The Federal Union—it must be preserved:" that was the sentiment uttered by a patriot, and responded to by freemen, which saved the country. Now, sir, I ask for the true cause of all we see and hear? There is no man so weak or credulous as to believe, for a moment, that it is to be found in this petty question of giving the bank the use of money, which its friends boast it can well do without; or in the pecuniary interest of a few rich men in Europe and America, who own and control the bank. No, sir; this is the pretext seized upon to scatter firebrands through society. A deep game of ambition is playing, not unlike those to which honorable gentlemen have referred us in the history of other nations. We can occasionally get a glimpse of the cloud boiling above the horizon, and hear the thunder in the distance. Gentlemen are throwing high die for power; and, with a boldness characteristic of the high order of their intellect, are willing to stake all, and stand the hazard of the cast. "To rule or ruin" is the bold design. Sir, it would be patriotic, and command our highest admiration, to see a statesman love his country better than himself; notwithstanding that country had withdrawn its confidence, and had driven him from a high station. A Cato could love his country even in banishment; and that country, he said, was not "Utica or Adymettum, but Rome." But, sir, I appeal to all America whether it was love or hate—deadly hate; whether it was patriotism or ambition, which formed this unnatural union? In what else do they

agree but war, unsparing war, upon the President? Is this patriotism? Do they hate each other less, or Andrew Jackson more? Say, sir, that to-morrow's sun rose upon this administration swept from the earth—that every member of it should meet a Brutus while he sleeps-that all power should devolve upon these leaders, who assume to be the guardians of constitutional liberty: what then? There is not room in the chair of state for more than one man. "England could not brook the double sway of Hal and Hotspur." Would this new love some gentlemen profess for courts and federal jury trials continue? Would the father of the American system adhere to his recent declaration in favor of a strict construction of the constitution? Would you expect from such materials an harmonious, patriotic action in the Government? No, sir, you will as soon see the Stony mountains raising their snow-capped heads amidst the pines of Carolina, as you will see the father of the American system, apd the fiery prince of nullification, moving quietly along, upon principle, in the great questions which have disturbed the peace of the American family. Remove the cause of this union, and the union itself is broken up in an instant. No more tears will be shed for the bank, which, by the bye, have fallen as fast on the other side of the question in days which have passed; for some gentlemen seem to have a fountain at command. But let success crown the coming struggle, and the measures and principles of this administration be battered down; would not the unnatural folds in which this knot of politicians is linked together be unrolled? Would not those hyena glances, which are now drawn to a focus and bent on the white house, flash and dart at one another? I question, sir, if jealousy and rivalry would not take the place of patriotism; and if ambition should predominate, then would come a struggle which would test the energies of our frame of government—the firmness, the moderation, the virtue, and the patriotism of the people. If I could be permitted to state the case, sir, we would see on each side men of transcendent talents, of disappointed hopes, chafed ambition, backed by orators in boldness, chivalry, and "the power of speech to stir men's blood," such as the revolution of France produced—each controlling presses which have it in their power to spread delusion over the face of the land, "thick as autumnal leaves in Vallambrosa," carried on the four winds. More, sir. On the one side, would be arrayed this bank, with all its treasures, with all the attendant sources of corruption which would be opened; upon the other side, there would be arrayed an army of twenty-five thousand State troops, to assert the claim of their favorite, under the banner of State rights.

Mr. Speaker, gentlemen have ransacked historians and poets for tyrants' names, and cases of oppression, in which they vainly seek to find some resemblance to the President and his measures. But I am struck with this remarkable feature in all the examples which the mirror of history holds up to view. It is, that liberty has been lost by ambition grasping at that power which it could not constitutionally attain. The first step has always been to impede the operations of regular government, excite distrust against the constituted authorities, denounce those in power as usurpers and tyrants, lay all the "ills that flesh is heir to" on them, mourn over the lost liberties of the people, shed over their distresses crocodile tears, produce insubordination to the laws, and make a push, in the misrule and anarchy thus brought about, for supreme power. Æneas is described as having ascended the throne of Carthage wrapped in a cloud. Gentlemen have carried us back to the days when Rome was free, and told us how she lost her liberty. Roman liberty was buried in a battle field--in a battle field upon which two men were the champions, who had been friends. The fatal field of Pharsalia was the tomb of Roman freedom. There, sir, it received its deathblow; that was the catastrophe of a coalition formed by Cæsar, Pompey, and Crassus. This, sir, is a memorable event in history; (I am under obligations to the gentleman who introduced it as a fit parallel of the times;) it carries with it a sublime and useful moral, and, as such, may be well applied to the present crisis. How did the first and mightiest Cæsar make himself absolute, and subvert forever the liberties of his country? Why, if my slight reading has not greatly misled me, it was by uniting with his own lofty genius and restless spirit the gold of Crassus and the popular influence of Pompey. With these he broke down Cato's influence in the Senate, and amongst the people. If we have Cæsars and Pompeys now, we have a Cato too. The gentleman from South Carolina says that he (General J.) has thrown himself in the breach. Yes, sir, he has; and there he stands, "a pillar of state," which neither recedes from the waves, nor is shaken in the tempest; and as long as he stands, certain hopes lie crushed. As long as the nation has confidence in his unsullied integrity and pure patriotism, the dream of power with some gentlemen is postponed; but with the feelings of those who are endeavoring to overcome some "dire calamity, they gain reinforcement from hope, or take resolution from despair." The desperate attempt is making to prostrate a patriot, who finds in the confidence of his countrymen an impenetrable shield. Why is this pyramid of the nation's strength to be demolished? Because it stands in the breach. Where else would you expect to find him? Has he not always been found there, in the hour of peril? The onset is sounded, and all the elements and instruments of party warfare rush to the assault. A simultaneous movement is made in both ends of this capitol, and all the pensioned presses of the country pour forth their calumny. We are yet to see the result.

The main object of the gifted gentleman from South Carolina [Mr. McDUFFIE] was not to inquire into facts, nor to settle great principles; but the scope of that gentleman's impassioned appeal was to hold up the Chief Magistrate as a tyrant, whom it would be patriotism to resist; to exhibit the officers of Government, from the highest to the lowest, as an army of mercenaries in the President's hands, to be used for any the vilest purposes; and a majority, or a supposed majority, of this House, was taunted by him as a drilled majority, ready to follow a reckless usurper, who had violated the law and constitution, and was trampling in the dust the rights of widows and orphans. I do not pretend to give words or sentences; but this was the tone and substance of these broad denunciations, which swept from department to department of this Government. The times are strangely out of joint, indeed, when we are taunted with exercising majority power, and the President is scoffed at by that gentleman for not tolerating freedom of opinion. Now, "drill" is the first word a military man learns. Drilled majority! and this we are to be taunted with by that gentleman! Why, it seems that some gentlemen have an instinctive abhorrence of trusting majority power to any one but themselves. When I see before my face the fruits of its exercise elsewhere, I am astonished that he should be the man to make "mountains of a mole hill." Where does majority power let fall the heaviest hand? Why, sir, in a section where alone, we are told, pure and unrestrained freedom of opinion is to be found. There, sir, an oppressed minority, a handful of men, whose integrity of soul cannot be subdued by this power, are disfranchised—stripped of their military titles and their civic wreaths, which are gathered up and placed on other brows--for what? for "opinion's sake;" yes, sir, men whose fathers toiled through the bloody fields and arduous councils of the Revolution, and who perpetuate in their bosoms the same lofty love of liberty and scorn of despotism, are deprived of office and all honorable distinction; taxed to support an army over their own heads; denied the right of voting for an officer who can have them shot for refusing to fight against their conscience and their country; and,

worse than all, they are harassed by test oaths. Why all this? Because they would not agree "mid de kort;" because they could not agree "mid de kort." How could they take the test oath, without "staining their names in time, and their souls in eternity?" And yet, that gentleman charges the President with stretching or trimming others on the bed of Procrustes. It was said in a speech I heard the other day, (Mr. Calhoun's, in the Senate,) that there is "nothing more dignified than reproof from the lips of innocence, or punishment from the hands of justice. But change the picture--let the guilty reprove, and the criminal punish; and what more odious, more hateful, can be presented to the imagination?" Now it does seem to me that some gentlemen do not stand in a situation to indulge in such reproofs and punishments; they are under too great and recent obligations to majority influence to do so. And, sir, how has it been with the bank? At one sweep, on one discount day of its wrath, it reduced the families of fifty watchmen in Philadelphia to live on charity; and yet, the gentleman from South Carolina tells us that "no man can breathe the air that surrounds the palace of the President, who does not think precisely as the President thinks; and that every man who did not vote for the President has been put out of office, and the most notorious open-mouthed partisans put in their places: and that is a truth known to the whole world." Now, sir, so far from this being a truth known to the whole world, the contrary is the fact, known to every body in this part of the world, and especially in this House, except that gentleman. I am bound to believe he thinks what he says; but it is as notorious as that the capitol stands on this hill, that a majority of those in this city, who live upon the public treasury, are now, and have ever been, the political opponents of the President.

But I should like to know one thing: under this mild sway of majority power, as exercised in Philadelphia and elsewhere, into whose hands is the country to fall if gentlemen succeed--and especially we anti-bank, anti-tariff, anti-internal improvement, anti-nullification people? The republic, I trust, is not to be divided or parcelled out among the parties. That is surely an idea too horrible to be thought of. Into whose hands, then, are we to fall, where we can enjoy perfect freedom of opinion? Who will have the magnanimity to say "yours be the advantage all, mine the revenge?"

Mr. Speaker, the gentleman's mode of treating this plain proposition, submitted by this resolution, strikes me as a little unusual. He informed us that to a correct understanding of the question, as he presented it, no facts were necessary to be collected, no books or witnesses to be examined; but a great principle was to be settled. Well, sir, to settle this principle, the gentleman crowds his imagination with horrible images, and refers to Hume and Shakspeare as his authorities. His heated fancy appears to see nothing but tyrants rise and fall, kings, and blocks, and decapitations. Thus prepared, he sets about to find a fit parallel to Andrew Jackson--not to find a case like the deposites; and what selection, in the wide range of the gentleman's reading, does he make? Richard is the parallel; yes, sir, Richard III.; and he alluded to the most bloody of all that tyrant's acts--the murder of his brother's children, whilst the sweet innocent babes lay asleep folded in each other's arms. This, sir, is given by the gentleman as an illustration of the conduct of Andrew Jackson; this is the manner in which a great statesman argues a great constitutional question. Am I not at liberty to ask if such an imagination must not be horribly distempered? I will leave civilized man, and appeal to the barbarians of the woods for Andrew Jackson's defence against such charges. They have witnessed the tear of sympathy, the paternal regard of that kind and benevolent man, whom this picture of cruelty was intended to represent; they will bear witness that his humanity is only equalled by his courage; they will say that he fed, and clothed, and educated, with the tenderness of a father, their children, when the fate of war cast them upon his humanity. The gentleman says, that for such a deed as the President has done the subjects of a king would have chopped off his head; that it is a dark and alarming usurpation. Well, sir, let us examine the fact, and see whether at the time this act of removing the deposites from one place to another was done, and which had been done without complaint before, by other officers of the Government, any just parallel could be seen between Andrew Jackson, and Richard, or Cæsar. Richard made his deep and startling resolve, because he beheld a greater than himself--because "he had no delight to pass away the time," "no one to back his suit, but the plain devil and dissembling looks;" he intended to be first, or not to be at all. Now, it does appear to me, that if there were any about that time, or before, or since, who had no delight to pass away the time, who were tortured by blasted prospects, and wounded pride, it was not Andrew Jackson. This act could not confer on him more fame or power. The whole subject is in the hands of Congress. He had no further ambition to gratify. What more had he to ask from his friends, his country, or the world? Nothing, sir—nothing. He is old: he is the only scion of his stock. The Revolution swept away all but him. "His life is in the yellow leaf"—he is worn by toil and time—he soon must go!--must take his place in the vault beside her who was the companion of his joys and his sorrows. Nature made him great, not vain; but if he had been ambitious of distinction, as far as this world's honors can reward a patriot, he had been rewarded. They talk to us of Cæsar, and of Rome. When Cæsar won his battles, he crossed the Rubicon, and marched at the head of his Gallic legions to a throne. When Andrew Jackson had won for himself imperishable renown, and completed the work of glory for his country, he disbanded his soldiers and retired to his farm. Cæsar said "Talk not of law to men who wear swords;" he intimidated Metellus, and took the treasure. Andrew Jackson took his stand at the bar for trial, sentence, and punishment, in the midst of his victorious soldiers, and in sight of that battle field which will give immortality to the bards of future times who shall sing of the achievement. No talk of swords: he filed his plea, and urged that what had been done was lawful and necessary to save the city; his defence was disallowed, and he submitted without a murmur. Was that like Cæsar? The sentence next--but a wave of discontent rolled over the multitude. The soldiers were indignant to see their general, and the citizens their benefactor, punished, for what they considered a violation of no law, human or divine. The judge faltered; and this tyrant, who sets himself above the laws, raised his tall form above the rest, and waved his hand to the soldiery and populace, and with a calm voice and a dignified mien said to the judge, "Proceed! the same arm which defended the city will defend you in the discharge of your duty." Was this like Cæsar? Torrents of calumny may sweep deep and fierce as the current of that river on whose banks these sentiments were uttered; but they cannot wash away these facts, nor make a Cæsar of that man. No, sir, he has never set himself above the laws of his country; and more, he has taught other gentlemen that no such thing can be done while he lives and holds the reins of government.

I have said, at the time the deposites were removed Andrew Jackson had no temptation to usurp power, no motive to ambition. Had he? He was taken from his farm by the call of his fellow-citizens; placed by the spontaneous suffrages of a free people in the most exalted station on the earth; and, unlike Cæsar when he marched to Rome, he spread no dismay, dispersed no Senate; but the plain old man was hailed every where as a friend to his

country. When he had served his first term as Chief Magistrate, he offered to surrender up the "gorgeous palace" for his Hermitage: but the nation's voice again was heard; his country said, if he could do without her, she could not do without him. Yes, sir, he had trod the paths of glory which Washington had trod before him. The historian had but to complete his office, and his name was immortal; the sculptor to perform his task, and he stood beside the father of his country, with that finger which penned the Declaration of Independence pointing him out as the noblest Roman of his day. And, sir, this is the man, under these circumstances, against whom all these shafts are hurled! Yes, sir, even the kitchen knife of Kentucky, which has been cast aside for years, is hunted up and thrown into this House, full of rust and gaps, to be sawed across the bosom of a patriot. I do not complain that he is found on the side of this moneyed corporation; it was to be expected. Every man in this country has a right to worship according to the dictates of his own bosom. These attacks on Andrew Jackson will not outlive the present age. They will perish with those who make them; and those, sir, who fill your place and mine—future generations—when they walk beneath these arches, and amongst these columns, will gaze on his manly features speaking in the marble, when his revilers will have mingled with the commonest earth.

The next king introduced by the gentleman from South Carolina, (for he gives us a book of kings, and never came down from a throne, unless it was to bring a king to the block,) was Henry IV. He read an extract of the title by which Henry IV. claimed the crown of England, and observed that Henry came into power by a doubtful title, so far as legitimacy was concerned; and left us to find out, if we could, a striking analogy between Andrew Jackson's and King Henry's claim to power. Well, sir, I must acknowledge that I cannot for my life see the similitude. Henry came in, the gentleman says, by a doubtful title. How did Andrew Jackson reach the station he holds? Who stood in the "very midst of the brunt," and battled with principalities and powers in his cause? Why, sir, from what that gentleman has told us, we are not at liberty to doubt the legitimacy of the President's title. He has told us through whom it is deraigned. It is to be regretted that he should have turned his battery on his old friend! And it is astonishing to see with what facility, too, he has changed the object of attack. It cost no trouble: for those who heard the splendid effort to which the honorable gentleman alluded think that the eloquent speech now delivered by that gentleman is only a second edition of his philipic against the last administration, corrected and revised! Now this is very convenient, to keep a speech ready made, and laid up for the white house, requiring nothing more than the changing of names and dates to make it applicable to all incumbents. This, sir, is reducing to practice a favorite theory of some gents; it rests upon an abstract principle, which claims the right to tear down what you have built up—to destroy at pleasure what you have created. Well, if this is sound in theory, some facts must be settled before the gentleman should be permitted to demolish the present administration. I myself know at least seventy-five men who claim the honor of making Andrew Jackson President of the United States—very clever men, who will die in that belief. I do think the question should be first settled between those seventy-five pretenders, and then it will be time enough for him to come down at the bidding of any one of them, to make room for his friend. I expect that those who did most, say least—I mean the people. I think Andrew Jackson's title to his station is legitimate, and therefore unlike Henry's. But as the honorable gentleman has referred us to the days of Henry, let us see if there cannot be found some striking passage which may find a parallel in our own times. There was, in Henry's time, a valiant man—ay! a more gallant spirit never lived, or died!—his name was Harry Percy. His principles of action, when his claims were denied, were not unlike those of some distinguished men of our day. In Henry's struggles for fame, his fiery spirit had performed wondrous feats! But, in time, he became equally courageous on the other side! How was this brought about? Why, when the struggle was past, he demanded, in a haughty tone, that Henry's power should be wielded for the use of his friend!—claimed it as a right! This the King refused, and gave him to understand that his kinsman, Mortimer, was not his friend, nor was he true to his Government! Then, sir, Hotspur showed his blood—was furious—raved, and said he was stung all over by pismires when he thought of that "heir apparent"—recounted his services, and asked, when he stood in the thickest of the fight on Severn's bank, dealt death around, and captured prisoners—where, then, was this heir apparent—this sword and buckler Prince of Wales? Now, the heir apparent, though not a better soldier, was a cooler man than Hotspur! And this collected courage gave him the day when they met at Shrewsbury. It was there, I believe, that his ill-weaved ambition shrunk to a little measure.

But, sir, the heir apparent—the successor—ay! there is the rub! The gentleman from South Carolina seems to kindle at the very thought. And then it gives a cast to his humor. The current of his wit runs along the Hudson. All his anecdotes are culled from the region, and hover around a place called Kinderhook. The gentleman seems to be haunted in his dreams by the image of a mighty Dutchman of Kinderhook. Now, sir, it is wholly useless for us to disturb our slumbers with this phantom of a flying Dutchman. These Kinderhook Dutchmen will not, if we do; for they are quiet men, and most obstinate good sleepers. And, after all, these ungovernable republicans, the American people, will do just as they please with their own offices, and would be as apt to make a President of William the Doubter, as of William the Testy! I have faith in the people, and I shall be content if they select a man who will carry out the principles which brought this administration into power. On State rights, I want a Jefferson as I understand him, a Madison as he understands himself, and a Jackson as the whole world understands him; and no one better than these gentlemen and this bank. But, sir, he is the last President of the revolutionary stock; it may be, we shall never look upon his like again. Well, then, give me the least of evils—no consolidation—no disunion—a cheap Government—equality as its base—and, above all, that it be confined rigidly within its constitutional orbit.

But, sir, to return to the gentleman's Kinderhook anecdotes—I like them as well as the gentleman himself. He is certainly entitled to credit for one thing—he made a nullifier of his Dutchman. It is the first conversion of the kind. I venture to say he is the only one ever heard of on the face of the earth. And, sir, I am a little inclined to think that Dutchman was imported for the occasion, from a hotter climate than Kinderhook! But, sir, let him come from where he might, that Dutchman was a nullifier. Was it fair or lawful for him to claim the prize, and to threaten to demolish the whole concern, when all the others who held tickets had as much at stake and as good a right as he? Sir, make the tickets twenty-four, and you need not go to Kinderhook to witness this lottery scene.

Now, sir, the Dutch are a blunt, honest race of men, and go for the substance, not the name of things. What would this honest Dutchman have thought, if his friend had deceived him? What, sir, would an honest Dutchman have said? What would he have done with his "hickory" club? What is the actual result of the great lottery drawn in the capitol last winter? Why, the great ally from the West says, in the teeth of southern leaders, that this cherished system, the tariff, was snatched from impending

peril; that it would have been destroyed, cut up root and branch, by the overwhelming popularity of the President, but that the principle has been "preserved." How? By whom? By the aid of these same southern leaders. Yes, sir, by those who pretended that a great principle lay at the bottom; that it was a life and death struggle for liberty—constitutional liberty! What! do they now tamely submit to be told that, in principle, they have gained nothing, but something in dollars and cents? And was it for this they were willing to resolve society into its first elements, and peril all that a patriot holds dear? If not, what have they gained, according to the construction given by the "great ally" to the compromise bill? He denies that a tariff for protection alone is ever to be abandoned. Well, what then, in principle, has been gained? Nothing! What would have been gained, if we are to believe the leader of the American system? Every thing.

But, sir, the personal dislike of gentlemen prevailed over patriotism. They refused the greatest boon for their country at the hands of Andrew Jackson, who has always entertained the kindest feelings and pursued the most liberal policy towards the South, and for none more than his native Carolina, in whose prisons he languished in the Revolution, and in whose soil lie mouldering the bones of all his race. Yes, sir, and now we see the gallant State of South Carolina thrown into the arms of her oppressor; wedded to the father of the American system—a system which they denounced as "robbery, plunder," sanctified under the name of "protection." Yes, the same confiding people who have been hurried to the verge of civil war, in resistance to this system, are now to be rallied under a bank standard. It is boldly asserted in another part of this building, and intimated upon this floor, that the South is to forget all constitutional objections which she has so long entertained, and sweep in one current to the support of the bank. Yes, sir, this is now introduced as a principle upon which the South is to act. How can the South, the lofty, chivalrous South, brook this idea? How can gentlemen on this floor, who are opposed to the bank upon constitutional principles, and who have taken an oath before you and before Heaven to support the constitution, forget that oath? How is it to be blotted from their memories? Why, because, forsooth, we are told that the President of the United States has done wrong, and thus, it seems, has brought about an amendment of the constitution. This is the panacea they offer to quiet the conscience, and satisfy the oath which is pledged in its support. I look upon this act of the President, not only as legal and constitutional, but as one of the noblest deeds of his life. But, grant all the gentlemen claim—grant that he has done wrong—that he has violated the constitution: is that a reason why we should do so too? If the President, or any other man in the United States, should violate that sacred instrument, is that a sufficient reason why others should do so?

Every man of candor every where admits that we are now debating the question of a recharter; this position was admitted by the honorable gentleman from Pennsylvania, [Mr. BINNEY,] who, conscious of his own strength, met the question fully, in a spirit respectful to those who differ with him, and with an ability which fully sustained his reputation for talents and learning.

Yes, sir, it is on a question of the recharter of the Bank of the United States that it is said the South will sweep in one current, and fight under the bank banner; and this, too, they say, in support of the constitution. The South is proud, magnanimous, and jealous of encroachments upon the constitution. That section, upon this subject, has long since taken its stand. When I say the South, I mean the whole South—not a small fraction of it—not a single State. I was glad to hear a voice from Georgia [Mr. JONES] speaking on this subject in a tone of independence which became a representative of that State. His opposition to the bank is founded on constitutional grounds; and, though he may agree with gentlemen in other matters, yet he shows himself to be incapable of giving up his conscience to be used for party purposes, or to gratify personal feeling. I was amused to hear a distinguished orator in the other end of the capitol, [Mr. PRESTON,] at the time he was raising the bank banner to rally the South, throw out the idea that they would resist any such law as that incorporating the bank, whenever a proper case arose. Gentlemen are determined to have nullification entirely to themselves; I think they have a good right to it—it is the right of discovery.

And, sir, this reminds me of another position assumed in the same quarter, which represented the President as the tyrant Sylla, and the American people, who are sustaining him, as the Roman populace at his back. It was vauntingly said that there were two men in the Senate who could bridle the President and the people. This was the idea, and the revolution of France was called up to sustain it. The bank has given those two men an opportunity to show their power, for it has locked in the jaws of its iron vaults the money which a country's sympathy and gratitude had bestowed on the soldiers of the Revolution. Yes, sir, the pittance which was intended to sustain their declining years, and smooth the downhill of life, is withheld by this humane and patriotic institution! This corporation has assumed judicial powers, and has pronounced that the Executive Department of the Government has committed an error in deciding upon the manner in which a law of the land shall be executed. The President is required, by the constitution, under the most solemn responsibilities, to see the laws faithfully executed. The bank says to him, No, sir, you don't understand this law. Is there any man in the nation, whatever his politics may be, who is willing to see the Chief Magistrate of his country humbled at the foot of a moneyed corporation? Look at the consequence of it. If the bank can say to the President he is mistaken in his construction of one law, it can say he is mistaken in his construction of every law. If it can withhold the money from the revolutionary soldier upon such a pretext, could it not, with the same propriety, withhold it from our army and our navy? And where is the remedy? My remedy is, to strike the monster out of existence, and never raise up such another in this land. What is the gentleman's remedy? They talk of a *scire facias* and a law of Congress. Of what avail would be a *scire facias*, when a hostile army was desolating your country—a navy battering your Atlantic cities? Take the present case: the charity of the Government is withheld—the veteran soldier is suffered to wander houseless, homeless, and pennyless—yes, and die, unless fed by private charity. Why? Is the nation ungrateful and forgetful of those men who have toiled for its liberty? No, sir, ample means have been raised by a tax upon the people. The bank has the money, and also has those two mighty men who can bridle the President and the people. How can a law be passed through Congress, declaring that the President was right in his construction of the former law? There stand the two gentlemen with bridles in their hands to put upon the President and the people. And what if the neck of the revolutionary soldier is in the noose? No odds, so they reach the President.

Gentlemen alternately, as their purpose requires, confer unlimited power on the President, and then deprive him of all power whatever. The gentleman from South Carolina seemed to cast a censure upon Congress; said it had, at its last session, placed, unconditionally, in the hands of the President, the whole treasure of the country; yes, sir, "two thousand millions," if the President chose to take so much; and yet, when the gentleman wishes to make a usurper of the President, and aim an argument, which would take off the head of a king, why, then, he represents the President as seizing upon a part of the same

treasure without the semblance of law. That gentleman has latterly made another important discovery, to wit: that the President of the United States "has no fixed principles; that he does not arrive at conclusions by the exercise of reason, but that impulses and passions have ruled." Well, sir, if the President is to be schooled in philosophy, there are gentlemen who could not aspire to be his preceptors; but this important discovery had not been made, I suppose, when the gentleman was warring with powers and battering down principalities in praise of the President, as one fit to be Chief Magistrate of this nation. Oh, no; the gentleman tells us that this weakness has been shown by the light of a certain ex-Secretary, (Mr. Duane,) who himself does not appear to have seen it until he went home and consulted his daddy! Yes, sir, the gentleman acknowledged this to be the source of this wonderful discovery.

Sir, I would advise patriots every where to resemble Andrew Jackson in two things—"Let all the ends they aim at be their country's," and be sure never to fail in any great undertaking. Now Andrew Jackson might achieve, by a single impulse, what other gentlemen would have to use all their logic and philosophy to accomplish. When he was riding on his horse, the first intelligence he received of the near approach of danger was from a man who came straining in breathless haste, crying "the foe, the foe are marching in thousands upon the city." All eyes were turned upon him, and the exclamation burst from every lip, What shall we do, general? "Fight them to-night!" was the prompt and cool reply; for he is calm when others are excited and alarmed. Now, if this was not reason, it was at least a glorious impulse. It has ever been the case, in all emergencies. And if he has no reason, his life will present a most brilliant chapter of accidents.

Mr. Speaker, the gentleman from South Carolina has informed us that "no Government possessing the semblance of freedom has trusted the sword and purse of the nation in the same hands." What is his remedy? Why, sir, a new one—another invention which eclipses the wisdom of those sages who planted the pillars of our republic. What is the gentleman's remedy for this destructive union of purse and sword? It is, that every national bank shall be forced, by an amendment of the constitution, into the political arena, and "arrayed against executive power: it would be an admirable balance in the opposite scale." Those who are out and wish to get in, may think so; but the incumbent, if pretty equally matched, when the thirty-five millions of the bank were thrown into the scale with his competitor, would not feel that the balance was so admirable. It would be apt to throw him sky high; and then there would be the purse and the sword, the bank and the President, in one scale. Would not this effectually accomplish that dreaded union? But the gentleman has a remedy for this. What is it? Why, that the bank must turn against its friend. Yes, sir, as soon as the palace has been stormed, the President dragged down, and another put in his place, the forces are to be called off and arrayed against the new incumbent.

The gentleman from South Carolina says that "the man who controls a bank, controls all who are indebted to that bank." What, then, is the influence of this corporation, which controls not only its own immense debt, but the State banks, and the whole currency of the country? Then, sir, indeed, would the President of the United States be what that gentleman represents him to be now, so far as "his connexion with the bank is concerned"—a mere "agent of a certain portion of the stockholders, whose sacred duty it is to maintain the credit of the bank; to increase the circulation of its paper; to augment its general usefulness to the country, and, at the same time, to enlarge the profits of the stockholders." Yes, sir, this is the humiliating attitude in which the gentleman places the President of the United States—a mere agent, an underling of the bank, bound to increase the circulation of its paper and enlarge its profits. What if he should believe that the profits of the bank conflicted with the great interests of the nation—that its honor was assailed—ay, and even public liberty itself threatened to be destroyed: is he still bound to the bank as its agent? This is not my understanding of a President's power or his duty. The gentleman contends that the President had no power to do what he has done; that he has violated the law and trampled the constitution in the dust; and says that the present Secretary of the Treasury "came into office by a breach of the constitution and a breach of the public faith." Now, Mr. Speaker, I do not propose, at this stage of the debate, after all we have heard upon the frame of our Government and the distribution of its powers, to attempt a labored argument upon these points; I should abuse the indulgence of this House were I to do so. But, sir, the collecting, safe-keeping, and paying out the public moneys according to law, is neither a legislative nor a judicial function; it must, therefore, be executive. The constitution says that "the executive power shall be vested in a President of the United States of America, who shall take care that the laws be faithfully executed;" this means something, and I am sure it does not mean that he shall take care that the laws be faithfully executed, provided the bank will permit him. But in removing one Secretary and appointing another, which is all the President has done, he has not violated law, precedent, or the constitution. Gentlemen admit he has the power of removal; and the only difference between them and the President is, that they would have a Secretary removed for one cause, which would be entirely satisfactory to them, and the President removes him for another cause, which is equally satisfactory to himself. They admit he has a discretion, but deny him the right of exercising it. The President, at his own peril, is bound to take care that, in the execution of the laws, the republic come to no detriment. And if the public good require it, he should not only remove one, but every member of his cabinet. Change the picture, and gentlemen will see this position plainer: suppose the President had been of the gentleman's opinion, and that Mr. Duane had determined upon removing the deposites, to prevent which the President had removed him; would there have been any breach of the constitution? No, sir, it would have been "as fair a thing as ever was." The Secretary of the Treasury (Mr. Taney) has been assailed; yes, sir, rudely assailed—denounced as having "received his appointment as the tool and instrument of tyranny." Yet, sir, at the time this unmeasured abuse is heaped upon the Secretary, the gentleman must have known—for the political world knew—that the Secretary had been of opinion from the first that the deposites should be removed; how, then, was it possible for the President to make him do what he was perfectly willing to do without making? Is it to be supposed that the President, after dismissing one man for a political disagreement with him, would select another to fill his place of the same politics, that he might bring him into measures by tyranny? No, sir, no man can believe a word of all this. The present Secretary of the Treasury is a man of spotless private reputation, a true patriot, and an enlightened statesman; just such a man as Andrew Jackson required to stand by him; and, sir, when this bank appalled other men, he stood firm. When called on by the President, he gave his opinion as one of his constitutional counsellors; and when the test was applied, he resigned the honorable and lucrative office which he held, and came to the President's aid; he surrendered a certainty for a fearful uncertainty; he has to pass through the hands of those two men who can bind the President and the people. This upright citizen is marked for a victim. Why will they punish him?

One gentleman [Mr. McDUFFIE] says that "the President alone is responsible; the Secretary is no more chargeable with the act than the iron pen which wrote the order." Another gentleman [Mr. CLAY] says the Secretary is "no more chargeable than the hangman who executes the sentence of the judge." Why, then, is this honest citizen to be proscribed? Why, I ask, in the name of justice, have they prepared the rack for him? Does any man believe his nomination will be confirmed by the Senate? No, sir! and what is his crime? They say he has done nothing. But he has removed the deposites from the Bank of the United States; this is his offence. What, in the existing state of affairs, was he to have done? There were only two guards placed by law over the public treasure. The first was to be found in the Government directors, selected by the President and the Senate, placed in the Bank of the United States as sentinels over the public money, whose duty it was to give information to the Government of every thing in relation to its use and safety. This guard had been broken down. Those gentlemen who had received the confidence of the President and the Senate were treated as spies by the bank directors, and pronounced unworthy to be trusted with a knowledge of what was done. Why? Because they would not keep secret from the Government the transactions of this corporation. And, sir, has it come to this, that secrecy and concealment are indispensable qualifications for a bank director? What! an institution which claims to be necessary to the operations of the Government, to the happiness of the people, afraid for that Government and these people to know all its doings! When such gigantic strides are making in the dark, under the veil of secrecy, for power, is it not time for patriots to take the alarm? Is it not time to see Andrew Jackson in the breach? Does innocence ever ask for secrecy? No, sir; but, when assailed, she invites inquiry—courts investigation in open day, in the face of the world. The bank was charged with wasting the public money, applying it to corrupt uses, of using its power for political purposes; in fact, it is believed by men of cool heads and patriotic hearts to have opened a market for orators, presses, and voters. And, sir, under such charges, what does the bank say for itself? Why, that no man who will not keep secret its conduct is qualified to be a director, however exalted his standing, and spotless his reputation. Is not this, at once, an acknowledgment that deeds are done in those committees which must sleep in everlasting oblivion—which the American Government and the American people are never to know? Men "love darkness rather than light, because their deeds are evil." This is the conduct of an institution at whose stamp wealth departs, and sorrow and wretchedness ensue! which can scatter, at pleasure, its golden favors, or shake a whip of scorpions over the nation! The expulsion of the Government directors, alone, was amply sufficient to justify a withdrawal of the confidence and the public money from that institution. The Secretary of the Treasury was constituted, by law, another important sentinal to guard the treasure; he refused to act; the President dismissed him—correctly dismissed him—and appointed a man every way fit and qualified for the emergency; he has removed the deposites—he has removed the deposites from the Bank of the United States to the State banks, where Congress can throw around them all its safeguards. But gentlemen say the public money is not safe. The Secretary has done all he could to make it so; if greater safety can be added by the action of this House, I am ready to give my cordial cooperation. But, sir, when liberty is at stake, it is idle to talk of the safety of money. I had rather the deposites were cast into the ocean, than that they should be so used as to jeopardize, for an instant, the security of public liberty. Gentlemen say it is dangerous to distribute this money in the State banks. I ask, sir, if it is more dangerous to scatter or to concentrate this vast power? One gentleman has told us that these banks stood in an electric circle, and a blow upon one was felt through society. The Bank of the United States stands at the head of the circle, towering over all other banks; the deposites were the club in the hands of the Hercules, with which it could destroy, at a single blow, a State bank or an individual fortune: this weapon has been wrested from its hands, and converted into a shield for the State banks and the people. But the experiment is still making whether this corporation has the power to perpetuate itself; whether it can wring from the hands of the American people, by torture and oppression, a law for its recharter; and the distress which it has brought upon the country is urged as a reason why the bank should receive favor in this House and in this nation. If it succeeds, farewell to the sovereignty of the people; an overshadowing power has grown up in our country, greater than the people, their President, and Congress. The bank will hereafter save them the trouble of electing Presidents and passing laws. Yes, sir, if it can humble the nation, with Andrew Jackson at its head, now in its infancy, in the seventeenth year of its existence, what can it not do in the maturity of its strength? Say that war shall come with all its miseries; that the nation is faint and weak; that her young men have been slain in battle; that taxation has exhausted the resources of the land: what would be the power of this corporation, at such a time? Could it not humble the nation's ensign, tarnish its glory, and force it into a dishonorable treaty? If the Bank of the United States has the power, and the will, to bring so much distress upon the country, that, to my mind, is the strongest reason why it should no longer have an existence. Shall it be said, after this bank forced an issue between itself and the President of the United States, after it has been vanquished by him in the open field, that it shall achieve by cruelty and torture what it could not obtain by an appeal to the people? No; and he who thinks so knows little of the character and spirit of the American people; they will not basely yield up the dear inheritance of freedom which they received from their fathers. But, sir, gentlemen deny that the bank has interfered in the politics of the nation. It is a fact, notorious to the whole world, that the bank has its candidates for every office, from a watchman in the cities up to the President of the United States; it has vast sinking funds for its advocates and counsellors at law. Thus those strange conversions in politics are daily witnessed; and some how or other it happens that those conversions are always in favor of the bank. It has its presses and its dependants all over the country. It can say to an editor, Publish me a hundred thousand libels against the President of the United States—bold and hot ones; I want no milk-and-water work now; the crisis is come. But the editor says, My conscience—I cannot. Your conscience! you cannot! who is master here? who owns this ground, this roof that shelters you—this press—every cent of money charged upon those books? Who pays your workmen? You see the snow, and that dependant family—you understand me—no more of your conscience. This, sir, is not interfering in politics; oh, no, gentlemen say it is merely the liberty of the press. Another ground, amply sufficient to authorize the removing of the deposites, is this: the bank claims the right to squander, in its corrupting and subsidizing plan of electioneering, the public money. The gentleman justified the bank in this assumption of power. I take issue with him, sir, upon this point. I contend that the bank has no power to expend one dollar of the public money. The constitution provides that "no money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time." Now, sir, where is the

authority authorizing the president of the bank to draw from the treasury one dollar? The President of the United States cannot do it; but they contend that the bank has a right to defend itself, and enlighten the public mind. Can the bank do this at the public expense? Suppose the President of the United States is assailed, (and it would hardly be denied that he has been,) could he touch one dollar of the public money to defend himself? Can he order to be printed and circulated one of his messages to enlighten the public mind? No, sir; but how does the Bank of the United States proceed in this process of enlightening the public mind? Why, by publishing every thing on one side of the question, and nothing on the other. Suppose those eloquent speeches to which we have listened with so much pleasure, and which are now riding in your mail stages and steam packets to every part of the country—suppose, I say, these speeches had been made on the other side of the question; would the bank have then thought them worthy of circulation, to enlighten the people? I think not; for where there are two speeches, one on each side of the question, from the same gifted and eloquent gentleman, the bank circulates the one made in its favor, although the one made against its constitutionality and expediency may be infinitely the abler. But, sir, I deny that the president of the bank, any more than the President of the United States, has the power to use the public money, in vindicating himself, or defending the institution over which he presides. Can the public money be used to buy daggers for the public servants? All the funds of this institution have been placed in the hands of its president, to be used at his discretion, without control or responsibility; and he tells this House and the nation that he will place the President, or any other citizen who is opposed to the bank, upon the same ground that he would a counterfeiter of its notes, and expend as much money as is necessary to counteract or destroy his influence. And, sir, gentlemen on this floor defend this assumption of power on the part of the bank, and still deny that she claims the right of interfering in the politics of the country. If the public moneys are thus to be drawn from the treasury, and used at the discretion of the president of the bank, he ought at least to publish a statement of his expenditures. Has he done this? No, sir; and what little we know on the subject is discovered by accident by the Government directors.

As a sample of the manner in which the president of the bank discharges this personal trust, I will refer the House to one instance. A Mr. Wilson, printer in Ohio, told Mr. Sergeant to tell Mr. Biddle that, in his opinion, some fifty or a hundred thousand documents, more or less, should be printed in his (Mr. Wilson's) press. Mr. Biddle discovered instantly the great propriety of shedding that flood of light in Ohio, and told Mr. Sergeant to tell Mr. Wilson to "go ahead." The work was done, or not done; that is not a matter of so much consequence; but the account came in and was paid off. This is the immaculate performance of a personal public trust—no interference in politics! I want no better evidence that the bank has interfered in politics than the gentleman's own statement. He informs us, "so far as the parent board is concerned, all its members have studiously abstained from all interference with political concerns, because it was their interest to do so;" but he then tells us that "they even went further than this—they made a desperate effort to conciliate the administration." How dare they go farther than to abstain from all interference in political concerns? Have they any right to go beyond a strict neutrality? If they do, is not that interfering in politics? The gentleman says, himself, they went farther than this; and what does he say they did? Why, they made an effort—yes, a desperate effort—to conciliate the administration; the gentleman did not tell us to what means they resorted, but there was something desperate in the effort. The attempt was vain as well as desperate. All the gold that ever passed through its vaults would not have shaken the firmness of that honest old man.

But suppose the bank, on the eve of a heated canvass for the presidency, had either won over, or had been suffered to join, this popular President; would there not have been a union of money and political power brought together by desperate means? But the President took his stand in the breach. And, sir, when the system of internal improvement threatened to oppress the people by taxation, and corrupt the National Legislature by combinations for the appropriations of the money—erecting a splendid central instead of our simple republican form of government--Andrew Jackson was found in the breach. And now, the father of the system may be seen shedding tears over its downfall, saying that it "lies crushed beneath the veto." When the tariff policy was found unjust and oppressive, he was again found in the breach, and unloosed the grasp which the northern weaver had upon the purse of the southern planter. And when nullification threatened the dissolution of our Union, he was then standing firmly in the breach--he was the only man who could have spoken "peace to the tumult of the waves, and not have sunk beneath them." Yes, sir; and when hostile armies were marching, and hostile navies hovering on our coast; when the savage yell and victims' screams were wafted from our frontiers; when these halls were wrapt in flames—our churches, cities, smoked in ruins—and a thousand daggers were plunged into the bosom of our country; he was then found in the breach—he raised the nation's banner trampled in the dust, and placed it still higher in the estimation of the world; and, after all this, did not the same combination show itself against him? When the nation showed its gratitude, when illuminations blazed, and bells were rung, and feasts were spread; when one loud rapturous welcome swept along before this hero, returning from his country's glorious battle fields, were not these same leaders found in league to strip him of his laurels? But the true patriots of the land rallied round him, as I trust they will do now, when he is struggling for the preservation of their liberty.

When Mr. P. had concluded,

Mr. WISE rose and said—

Mr. Speaker: I am, "*intus et in cute*," a Virginian. Whenever I see the "white plume" of the Old Dominion nodding in the "thick array of the thronged battle," I, for one, will always rally around it. I am sorry, sir, that I do not see my honorable colleague, [Mr. ARCHER,] who raised the rallying word, in his seat. I intended to congratulate him, Mr. Speaker, upon at last passing beyond the blue flame circle of the magician. Sir, I never was under the spell of the enchanter, and I intended to bring to his recollection what he must have forgotten—politicians bewitched never remember to-day what happened to them yesterday--the scenes which occurred not many years ago in a certain convention, in a certain city not one hundred miles from this place. I am sure that two other colleagues, one of whom I have in my eye, [Mr. MASON,] know what I allude to. At a meeting of the delegation, to which my honorable colleague and myself belonged, in the Athenæum of that city, a resolution was introduced to "concur in" and "approve of" the nomination of a certain magician to a certain high office in the Government. I then and there, Mr. Speaker, was rallying around a man of Virginia, and supported an amendment to the resolution, striking out the words "approve of," and for the first time in my life made a speech to a body of politicians against all magicians and New York tacticians. Sir, I was but a mere novice, as I am now, in political matters; but my honorable colleague [Mr. ARCHER] was there, who had more experience, and he resisted the amendment to strike out the words "approve of," and scouted the idea of magical influences and New York management as the mere

imaginings of one not initiated. I thought, though, that I foresaw then what I know I see now; and I am truly happy that my honorable colleague has awakened from his trance--that the charm is broken, and he is once more free. But, Mr. Speaker, I cannot say that he has "bursted the burning wythes" as with "the vigorous limbs of the yet unshorn Nazarite." His limbs seem rather cramped since he was spell-bound. But to the subject. Sir, I have not yet realized the solemn fact that "we are in the midst of a revolution;" but there are some serious truths of which I am admonished. Lightly to tamper with the public faith, the public credit, and the currency of any country, is to destroy public confidence in the Government, and to excite fearful and alarming internal convulsions, if not a revolutionary struggle. And knowingly and wilfully, or tamely and supinely, or ignorantly and corruptly, to permit any colossal power whatever, especially that of a moneyed corporation, to outgrow the State itself, bestride the majesty of the people, and overawe their representatives, is basely and ignominiously at once to surrender the liberties of the country beyond the hope of a revolution! On this question, then, we are truly between Scylla and Charybdis.

For my part, I am now ready to give my decision on all the issues joined between the Secretary and the bank.

The legislative branch of this Government has, by special act, chartered this corporation; whether constitutionally, or not, is not now the question. It has been recognised by the General Government in all its forms, by the States, and the State tribunals; and it has been tolerated by the people. If it does not exist "*de jure*," it does "*de facto*." Rights have become vested by its charter, and the bank has for a long time enjoyed its corporate privileges, and realized its profits under a contract made by law. Its credit is pledged to the performance of that contract, and I here hold myself bound to maintain the plighted faith of the Government. I am for the restoration of the deposites; but with the first position assumed by the bank and its friends here, I differ. It is contended that the question now before us is "*coram non judice;*" that the case is not properly brought up; that it has been sent here by the President, and not by the Secretary of the Treasury, according to law. Sir, as gentlemen will perversely discuss this matter as before a judicial tribunal, look to the record. The first paper is the message of the President of the United States, announcing to Congress the fact that the Secretary of the Treasury removed the deposites, and that he (the Secretary) would lay before Congress the reasons for so doing. The next paper is the letter of the Secretary himself, who states the same fact, and who certifies the record under his own hand, the identity and genuineness of which is not denied. Now sir, from what paper or document in this House, belonging to this body, upon which we can legitimately act--from what authentic record do we know, in our official capacity, that the President, and not the Secretary, has removed the deposites, and that the reasons for the removal are the reasons of the President, and not of the Secretary? From rumor, from gossip, from newspapers! But we are told that the President himself has promulgated his will in a cabinet paper, showing the measure to have been his own, and that he "assumed the responsibility." Sir, are we to act as statesmen here, or as mere politicians? Are we to be governed as legislators in this hall, or as demagogues of a bar room? I repeat, sir, how does Congress get at that paper? By travelling out of the record. And gentlemen have totally forgotten their first position upon the reference of this subject, that we are acting derivatively, and not originally--upon a review of proceedings--upon bill and answer alone; and that we should not look so far out of the record as to ascertain any new facts pertaining to the merits even of the case. Sir, that paper is totally *dehors* the record upon which we are to act; and we have no more to do with it, in the decision of this question, than with the President's private accounts, until he makes it an official communication to Congress. But, away with this contracted lawyer-like view of the subject!

Sir, we are legislators--the popular branch of the Legislature--the peculiar guardians of the liberties of the people; not tied down by the farce and mockery of forensic forms or legal technicalities. We are lawgivers; and God forbid that the representatives of this people should not in any way--through spies even--ferret out misrule, corruption, abuse of power, tyranny, and oppression, whenever there is the least reason to suspect that they lurk in secret places, or exist even in forms. When their fetid breath taints the atmosphere of this country, our senses should be keen to snuff it in the breeze, as well as hear of it in whispers. Ay, in these days, believe the winds sooner than the press, which has ceased to be a faithful sentinel. Believe any source of intelligence, which by possibility even speaks truly of oppression or usurpation. Let the cabinet paper, then, be read, if gentlemen please, at the Clerk's table. Will that satisfy them? It ought not. In order to carry out their unsparing, uncompromising mode of opposition, they ought, and should, upon their principle assumed, go further. Sir, it has been said in the newspapers, and boldly said but the other day in this building, that "there is a power behind the throne greater than the throne itself;" that there is a kitchen--Kinderhook cabinet—which caused the President, their "pliant tool," who caused the Secretary, his "pliant tool," to remove the deposites. Why, then, do gentlemen not go down to the kitchen, among the scullions and scavengers, to the first cause of the removal? Good God! sir, is not this disgraceful! Did ever a Congress before so compromit its dignity of thought and action? He may feel honored by a seat here who is a friend of this proceeding; but, if this is to be the rule of action here, I will not be besmeared, Mr. Speaker, by a seat in this House. When was this House clothed with authority to inquire into and censure, except by impeachment, the conduct and motives of the Executive, in appointing and removing the members of his cabinet? Without evidence, or a right to evidence, then, sir, on this point, at this time, we might as well attribute the removal of the deposites to the removal of Mr. Samuel D. Ingham, as to the removal of Mr. W. J. Duane; for, if the former had never been removed, the latter had never been appointed. Sir, I thus lay aside this topic, which was improperly and unnecessarily (except for mere party purposes) introduced into this discussion, as unworthy the dignified consideration of any legislative body.

But gentlemen tell us, and the bank tells us, that the Treasury Department is not an executive department. Sir, this is the proposition which I rise chiefly to debate. To prove this proposition, gentlemen rely mainly on the reading of the act itself to establish the "Treasury Department," as contradistinguished from the Executive Departments of War, of the Navy, and of State. Now, sir, let us beware of the confusion of ideas which is easily begotten by this word "department."

The powers of our Government are divided into legislative, executive, and judicial. In common parlance, we say our Government is divided into three departments; but the constitution does not name either branch of our Government a department. It divides, however, the executive branch, and the executive branch alone, into departments. When the Congress of 1789 used the term "department," then, in the law, did they use it in the common parlance, or in the constitutional sense? Certainly not in the common parlance, sense for that would have been in violation of the constitution—"to establish the Treasury Department" a fourth department of the Government, co-ordinate with the other three, legislative, executive, and judicial. They must have used the term as legislators, in its constitutional sense, to mean the

"Treasury Department" of the executive branch of the Government.

Then, by the use of this very word "department," the Congress of 1789 must have meant, *ex vi termini*, to describe technically a part of the executive power.

But, Mr. Speaker, we are not without light on the construction of this law of 1789 to establish a Treasury Department. The contemporaneous exposition of the law, as cited in Lloyd's Debates, by the gentleman from Tennessee, conclusively explains all the difficulty on this point. I will not detain the House longer than to call its attention to the fact, that, in the very last stage of the discussion of this question of responsibility to the President by the Treasury Department, Mr. Madison brought to the attention of the Congress of 1789 the anomalous character of the officer named a Comptroller in the act. His duties were at first considered doubtful by Mr. Madison, who submitted whether he had not judicial functions vested in him by the law. He contended that, if so, this officer of this department should not be responsible to the Executive, in whom no judicial power was vested by the constitution. But his suggestions were withdrawn; and even the Comptroller, whose duties have lately, too, been questioned, was left, as all other officers of this department were left, responsible to the Executive. And then, too, Mr. Madison combated this horrible idea of combining the sword and the purse, which is now so much harped upon as a new idea of new-light politicians. Sir, I have always noticed that when any great discovery has been made by modern politicians about our civil polity, it could easily be traced to the great masters who founded our system of government. This bright idea was perfectly familiar to them in discussion, and exploded by their decision. Mr. Madison ridiculed the objection. Why draw these distinctions in words, between the purse and the sword, when no separation of them in fact can possibly exist? If the time should ever come when despots are to reign, make your Treasurer independent of Cæsar, and give him nothing but a key and iron chest to defend the public moneys, and you would see, sure enough, how soon he would share the fate of Metellus. The idea is ridiculous, that you should give only a key to one officer to protect the treasury from another officer to whom you have given the sword. Shall we give the Treasurer a sword, too—a body guard, a money guard, at his sole command? Then he may become the tyrant, for he has both sword and purse! Thus did Montpelier's sage ridicule this mode of protecting civil liberty and the public treasure; at a time, too, when he was not "in the decrepitude of his faculties." Heavens! if the venerable form of that great man could now rise on this floor, there are those who, by their vehemence alone, are called the lions of this House, would shrink before the gaze of his "lack-lustre eye," and dwindle into pigmies before the giant strength of his faculties, even in their decrepitude. Party violence would be humbled before the dignity of his mien; dogmatism and bold assertion would falter before his knowledge; declamation would hush in the presence of wisdom and philosophy; truth would shine forth brightly from the still burning fires of his intellect; lawless ambition would cower before virtuous patriotism; and nullification—poor nullification, trembling under the cloak of his name—would flee away, stripped naked and exposed by the great author and finisher of the faith of State rights, and the greatest benefactor of the country in the cause of constitutional freedom.

But, Mr. Speaker, it is not statesman-like, and it is altogether fallacious, to argue this point from the law; it should be argued from the constitution. And I lay down this broad proposition, that we must ascertain the description of the responsibility of the Secretary of the Treasury, and of every other officer, from the nature of the duties which he has to perform. Has he judicial functions? No. Has he legislative powers? No. He has merely to execute the law pertaining to his office. To which branch of the Government, then, does he belong? All legislative power is vested in Congress. The judicial power of the United States is vested in "one Supreme Court, and in such inferior courts as Congress may, from time to time, ordain and establish." And the executive power is vested in a President of the United States of America. If he is, then, merely an officer to execute law, is it not clear that he must be, no matter what the law may say, an executive officer? We are told not, by the gentleman from Pennsylvania, [Mr. Binney.] He says that it does not necessarily follow that an officer merely to execute law must be an executive officer; that there are three departments of the Government, but there are executive acts to be performed under the control of each department, legislative, executive, and judicial. Sir, I admit his proposition, and put it to his candor to say, whether such executive acts, to be performed under the control of the legislative and judicial departments, are not exceptions made by the constitution itself? The clerks of this House and of the Senate, and their other officers, for instance, have executive acts to perform; but does not the constitution expressly provide that each House shall choose its own officers? The clerks of the United States courts have executive acts to perform; but does not the constitution expressly provide that "Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments?" All the officers mentioned by the gentleman, who have executive acts to perform independent of the Executive, are created by the constitution itself independent of the Executive; and I put it to the judgment of this House, though I am conscious of contending against mighty odds, whether the Secretary of the Treasury is either an officer of this House or of the Senate; or, whether he "is such an inferior officer" as those within the purview of the constitution? If so, why was his appointment not vested, by law, in the President alone, in the courts of law, or in the heads of departments? He is himself the head of a department: not of an executive department, says the gentleman. I defy him to point out to me any other than executive departments named in the constitution.

The true question here is, then, not whether the law has made the Treasury Department independent of the Executive, but whether the law could, if it so intended, make it independent of the Executive? Sir, the rule is as it was laid down in the debate of 1789: "that every power recognised by the constitution must remain where it was placed by that instrument." A late case decided by Judge Marshall confirms this rule. I mean the case *ex parte* Randolph.

[The following is extracted from the decision alluded to:]

"Robert B. Randolph, late acting purser of the frigate Constitution, was brought into court, on a writ of *habeas corpus*, and a motion is now made for his discharge from imprisonment.

"The writ was directed to the marshal of this district, in whose custody he is. The return of the officer shows the cause of his capture and detention to be a warrant, issued by the accounting officers of the Treasury, under authority of the act passed the 15th day of May, 1820: which, after reciting that Robert B. Randolph, late acting purser of the United States frigate Constitution, stands indebted to the United States in the sum of $25,097 83, agreeably to the settlement of his account, made by the proper accounting officer of the Treasury, and that he has failed to pay it over according to the "act for the better organization of the Treasury Department," commands the said marshal to make the said sum of $25,097 83 out of the goods and chattels of the said Randolph; and, in default thereof, to commit his body to prison, there to remain until discharged by due course of law. If these proceed-

ings fail to produce the said sum of money, the warrant is to be satisfied out of his lands and tenements.

"The return shows that the body of the said R. B. Randolph was committed to prison, and is detained by virtue of this process.

"Several objections have been taken to the legality of the warrant; the first and most important of which is, that the act of Congress, under the authority of which it issued, is repugnant to the constitution of the United States. If this objection be sustained, the warrant can convey no authority to the officer who has executed it, and the imprisonment of Mr. Randolph is unlawful.

"The counsel of the prisoner rely on several parts of the constitution, which they suppose to have been violated by the act in question. The first section of the third article, which establishes the judicial department, and the seventh amendment, which secures the trial by jury in suits at common law, are particularly selected as having been most obviously violated.

"The act of Congress, under the authority of which the process by which Mr. Randolph is imprisoned was issued, makes it the duty of certain officers of the Treasury to settle and cause to be stated the account of any collector of the revenue, &c. who shall fail to render his account, or fail to pay over the same in the manner or in the time required by law, exhibiting truly the amount due to the United States, and certifying the same to the agent of the Treasury, who is authorized and required to issue a warrant of distress against such delinquent officer and his surety or sureties, directed to the marshal of the district in which such delinquent officer and his surety or sureties shall reside; which officer is commanded to make the money appearing to be due to the United States, by seizing and selling the goods and chattels of such delinquent officer; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of the said delinquent officer, who may be committed to prison, there to remain until discharged by due course of law.

"If this ascertainment of the sum due to the Government, and this issuing of process to levy the sum so ascertained to be due, be the exercise of any part of the judicial power of the United States, the law which directs it is plainly a violation of the first section of the third article of the constitution, which declares that 'the judicial power of the United States shall be vested in one supreme court, and in such inferior courts as Congress shall, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior.' This judicial power extends to 'controversies to which the United States shall be a party.'

"The persons who are directed by the act of Congress to ascertain the debt due from a delinquent receiver of public money, and to issue process to compel the payment of that debt, do not compose a court ordained and established by Congress, nor do they hold offices during good behavior. Their offices are held at the pleasure of the President of the United States. They are, consequently, incapable of exercising any portion of the judicial power, and the act which attempts to confer it is absolutely void. In considering the validity of this act, therefore, it is necessary to discard every idea of its conferring judicial power. We must not view the statement or certificate of the account as a judgment, or the warrant which coerces payment as a judicial process; they must be viewed as mere ministerial acts, performed by mere ministerial agents; they cannot be otherwise sustained.

"I will, for the present, assume that the power of collecting taxes, and of disbursing the money of the public, may authorize the Legislature to enact laws, by which the agents of the Executive may be empowered to settle the accounts of all receiving and disbursing officers, and to issue process, in the nature of an execution, to compel the payment of any sum alleged to be due. But these agents are purely ministerial, and their acts are necessarily to be treated only as ministerial. The inevitable consequence is, that their validity must be decided by those legal principles which govern all acts of this character. These require that the authority, whether given by a legislative act or otherwise, must be strictly pursued. Such agents cannot act on other persons or on other subjects than those marked out in the power, nor can they proceed in a manner different from that it prescribes."—*Opinion of Chief Justice Marshall.*

And this case is not in the least impugned by that of Marbury and Madison. There the question was not made whether the head of the department was not responsible to the President; but the proposition was rightfully sustained, that, where a particular duty is specially vested by law in an officer, he is not only responsible to his superior officers, but also to the individuals and the public at large, for whom the duties are to be performed. And these, and all the authorities combined, prove that every officer created by law to execute laws is, "*ipso facto*," made responsible to the executive branch of the Government, whether the law intends so or not, except in those cases where the constitution itself has made him otherwise responsible. The Secretary of the Treasury comes not within the exception.

And, further, the moment you create an officer to execute law the head of a department, the constitution not only makes that officer responsible to the President, but it authorizes the President directly to interfere with his opinions, by calling for them "in writing, upon any subject pertaining to the duties of his office." And how this clause in the constitution could have been relied upon by the gentleman from Pennsylvania to convict the President of a usurpation of power, I cannot imagine. Sir, in the debate of 1789, on the organization of this very Treasury Department, these officers are called "the eyes and arms of the Executive." And the constitution not only makes them responsible to the President, but makes the President responsible to Congress and the people, by requiring that "he shall take care that the laws be faithfully executed;" not merely to take care that the laws "overcome resistance," as has elsewhere been said, and as this President has pretty effectually done of late, but as our "overseer"—southern gentlemen understand me—as our "overseer," Mr. Speaker, to make the public servants under his superintendence diligent and faithful; to take care that the people's business is done, and done well, as the law requires. And whether the President has done his duty in this instance, or has done more than his duty, in exercising his powers arbitrarily and oppressively, are not proper inquiries now, but for an impeachment; upon which I shall express no opinion until his sworn enemies in this House and out of it shall have made true their professions of belief, by originating and preferring the charges, heavy and heinous, of which they have told us he is guilty.

Yet, for the exercise of this superintending power over the execution of the laws, the President has been denounced as a Cæsar—a Cromwell—a Tiberius; and it has been said on this floor "that no King of England or France could do this without encountering a peril, which no President in these days can encounter—the loss of his head, for the exercise of arbitrary and despotic power." What, sir! is it true that the people, too, are so base in bonds, so degenerate and corrupt, that they already will tolerate in their President what the vassals, villains, or serfs of Europe will not tolerate in kings and autocrats? Sir, this calls rather for a vindication of the people than of the President. Basil Hall, or Mrs. Trollope, has never so attacked this country, its people, or its institutions. The gentleman from South Carolina [Mr. MCDUFFIE] has told us that the great question now is, "Who shall fill the throne?" Ay, therein is the solution. If the people had

not been such a "stiff-necked people;" if they had not been such self-willed sovereigns; if another could have been king; gentlemen, perhaps, would have been better pleased, and the people would not be so much abused. Nothing but "Cæsars" and "thrones," despots, tyrants, and tyrants' slaves, seems to please the fancy of gentlemen. Men are apt to speak most of the things they think. A throne in this country! Where? Sceptres and thrones have crumbled before the white-headed old man whom we call President: the late dreams of "stars" and garters have been dispelled by him; and I believe, sir, that a "throne" has not yet been erected in *the South C.!* Cæsar has not yet passed the Rubicon. I shall wait for the warning of Cato, not of Cassius. America's Cato, James Madison, has not yet been alarmed by the approach of Cæsar, and I can trust to the people to repel him. But Cato has been alarmed, of late, to be sure, in the timidity of his old age, by danger from another quarter--by those who would fill Cæsar's throne, (such a one as it is, or might be,) at the risk of the republic. Sir, I suspect him much, and immediately, who deliberately sets about lessening the authority of the old apostles of our liberty. Mr. Speaker, I am sick of the press, which on one side, now-a-days, invariably cries "all is well," and on the other side invariably cries "wolf, wolf;" which never speaks of abuses where it has the means of knowing abuses, and never rebukes oppression but in the suspicious tones of faction. But there are certain patriots--patriots to the core--who verily are patriots, with whom patriotism will die--who sound the alarm of despotism, who decry tyrants and those in power, not to put the people on guard, to make them watchful of the fires, but merely because they would be those very powers that be; or have been, and have been "reformed." Sir, there are "outs" who would be "ins," and there are "outs" who have been "ins;" and now there is a definitive treaty of alliance between the two classes of "outs." I beg leave, sir, through this House, to call the attention of the people to a singular fact and a singular change of scene. A goodly portion of their "legislative department" now, is composed of what used to be their "executive department" formerly: those who used to hail from the "white house," now hail from this house here upon the hill, called a "capitol;" and ex-Secretaries and Vice Presidents have become installed legislators. No wonder, then, that they now contend that "executive offices," which used to be, and always have been considered to be, executive offices, are now "legislative" offices! No wonder, sir, that the legislative department should be so patriotic now, and that it should so bitterly denounce the executive department as tyrannical, and unworthy of confidence. Sir, the thing is as plain as the white house and the capitol house. How long, oh ye people, will ye heed such presses and such patriots? When the people become too often disappointed and duped, and made supine by the cry of "wolf! wolf! when there is no wolf," then, sir, and then probably, too, will despotism make an easy prey of their liberties. How cautious should true patriots be, then, in raising a clamor against tyrants, where there are no tyrants, and alarm against slavery where there are no slaves. Mr. Speaker, if the public mind can be familiarized with ideas of royalty, and royalty itself made less hideous, like vice, by familiar acquaintance with it, nothing can tend more to seduce the one by the introduction of the other, than for the great and leading statesmen of the nation habitually, in legislative assembles, wantonly to denounce the President as a king, his chair of state as a throne, and the subordinate public servants as tyrants' slaves—than for them who should be above hireling editors' work, merely for denunciation's sake, to name him a tyrant and despot whose pre-eminent public services, and patriotism, and virtues, have exalted him to high station, more to serve than be served--more to be tried than flattered. Sir, if this be a king, and this a throne, and these be slaves, may not some begin to think that a king, a throne, and slaves are not quite so odious; and, in fact, not the despicable things they were once thought to be in this country? But the people are sound; it is the politicians who are corrupt; and they are too wise and virtuous not to understand such violence of invective and such recklessness of opposition to public men whom they have elected, in preference to those who inveigh against them, to do their business and superintend and protect their interests. How can any sound statesman believe himself, when telling us of thrones, and principalities, and powers, when at the very moment, instead of acting, he is debating, or instead of debating, he is declaiming?--when, instead of exclaiming for the state, for the law, the constitution, the liberties of the country—"rise! fathers, rise! 'tis Rome demands your help!"—he speaks rather more insignificantly of his petty self and of his petulant party, of their disappointment and immolation?—when, instead of speaking the sublime language of patriotism aroused and bursting with overwhelming indignation at an attack upon public liberty, he dwindles into the puling strain of electioneering complaint, because some slimy reptile has "crawled" into his place of power, or because he has served a party but too well, and has at last become the victim of a party leader?—whose very tone of invective is less like the sound of aversion to a throne itself, than of reproach to the mere man who happens to fill a post once, and now, sought after by another? The people will inquire, if there be a Cæsar, why this good patriot is not a Brutus?—whether, in fact, he is not a better partisan than patriot?—whether he is not himself a disappointed aspirant after Cæsar's throne, and whether his hatred of Cæsar is, in fact, hatred of a tyrant? Mr. Speaker, in a certain "carbuncle and king's evil" speech, I have heard a prayer put up of late. Not the prayer of the publican—"God be merciful to me a sinner!"—but the prayer of a politician, to "drive the Goths from the capitol!" It is highly probable, indeed, sir, that Goths, or the descendants of Goths, may now be in possession of the capitol; for that people, originally from Sweden and Norway, spread themselves very widely, and, as we are told in history, formed part of the population of several nations of Europe. In England, our mother country, the Celtic population was succeeded by the Gothic, and about two-thirds of England was possessed by the Belgic Goths. After many migrations under Odin, one of their kings, descended from the "Anuses," their demi-gods, they formed, in the inaccessible retreats of freedom, a people and religion, which should chastise the oppressors of mankind. They were hospitable, and derived their name from being eminently good to strangers. They encouraged philosophy, and made kings of sages. They invaded Greece, and, though they burnt the temple of Diana at Ephesus, yet they spared the libraries of Athens; and, though they sacrilegiously trampled over the bones of heroes from Thermopylæ to Sparta, yet their leader, Alaric, had embraced the Christian faith, which taught him to despise the imaginary deities of Rome and Athens. In 410, August 24th, "at the hour of midnight, the Salarian gate was silently opened, and the city was awakened by the tremendous sound of the Gothic trumpet! And 1163 years *ab urbe conditâ*, the imperial city, which had subdued and oppressed so many nations, was delivered to the Goths." It was Belisarius, the Africanus of New Rome, born among Thracian peasants, who drove the Goths, under Totila, sir, from Rome, in 547. For history's sake, then, sir, let President Jackson be called Totila—not Cæsar, a Roman--the leader of the Goths! And where is the Belisarius of New Rome—

"What was Goose creek once, is Tiber now"—

to drive this Gothic leader, Totila, from the capitol? Cæsar had his Brutus, and Totila his Belisarius; and let certain militia generals beware of such masters as Justinian, and of

the old saying, "give a penny to Belisarius the general!" Sir, God Almighty, since the days of Joshua and his rod, has not stretched forth his omnipotent arm to fight for placemen on earth, nor is his grace in divine wisdom intended to satisfy the hungering and thirsting of ungodly ambition after power and popularity among men. If sought after and obtained, it may chasten the chafed spirit, and console and soothe the disappointments of the world; but never will foster and prosper the worst passions of the human heart. Mr. Jefferson, Mr. Speaker, who was an historian, was mistaken, it seems. He thought that there was "more of the Roman" than Goth in General Jackson, and that he was the Belisarius of New Rome, who did drive the Goths from the capitol in the year 1828. Yes, sir, and there are Justinians, who, influenced by envy and hate, though he has restored the keys of Rome more than five times in one reign, would deprive him of his eyes, and reduce him to beg his bread! Shade of the immortal Randolph, of Roanoke! Mr. Speaker, will this House pardon a digression? Though elected a member, it has not been formally announced to this House that John Randolph, of Roanoke, is no more! Sir, he was neither friend, nor acquaintance, nor old colleague of mine. I never saw him; I never heard him speak; but the genius of poetry, most like his own genius of oratory, has told me he was a man of

"A high demeanor, and a glance that took
Their thoughts from others by a single look:
And that sarcastic levity of tongue,
The stinging of a heart the world hath stung,
That darts in seeming playfulness around,
And makes those feel that will not own the wound.
* * * * *
Born of high lineage, link'd in high command,
He mingled with the magnates of his land.
* * * * *
He did not follow what they all pursued,
With hope still baffled, still to be renewed;
Nor shadowy honor, nor substantial gain,
Nor beauty's preference, and the rival's pain—
Around him some mysterious circle thrown
Repell'd approach, and showed him still alone!"

And, sir, though

"There was in him a vital scorn of all—
* * * * *
Yet they, the wiser, friendlier few, confess'd
They deem'd him better than his air express'd."

If he was not a lover of man, he was a lover of his country; if not a lover of his whole country, he was a lover of the Old Dominion; and, if not a lover of Virginia, he loved "constituents such as man never had before!" Wear crape for common men--not for Randolph, whose fame is above such common-place honors, in proportion as he despised them when living. Sir, I was about to express the wish that Mr. Randolph was alive and here, to see what I believe he once said he never did see, that "*rara avis in terris*"—a black swan! To hear the father of the American system, who has never, in thought or deed, varied from one faith--that of the most latitudinarian construction of the federal constitution: who, in every vote and every measure of his political career, has invariably practised, all of a sudden repudiating the doctrine of "the general welfare!" I would congratulate old Virginia and myself, sir, if I thought this change was sincere. But I feel no wish, for his own sake, that Mr. Randolph should be here. He was a man, though of morbid, yet of keen and delicate sensibilities; proud himself, and prouder and more jealous still of his country's honor; he liked a decorum in all things, and would have been mortified and wounded at beholding what I have witnessed for the first time in public life. Heretofore, sir, there has been some little decency left even in the Warwick business of undoing and making Presidents. The dirty work of electioneering has been left to caucuses, committees, and demagogues. It was left to the kennel press to be the vehicle of party detraction and party puffing. But now, sir, the veil is thrown off. A branch of one of the co-ordinate powers of the Government is made the medium through which to abuse the public mind; its floor, the arena of political strife; and candidates themselves--the lions and their jackals--brazenly and unblushingly stalk forth their own avengers for past piques, their own champions and trumpeters for future honors—for such an office as that of the presidency! Sir, suppose Totila to be driven out; would there not immediately be a war in Rome between three rival factions, two of which are decidedly hostile to each other, and yet are now sworn allies? But, Mr. Speaker, I am done with this party warfare, and proceed to discuss the reasons of the Secretary of the Treasury for the removal of the deposites, as I have patiently, calmly, and deliberately considered them, independent of all party bias and party influence.

As the gentleman from Pennsylvania remarked, the Secretary's report consists of abstract propositions, of facts, and of inferences.

His first proposition is, "that the power of removal was intended to be reserved exclusively to the Secretary of the Treasury, and that, according to the stipulations in the charter, Congress could not direct it to be done." I totally deny this position, though I am aware that the gentleman from Pennsylvania, in the preliminary discussion on the reference of this subject, and the bank directors themselves, in their report, concede it to the fullest extent. And I can readily perceive, too, why the bank does concede it. If the Secretary of the Treasury and the President had been the friends of the institution, and if Congress had undertaken to order and direct the removal for reasons of danger, to the deposites, the bank would, no doubt, have set up this position to prevent the original action of the legislative power of the Government. It asserts a no less important principle than that of the power of Congress to delegate its trust of keeping safely the public moneys of the United States. Sir, the law creating the charter, neither by its intention nor its words, means by saying "unless the Secretary of the Treasury shall at any time otherwise order or direct" that Congress should not retain that power which the constitution itself confided to the Legislature, of controlling not only the public moneys, but the executive officer also who has them in charge. The law meant only that the Secretary should have the power of removing the deposites, where Congress was silent; and not that Congress should not have the power of ordering and directing him to remove the deposites, though against his will. This mere power of substitution was wisely placed in the Secretary, that he might act, upon sudden apprehension of danger to the deposites, when Congress might not be prepared to act promptly; and then, too, he must lay his reasons before Congress, to judge of their sufficiency, and to countermand his order, if the Legislature deems proper.

Gentlemen need not tell me that such is the contract, and "*ita lex scripta est.*" Such is not the law, and it could not be law if it so intended. The legislative branch of the Government as clearly has the power, by the constitution, to take care of the public moneys of the United States, as it has to appropriate them by law; and it can no more delegate the one power than the other. And to say that Congress has not the power originally to order and direct the Secretary of the Treasury to remove the public deposites, is at once to say that the legislative branch of the Government has not the power to abolish the Treasury Department itself, and the office of Secretary of the Treasury; or that, if such department and such office were to be abolished, the deposites would be subject to no control whatever, and there would be no guardian of their removal, their safety, or their existence. Sir, there is no doctrine so dangerous in a free country as that the legislative branch of the Government can delegate its powers. If we can

divest ourselves of our legislative powers, and confer them upon an executive officer, there is nothing to prevent the creation of a dictatorship by law to-morrow. I do not consider that this abstract proposition properly belongs to the subject before us; but I have gone out of my way to protest against it, and to contend on all sides, as I hope I ever shall, that every power "recognised by the constitution must remain where it was placed by that instrument," and that it cannot be divested by mere statute law.

The Secretary of the Treasury next proceeds to a second proposition: "That the power reserved to the Secretary of the Treasury does not depend for its exercise merely on the safety of the public money in the hands of the bank, nor upon the fidelity with which it has conducted itself; but he has the right to remove the deposites, and it is his duty to remove them, whenever the public interest or convenience will be promoted by the change." Sir, after mature reflection, I am convinced that this proposition also is much too broad. It is true that the reading of the sixteenth section of the bank charter would seem not to limit the Secretary of the Treasury to any particular class of reasons for the removal of the deposites; but the other sections, and the whole context of the law, do, it seems to me, limit him solely to the reason of their safety. In other words, he is bound to lay before Congress financial reasons, and financial reasons alone, for the removal of the public deposites: as that they are unsafe; that the bank has failed to give the necessary facilities for transferring the public funds from place to place, within the United States or their Territories; that it has failed to distribute the same in payment of the public creditors, without charging commissions or claiming allowance on account of difference of exchange; that it has failed to do and perform the several and respective duties of the commissioners of loans for the several States; in a word, that it has failed to do and perform the agency which it has contracted to do and perform for the Government. And now, sir, what are the reasons of the Secretary?

The only reasons of a financial description which he has laid before us are:

1st. That the charter will certainly expire on the 3d of March, 1836.

2d. That the bank, by contracting and expanding its credit, has endeavored to force a renewal of its charter, by bringing distress upon the money market.

3d. The conduct of the bank in relation to the three per cent. stock; and

4th. The claim for damages on the French bill.

Sir, I consider none of these reasons, if true, as sufficient for the removal of the deposites; but I shall not stop to discuss them. I consider that the bank has done nothing illegal or wrong in relation to the three per cent. stocks, the French bill, or the curtailing its discounts.

If either of the reasons which the Secretary gives is a good financial reason, it is that of the bank extending and curtailing its loans with a view to force a recharter, by creating pressure and panic. But, for the life of me, I cannot see that the bank commits a breach either of law or of good faith, or good morals, in granting or refusing to lend its money. It is its policy and its interest to procure a renewal of its corporate existence, if it can, by legal and rightful means; and I put it to myself, if I were a director of that institution, if I or any man would not consider it to be my duty, as such, to demonstrate, in any legal way, the utility and necessity of such an institution to the wants of the people and the Government? In relation to the three per cent. stocks, I candidly confess that, in my opinion, the bank has, in this instance, as in various others, subserved the purposes of the Government better than the Government could have served itself. And I venture to say that, if the bank were to sue the Government for the damages on the protest of the French bill, before any judge, Federal or State, deserving to be called a lawyer, it would obtain judgment and a verdict before any impartial jury of the country. I cannot condemn the institution, then, for acts which are strictly legal and morally just.

The other reasons of the Secretary are such as pertain rather to annulling the charter, for violations of it by the bank, than to the removal of the deposites. Although the safety of the deposites is not involved in the question of solvency alone, and although reasons sufficient to annul the charter would seem, "*a fortiori*," to be sufficient for the removal of the deposites; yet I think that reasons for the removal should always involve, before Congress, the safety of the public funds; and that reasons for annulling the charter should always, in justice, be tried by a judicial tribunal, not prejudiced by party feeling, as every political body is; and that, until a decision by a tribunal of that sort, the deposites should continue to be made in the United States Bank, upon the principle that a corporation, as well as every individual, should be presumed innocent until legally proved guilty. And how are we to ascertain and to determine that the violations of the charter charged upon the bank have been committed, without assuming judicial functions, which belong of right to a court of law? The charter, sir, specially provides two different modes of proceeding against the bank for violations of its charter. It may be sued or prosecuted by individuals in "*qui tam*" actions, to recover penalties for certain specific breaches of charter, under the twelfth and thirteenth sections; or it may be sued for damages under the seventeenth section. And Congress or the President may, under the twenty-third section, order and direct a *scire facias* to be issued out of the circuit court of the district of Pennsylvania, in the name of the United States, calling on the corporation to show cause wherefore the charter shall not be declared forfeited. And every issue of fact shall be tried by a jury, with the right of appeal, by writ of error, to the Supreme Court of the United States. So far, then, as violations of the charter are alleged as reasons for the removal, the bank is fairly entitled, by the law and the contract, to a trial before a court of law, by an impartial jury of the country. And we cannot assume these violations to be true, or properly receive proof of their truth, with a view to try, until the courts appointed by law have sat in judgment. And if these courts adjudge the violations to have been committed, the charter will be forfeited, without coming before us for a decision; and if they acquit the bank, Congress has not the power of re-examining the fact, and of reversing their decision, as an appellate tribunal. I, therefore, shall vote for the resolution of the gentleman from South Carolina. But, sir, though we have not legitimately the power to try the bank for violations of its charter, yet, with a view to issuing a *scire facias* under the law, Congress has, and so has the President, the power to institute an investigation of its conduct and its concerns; and I am willing for an investigation to be made, not only with a view to the inquiry whether a *scire facias* should be issued against the bank, but in reference to the question of recharter, which is shortly to arise. Sir, I am undisguisedly and decidedly a friend to the constitutional power of Congress to incorporate a Bank of the United States on proper principles; and I am more than ever convinced that such an institution, properly organized, is absolutely necessary to conduct, not only the commercial operations of the people, but the financial operations of the Government; and there is no subject on which I differ more widely with the President and with the Secretary than on this important subject. I, for one, once did think that the President would sanction such a charter as can be made congenial to, and consistent with, the constitution. On all proper occasions, when using my feeble powers to re-elect him, I confidently declared this belief to many of the people whom I represent. And I am convinced,

more than ever, that if you destroy even the highly objectionable charter which we now have, without substituting a better in its place, the currency will be irreparably deranged, and bitter experience will thrice teach us the evils that will inevitably follow. With a view, therefore, of again allowing gentlemen who are opposed to a bank of any kind the fullest opportunity of exposing the misconduct of this institution, if any can be shown, I desire a committee to be appointed, or the Committee of Ways and Means to be invested with the power of sending for persons and papers, with a view to anticipate and remedy all defects in a new or a modified charter. The whole House, or the Committee of the Whole, is too blunt a probe. I do not, Mr. Speaker, call for another such Quixotic committee as that which, during the last session, rode, Sancho-like, all the way from Washington to Philadelphia to make a tilt at Squire Biddle's breeches pockets; but a committee of Congress, sir, who, having specific charges for their data, will sit down here, sir, as a committee of Congress should, and send for Squire Biddle to come to them from Philadelphia, with his arithmetic and his figures.

I have now, Mr. Speaker, honestly, and independent of all party considerations, given my real views of this great question. I believe that the removal of the deposites, as a measure intended to relieve the country from distress, has hurried upon us in one day, whereof the evil is sufficient, both panic and pressure; and, as a measure calculated to defeat the recharter of the bank, it will tend, more than any other cause could have tended, to defeat its own object. It was an act most impolitic and unwise, in reference to its own ends. With these views, then, unless other reasons than those presented shall be developed upon further examination, I shall vote for the deposites of the moneys of the United States to be made for the future in the Bank of the United States and its branches, where established.

Does any man now ask if I am still a friend of this administration? In the words of Nimrod Wildfire, I answer—"most distinctly."

I do still, and as ever, desire the glory, and honor, and success of this administration. But, sir, I pray for the glory, and honor, and success of no administration, only as I devoutly and ardently desire the glory, and honor, and prosperity of my country. And when I differ with any administration as to what conduces to the prosperity of my country and the preservation of its blessings and liberty, I will not condescend to say that I shall speak out boldly. Sir, as the two hundred and eighty-eighth fraction even of a co-ordinate branch of the Government, I feel myself independent of, uninfluenced by, and a check upon, the Executive. As a representative of a portion of those who are sovereigns of the President and myself both, I shall first maintain their principles and my own. I have freely and honestly supported this administration, and I mean freely and honestly to differ from it when constrained by my sense of right and my judgment; and I believe, sir, that no man has more charity, more indulgence, or more tolerance for a difference in opinion from him by his friends than General Jackson, notwithstanding all that we have heard about his self-will.

I beg leave, sir, before I sit down, to inform my constituents, through this House, (as is fashionable and very convenient now-a-days,) of the real state of parties in this President-making metropolis. There are more classes of "collar-men," sir, than one. The real truth is, that many who flaunt most the opprobrious epithets of party slang are themselves the most pitiable, leader-ridden followers after great men. Sir, he who runs may read the inscription of "collars" here. Some are inscribed "Kinderhook;" some "C——y;" some "C——n." And though the two last were wont to growl at each other, and fight most fiercely, they are now leashed together, and lap from the same trencher. And there are a few old bipeds, Mr. Speaker, who go trotting about, without any collar now upon their necks; but the crease is apparent, and the hair is all worn off to the flesh where the collars once rubbed. If any are concerned to know to which class I belong, I will very promptly and proudly refer them to Æsop's fable of the dog and the wolf. Like the hungry, half-starved rover of the forest, when I am beset by any dog politician with a crease on his neck, I can proudly say, "Liberty is the word with me! The lowest condition of life, with freedom attending it, is better than the most exalted station under restraint."

And, sir, if it shall be my will, and the will of the people who sent me here, to remain long in public life, whenever I may set my face towards some high place of power, to attain which it may be necessary to employ the machinery, the arts, the intrigues, and corruption of politicians, I may then, but not until then, begin to trim my sails to the breeze which blows. But, as I am now, and ever hope to be, an honest man, I shall be propelled straight forward by the single principle of duty and my country's good, and, like Fulton's mistress of wind and wave, wait for no current and be blown by no wind!

After Mr. W. had closed,

Mr. BOULDIN got the floor, and moved an adjournment.

Mr. BEARDSLEY opposed the motion, and called for the yeas and nays upon it, which were taken, and resulted as follows: yeas 113, nays 103.

FRIDAY, FEBRUARY 7.

THE PENSION LAWS.

Mr. CHILTON's resolution to extend the pension law so as to include the survivors of those engaged in the Indian wars on the frontier, from 1783 to 1795, coming up again as the unfinished business—

Mr. CHAMBERS, of Pennsylvania, resumed and concluded his remarks in opposition to the resolution, as given entire in the preceding pages.

Mr. WILDE rose and said, he did not mean to enter into the discussion of this subject, however important. The facts which the gentleman who had just taken his seat had brought to the knowledge of this House would, no doubt, receive the attention they merited. But his (Mr. W.'s) object was, to make a suggestion to the House as to the evils arising from these preliminary discussions to a most important branch of the business of the House, and the duty of each member—he meant the presentation of resolutions of inquiry. He did not wish to dictate to the House, but, having had some experience on that floor, this might, perhaps, be an excuse for his offering a few remarks on the subject. A certain portion of the day was, by the rules of this House, set apart for the call for resolutions in the order of States. If gentlemen were content to offer their resolutions as mere resolutions of inquiry, preliminary discussion was evidently useless; and against resolutions of an obviously improper character, the rules of the House provided a sufficient safeguard. On the presentation of such a resolution, any member had a right to call for the question of consideration, which was not debatable; and thus, if the resolution was, on the face of it, of an improper character, it was at once put down by the vote of the House. If the House thought otherwise, it went at once to the appropriate committee. This was the course which he wished to suggest to the House to adopt. By this means, they might avoid the inconvenience which now existed, and which most of the members must feel, in the introduction of resolutions, which they could now only do by asking the unanimous assent of the House; subjecting themselves thereby to the mortification of a refusal of their own request, or the pain of subsequently having it denied to others. He hoped, there-

fore, that as soon as the gentleman from Virginia [Mr. Bouldin] had been permitted (what of courtesy belonged to him) the privilege of a reply, this protracted preliminary discussion would be brought to a close; and that the course he had suggested would in future be adopted with regard to the introduction of resolutions.

Mr. LAY, of New York, next rose; but the hour set apart for resolutions had expired.

APPROPRIATION BILL.

Mr. POLK moved the House to take up the subject of the appropriation bill.

The House consented--ayes 104, nays 44.

Mr. WILDE then inquired what question was before the House?

The CHAIR explained, and a debate on questions of order occurred of some length.

During this discussion,

The SPEAKER stated briefly the present state of the bill. The Senate had agreed to the bill of this House with an amendment; to this amendment this House disagreed. The Senate adhered to their amendment, and the House (after having refused to recede from their disagreement) had asked a conference. The Senate agreed to the conference; and managers were appointed, who made a report to each House. On the question of concurring with the managers in their report, this House non-concurred. It was now moved to reconsider the vote rejecting the report, and the effect of reconsidering or not was now asked of the Chair. The Speaker said, that, if the House agreed to reconsider, then the question would again come up on the report of the committee of conference. If that report were adopted by the House, the whole proceeding would be ended. If the House, however, refused to reconsider, then the bill would stand before the House in the shape it did at the time the first conference was asked. There would then be presented three alternatives to the House: 1st. They might recede from their disagreement to the Senate's amendment, which was equivalent to agreement, and then the bill would be passed with the Senate's amendment; 2d. They might, if they chose, ask another conference with the Senate, which would enable other propositions of compromise to be offered; or, 3d. The House might refuse to recede, or ask another conference, but adhere; in which case, the bill would be lost. It was for the House to decide upon the course proper to pursue.

In answer to a suggestion made, as to the point of order in entertaining, a second time, the motion to recede, it having been once made and decided, the Speaker said, that, when the motion was first made, the Chair had not looked to the particular stage of the bill, and had supposed that the second motion to recede would not be in order; but, on reflection, he was clearly of opinion that his first impression was wrong, and that it was in order. The parliamentary usage, the Chair said, was this: that, after a question was once made and carried, in the affirmative or negative, it could not again be revived, but must stand as the judgment of the House. This rule, however, was rather to be kept in substance than in words; and Mr. Speaker Onslow had (whilst in the House of Commons) given a construction to this part of the *lex parliamentaria*, which had, ever since, universally prevailed: it was, that this rule did not extend to prevent the putting the same question in the different stages of a bill, (open to amendment,) nor to prevent the discharging of orders that have been previously made, though on great deliberation. The true doctrine was, that, in every stage of a bill, every part of the bill is submitted to the opinion of the House, and open to amendment, either for insertion or omission, whether the same amendment has been, in a former stage, accepted or rejected. The House might, therefore, have refused, in the first instance, to recede, with a view to see the effect of a conference; consequently, after having had a conference, and rejecting the report of their committee, they might be now disposed to recede. The bill is not at the same stage, and the Chair has no doubt that it is in order to move again to recede.

The question was finally taken on reconsideration, and decided in the negative by yeas and nays, as follows: yeas 103, nays 115. So the House refused to reconsider its disagreement to the report of the conferees.

Mr. WILDE thereupon moved that the House do recede from its disagreement to the Senate's amendment.

Mr. POLK regretted the difficulty, he said, in which the House was placed in regard to this bill. An attempt had been made to effect a compromise by the committee of conference, but the House had rejected their proposition. But as another conference was in order, and as it was now understood what was the objectionable matter in the compromise which had been rejected, he had risen to move a new conference with the Senate.

Mr. P. regarded the principles on which the House had, in the first place, refused to recede, as one which he could not yield. He should vote against receding, and, in giving that vote, he should insist only upon the precedents established by Congress. If the motion to recede were lost, he should propose a new conference, which he hoped would result in a compromise. The committee of the Senate, in the concession which they made, manifested a disposition to settle the matter, and a similar disposition was manifested by the committee on the part of the House.

Mr. HARPER, of Pennsylvania, stated the considerations which would influence his vote. He believed that it was never the intention that any but incidental expenses should be paid without an approriation by law, and, in this belief, he found that he was supported by the earliest acts of Congress.

Mr. WILDE spoke in favor of his motion to recede. Appropriation bills were, he said, intended for objects previously authorized by law, and it was highly important that every item in an appropriation bill should be, as nearly as possible, indisputable. By putting into this bill matter, which, if proper in a distinct bill, was improper here, we had got into this difficulty. He was in favor of the proposition of the conferees to increase the library appropriation. But the easiest way of getting out of the difficulty was to recede, and to leave the matter of restricting the two Houses in the use of their contingent fund, if it was deemed so very important, to be provided for in an express bill. He deprecated the want of confidence insinuated in the objectionable clause against the Senate, and considered it improper that greater restrictions should be placed on Congress in the matter of expense than had been done in the other departments of Government.

Mr. BROWN would vote against the motion to recede, because it was still open to conference.

Mr. HARDIN thought it a mark of courtesy to submit to partial amendments made in a bill by the Senate, particularly such an amendment of that trifling nature which has been made the subject of so much minute discussion. The privilege of printing conceded to the Senate is to disseminate authentic information on every topic of political importance. It is immaterial whether books composed of documents of former years be ordered; or whether an order be given for printing documents relative to the present year. To order printing merely incurs a debt, not makes an appropriation. The spirit of concession, and the advantages of free orders for printing useful documents, ought to have prevented the introduction of the restrictive clause, or to have erased it when discovered to be obnoxious.

Mr. FOOT thought nothing very material was embodied in the appropriation bill as to render it of such importance as it appears to be in the eyes of the chairman of

the Committee of Ways and Means. The bill cannot reach the evil it is intended to obviate; nor can the remedy reach the disease. Let a law, founded on the principle of restricting Congress from purchasing books, be reported; but let it not be appended to an appropriation bill, which is ineffectual.

Mr. TURRILL thought the restriction useful. If orders are made for books, a demand will be made on the contingent appropriation to such an extent that the regular printing cannot be paid for, nor the clerks, &c. of Congress, receive their salaries: another appropriation must therefore be made. Every appropriation should have a specific object, and no demand should be tolerated on it, but for the purposes distinctly specified.

Mr. HAWES thought the House the proper guardian of the treasury of the people, and responsible for its proper expenditure. He would not consent to any compromise of its dignity, nor admit that the Senate should make demands at pleasure on the treasury.

Mr. LYTLE referred to the provisions of the bill, and contended that, as the House had at all times the power to review any appropriations made by it, it was absurd, unworthy, and undignified for them not to recede.

Mr. BYNUM contended that the quantum of money was of comparatively small importance in competition with the principle that was involved, which was, in effect, whether the House would yield to the Senate the control vested in them by the constitution over the purse of the nation. He had voted for the original proposition, that one House might be, as was contemplated by the framers of the constitution, a check upon the other. If it was not adopted, the result might produce a contest for power between the two Houses, at the expense of the nation; and he trusted that the majority, who supported the bill as it went from the House, would continue to support a principle which was sacred to the welfare of the nation.

Mr. BAYLIES said he was as well disposed to contend, upon every proper occasion, for the dignity of the House, as any other member; but he believed there was some misapprehension about the bill itself. He had examined it, and believed that the Senate could not appropriate any of the money voted by the bill to improper purposes; it was said that they might do so, but the bill restricted them.

Mr. MILLER would not have obtruded himself, but that he wished to free himself from a charge of inconsistency, in now voting to recede, which he had previously opposed. He had, since that time, examined the bill, and discovered that the principle for which he was contending was retained as fully in the bill as before; for the restriction as to the printing clause secured that object, and it would be in the power of the House, if the Senate expended their money improperly, and should ask for more, to withhold it. He confessed, if he had been a Senator, he would have stood out for their amendment; and he especially supported it, because it gave to the House the same privilege which it gave them.

Mr. E. WHITTLESEY expressed his wish that the question might be taken, that the House might proceed to the consideration of private bills.

Mr. MANN, of New York, called for the yeas and nays, which were ordered.

The House then receded from their disagreement by the following vote: yeas 111, nays 104.

Several engrossed bills were read a third time and passed.

The House then adjourned.

SATURDAY, FEBRUARY 8, 1834.

Mr. WATMOUGH offered the following resolution:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of extending the limits of the port of entry and delivery of the port of Philadelphia, northwardly, to the foot of Hanover street, in the district of Kensington.

[Some sparring occurred between the mover and Mr. SUTHERLAND, (chairman of the Committee on Commerce,) in relation to the resolution: the former seeming to consider the committee as tardy in their movements; the latter replying that the resolution would have no effect to hurry them. It was probable they should report soon, and perhaps favorably, in respect to the object; but he would give no pledge to that effect. Mr. W., on the other hand, appeared to doubt whether the committee would report at all.]

The resolution was adopted.

Mr. EWING, of Indiana, offered the following:

Resolved, That the Committee on Military Affairs, in considering the resolutions already referred upon the subject of a national armory on the western waters, be instructed to embrace the Wabash and White rivers, in the State of Indiana.

Mr. SEVIER thereupon offered an amendment, to include the Arkansas river, as one of those whose expediency, as a location for a western armory, should be inquired into.

Mr. EWING declined accepting it as a modification of his motion.

Mr. SEVIER expressed his regret at this, and went on to state that his Territory had always been included in former resolutions of a similar kind. It lay on the frontier of the Union, immediately contiguous to Mexico, and needed arms and an armory far more than the States in the interior. The Government there owned the soil, the mines—every thing; and all the expense would be saved of shipping arms from Indiana, &c.

Mr. EWING pleaded the claims of his own State. If Arkansas needed defence, who was to defend her? Was it not the inhabitants of the other States? And how were they to do this without arms? With cornstalks? Indiana had emerged from infancy and helplessness, and now stood on a level with the other States; but Arkansas was a child of the Union, and indulged and favored to a great degree. Surely it would be easier to transport arms down stream than up; and, though Arkansas might need defence, so did the northwestern frontier. He dwelt on the favorable central situation of Indiana, her water power, &c.

Mr. DENNY offered an amendment, (intended to cover Pittsburg,) but the Chair pronounced it not in order, unless connected with Mr. SEVIER's.

An amendment moved by Mr. ASHLEY, in favor of Missouri, was similarly situated, and shared the same fate.

Mr. SEVIER replied with some warmth, and defended the cause of his Territory, stating her sufferings from Indian intruders, &c., and adverting to the large grants of lands to Indiana for her canals.

Mr. SPEIGHT acted as mediator, and assured both gentlemen that the Committee on Military Affairs had the whole western country under consideration, in reference to the location of an armory; and neither resolutions in favor of particular States, nor speeches in support of them, would have the least influence on their decision.

Mr. MASON, of Virginia, with a view to cut off the succession of local encomiums with which the House was threatened in this fruitful theme, and prevent a debate, which, though only upon a motion of inquiry, threatened to stifle all other inquiries, moved that the resolution and amendments be laid on the table; which was carried without a count.

THE PENSION LAWS.

Mr. CHILTON's resolution coming up again—

Mr. LAY, of New York, who had the floor from the previous day, rose and said, that it was not his intention to detain them long; neither did he intend to go over the whole ground covered by the debate which had so long

occupied the House, as he should confine himself to the examination of the principles involved in the propositions submitted, and by which their respective merits should be tested. It had been pressed upon the consideration of the House, and urged by the honorable members from Kentucky [Messrs. Hardin and Pope] with much force and plausibility, that the contest with the savages, in what had been termed "the Indian wars on our frontiers," was "but a continuation of the revolutionary struggle; and that, on this account, the individuals engaged were entitled to the same pecuniary recompense awarded to the soldiers of the Revolution." From an examination of the facts in the case, it will readily be seen that there is no analogy whatever between a claim for a remuneration for services rendered by the persons contemplated in this resolution, and the cases provided for by the bill to compensate the officers and soldiers of the revolutionary war. The character and nature of the two cases are entirely distinct and dissimilar. The claims of the revolutionary soldier were not strictly equitable, but legal, in the strict sense of the word, and were peculiarly addressed to the justice and honor of the nation. Whilst, on the contrary, the claims of those others, sought to be embraced by the original resolution of the honorable member from Kentucky, [Mr. Chilton,] appeal solely to our sympathies and generosity, and do not possess any of those strong and peculiar features which justified Congress in passing the bill to compensate the surviving officers and soldiers of the Revolution. One was a debt, acknowledged to be due for services rendered under a contract made with the Government under the old confederation, and which every sense of national faith, justice, and honor required us to cancel. The other, a claim where the services performed were for the protection of the property of individuals, who have already received a full and adequate compensation, yet who now demand of Government a permanent pension for having protected them. Had the claims of the revolutionary soldier no other basis than that growing out of the perils, the sufferings, and the privations of those who successfully fought the battles of our country, and, by a perseverance and courage unparalleled in the annals of history, steadily adhered to the principles of the declaration of independence, he had no hesitation in saying that the present pension system would never have been adopted. No, sir; had this been the principle, it would have been in vain, at this time, for the friends of this proposition to have sought for a precedent, which could, by any analogy of reasoning, or any perversion of language, have justified the adoption of this resolution. The obligation of the Government to remunerate the patriotic soldier, who had sealed his devotion to the liberties of his country with his blood, and by years of the most toilsome and dangerous service, was never denied. It was always conceded by the constituted authorities of the Government, whenever the subject was discussed, that the old Congress had failed to comply with the spirit and morality of the contract made with our revolutionary soldiers, and that payment was only delayed in consequence of the embarrassments and poverty of our country. When, therefore, peace returned, and with it the agricultural and commercial interests of the United States had revived, and infused new life and vigor into the exhausted and wasted energies of the country, she set the bright and glorious example of declaring to the world that the national character was of as much importance as independence, and that wealth and property were but as dust in the balance, compared with the dictates of humanity and justice. The honorable member from South Carolina, [Mr. Pinckney,] to whose purity of feeling and correct purpose every member of this House will most cheerfully bear testimony, has been pleased to say, in regard to this act, that it is not only unconstitutional, but partial in its benefits, oppressive in its operation and tendency. The indebtedness of the United States having always been admitted, it is now too late to discuss the constitutionality of the act. The sixth article of the constitution expressly recognises the obligation of the Government to pay "all debts contracted, and engagements entered into, before the adoption of this constitution;" and that they should be as "valid against the United States under this constitution, as under the confederation." The principles of this act have been sanctioned by our most enlightened statesmen, and the gratitude of millions has hallowed its adoption. It is most unquestionably true, sir, that far the greater portion of that remnant of patriots who were engaged in the service of their country in the revolutionary struggle, and who are now receiving a compensation under this act, reside in the northern States; but are they, on this account, the less entitled to a remuneration for services so meritorious as these are acknowledged to be by every member on this floor, and to which even the member from South Carolina has paid so handsome a tribute? Was not the war of the Revolution waged and carried on in defence of principles, common and dear to every American citizen? Did not its successful termination bring liberty and independence to the South as well as the North? Is the justice and liberality of this Government, then, to be restricted by geographical lines or boundaries? Ought the legislation of Congress to be influenced by any prejudices growing out of sectional considerations? Do we stand here to represent the district or State only in which we reside? Surely not. The great body of the American people, by their representatives in Congress, are to be governed by more extended and liberal views—by far higher considerations. They are to legislate for the whole nation—not a part—and provide for and consult the general interest and welfare. The cause is obvious, and the answer easy, why so great a number of the revolutionary pensioners are to be found in the northern States. It was these States, sir, that furnished by far the greater proportion of troops for the contest; and the bones of our northern soldiers, who fell in this glorious struggle for life and liberty, now lie scattered through the land—in every portion of this Union, wherever danger assailed, or the interest of their country called them. The surviving few, whose claims have at length been recognised by a grateful country, are now in a great degree dependant upon the trifling pittance allotted to them, and which serves to comfort their declining years for the few days they may linger among us, before they shall be called away to join their co-patriots in arms, who have already gone before them, and for whom the acknowledgment of their services by their country came too late. Let not, then, the agitation of this question disturb the peace and quiet of this remnant of our revolutionary fathers now alive, nor let it imbitter the evening of their days with the appalling apprehension of penury and want. But whilst he differed from honorable members as to the policy and legality of the pension system, he agreed with them, and with the honorable member from New Hampshire, [Mr. Hubbard,] upon the propriety of rejecting the claims of those embraced in the resolution: not but that the acts performed, and which have been so feelingly and eloquently portrayed, are highly meritorious and worthy of praise; not but that the individuals are entitled to all our sympathies and admiration; but simply because, in their case, they can have no possible claim upon the Government for services rendered, however beneficial and useful, beyond the express and implied terms of their contract. It may be said that it is the duty of every Government to protect its own citizens in their lawful pursuits and avocations. This, as a general proposition, is undoubtedly true, in time of peace as well as war; yet, who ever heard of an instance, even in our late war, when our whole western frontier was laid waste by the invading enemy—our villages laid in ashes—and our citizens, without regard to age, sex, or condition, shot down, butchered, and scalped by their In-

dian allies—where a pension has been given even to one out of the thousands who daily, and without pay or remuneration, went forth as volunteers to meet and repel the enemy? The farthest that our Government have ever gone to sustain any principle which can be assimilated to this, has been to compensate sufferers for property taken and destroyed in war, under peculiar circumstances; but in no instance has the principle been extended so far as to remunerate our officers and soldiers beyond the terms of their contract or enlistment. To adopt such a principle at this time would be subversive of all the best interests and the true political economy of this Government. The evil would not stop with establishing a system which, by its terms, would embrace every individual in the service of the Government, either in the revolutionary or recent war; but, when once adopted as a precedent, its force and effect will be felt to be forever obligatory upon the country; and we shall have a pensioned army fastened upon, and living upon the substance of, the people; the consequences of which will be more dangerous, more oppressive, and more to be dreaded, than the odious pension system of Great Britain. In matters of such great and vital interest to this nation, the utmost care and caution should be used, lest, by an indiscreet zeal for doing some particular act in which we have suffered our feelings to become too much enlisted, we inflict an irreparable injury on our country. We are placed as the guardians of the public treasure, and, as the trustees of the American people, it is our solemn duty to watch it carefully, and deliberately examine every principle submitted, which has for its object the disbursement of that treasure, or the establishment of a precedent, which is to be co-extensive with the Government.

Mr. L. argued at length to show the dangerous tendency of precedents, when a due regard to the interests of the country was lost sight of; and referred to several instances of the pernicious effect of such incautious legislation. After which, he continued and said, it was not necessary for him to go into a particular examination of the daring exploits and "hair-breadth 'scapes" of the several individuals who had immortalized themselves in border warfare and personal contests with the savages, the detail of which had excited such lively and thrilling interest; nor into the motives which induced the brave pioneers of the West to leave their cultivated farms, their homes, and firesides, and penetrate into the recesses of the forest—whether influenced by the love of gain, the hunt and the chase; or that peculiar eccentricity characteristic of the old trapper, so beautifully described by our talented novelist; or that instinctive love of solitude, and of the charms of the forest, which induced the celebrated Boon, so often alluded to in this debate, to leave his habitation, and again plunge into the wilderness, many hundred miles beyond the abode of civilized man, merely because (to use his own language) "a Yankee had the audacity to come and plant himself directly under his nose, within one hundred and fifty miles of his cabin." All this it was not necessary for him to inquire into. Suffice it to say, that no precedent exists which will justify such an appropriation; nor can human ingenuity bring these cases within the principles established by the revolutionary pension bill; and no cause can be shown why a pension should be granted to those persons, when thousands, even of our revolutionary veterans, are excluded from enjoying the liberal intentions of Congress, by the rigid construction of the pension laws. Mr. L. here argued to show that the same principle which would give pensions to those persons engaged in the conflicts with the Indians would necessarily lead to the extension of the pension system to every person engaged in military service; and he contended that the soldier who fought at Queenstown, Chippewa, Lundy's Lane, and New Orleans, was more deserving, and better entitled to a pension, than they could possibly be; and he concluded by asserting that it was the principle of the resolution, and the inevitable consequences that would flow from it, that he condemned, and which, if once sanctioned, would bring ruin and beggary upon the country. These principles once adopted as a precedent, there would not be an instance of meritorious conduct, even an instance of conscientious discharge of duty, in any department of Government, or even in private life, in which an individual may not, with the same propriety, demand a pension. He hoped, therefore, that the time of the House would not be longer occupied with the discussion of the resolution, for every incident which could give strength to the claims had been fairly presented, and its advocates had furnished every detail necessary for the House to form a deliberate opinion upon its merits. He must deprecate the idea of its being sent to a committee to be examined and reported upon, as this, in all probability, would only lead to a further protracted debate, and which was wholly unnecessary. Every member now fully understood the principles upon which the resolution was based, and was prepared to act upon it. He desired to have the question taken, and the resolution and the amendment both rejected.

Mr. C. ALLAN, of Kentucky, next obtained the floor; but the hour for morning business having expired, the House went into the consideration of private bills, the remainder of the day, till adjournment.

MONDAY, FEBRUARY 10.

The entire session of this day, being petition day, was occupied in the consideration of petitions, memorials, and resolutions. Among the memorials were the following:

NEW YORK MEMORIALS.

Mr. CAMBRELENG presented four memorials, all relating to the present condition of the country, and proposing modes of relief. The first memorial was from the merchants of New York engaged in the foreign trade of the country, praying for the establishment of a warehousing system. The act of July, 1832, would effectually destroy the carrying trade in dutiable articles, unless some such remedy should be promptly applied. The operation of that act, since the 4th of March last, had almost prostrated that branch of trade; it had withdrawn a capital equal to more than twenty millions of dollars: the amount existing on the 1st January, 1833, was twenty-one millions and a half. We have not only (said Mr. C.) withdrawn that vast capital from one branch of trade since the 4th of March last, but we have compelled our importers to advance the revenue to the Government; it is impracticable, under that act, to realize the amount of duty from the sales before they are obliged to advance. Under this double operation, this single branch of trade had been called upon for thirty millions, one-half of which, at least, had fallen upon the city of New York. I am not, sir, for constituting Government a borrower or a lender to any branch of trade; the terms of credit should not be so long as to encourage injudicious speculations, nor so short as to embarrass and restrict the foreign trade; they should be so graduated as to enable the importer to realize the duty by sale of the merchandise before he is called upon to pay the duty. Gentlemen may save themselves the trouble of devising means to employ our surplus revenue at the end of the year; the operation of the act of July, 1832, would cause a large reduction in importations of dutiable articles, and he was much mistaken if there would not be a very considerable falling off in the revenue of the present year. The foreign trade could not recover or flourish, unless some remedy was speedily applied. If gentlemen are sincerely desirous of extending relief to this branch of trade, let them come forward, establish a warehousing system, permit importers to deposite their merchandise for three years, and to pay the duty in three and

six months from the date of the entry for consumption. We hear much, sir, about measures of relief; there is none that can be proposed which would afford more substantial and permanent relief to the foreign trade of the country—a branch of trade which has been fatally embarrassed by our own measures.

The second memorial which I shall present is from the "working men of New York, against paper money, and in favor of the constitutional currency." The currency proposed by the memorialists is that which was contemplated by the framers of the constitution; and well would it have been for the country had we never, since 1789, introduced by law another of a fluctuating character. Sir, I am surprised to hear the language lately reiterated upon the subject of a metallic currency. However, sir, we may differ about the remedy, I had heretofore supposed that gentlemen all agreed that the bank note circulations of the country were sustained by too small a metallic basis to secure stability to commercial credit, and steady employment to the laboring classes. It is unnecessary for gentlemen to be alarmed, or to attempt to spread unfounded apprehensions. No one proposed to rush headlong from one extreme to the other; whatever reform might be attempted, should be effected by slow degrees, and with a just regard to the existing condition of the trade of the country; no interest should be disturbed or deranged by any abrupt measures. Sir, I am one of those who believe it practicable to reclaim our gold coin from foreign countries; and that it is no such very difficult matter for the trade of this commercial country to abstract from the four thousand millions of the current coin of the world one-hundredth part, to be added to the existing metallic circulation of the country. But, whatever reformation of the currency shall be attempted, it must be made gradually; and I hope, sir, that gentlemen who profess so much regard for the soundness of our currency will, at least, throw no impediment in the way of those anxious, as we are, to improve its character without interrupting the prosperity of the country, and to secure permanent and greater stability to the operations of trade and industry.

Sir, I have two other memorials to present, signed by more than ten thousand of my fellow-citizens, and other memorials to the same effect are yet to come, praying that the deposites may not be restored, and that the Bank of the United States may not be rechartered.

Under the peculiar circumstances which produced these memorials, I feel a proud satisfaction in presenting them to the House. They speak the language of independent men, of a community suffering under oppression, but determined never to submit to their oppressors, or to surrender their rights. The Bank of the United States has made a bold experiment upon the country. Since the commencement of the session, its presses and its friends abroad—ay, sir, even some of the capitalists of the country—have been instrumental in an attempt to destroy commercial confidence, by circulating the most alarming predictions of approaching ruin and calamity. These rumors of distress, of frightful disasters, of panic, have been echoed here by distinguished gentlemen of both Houses. Sir, no other country upon earth could have stood firm under such a general attack upon commercial confidence as has been made by the bank, and its friends abroad, during the last seventy-five days. If the distinguished men of both Houses of Parliament had indulged in the same gloomy anticipations—had they for more than two months predicted universal wreck and ruin, and general panic, it would have broken half the country banks in England, and half of their merchants and manufacturers. It is, sir, a bold experiment of the Bank of the United States, and has fallen with dreadful severity upon my constituents, produced many bankruptcies, and ruined many families; but, sir, were their losses and sufferings ten times as great, so long as they are animated with the spirit of freemen, they will never subject a Government of their own to the dominion of the Bank of the United States. These memorials, sir, are the result of the policy pursued by the bank, and such will be the sentiment of the country. This experiment upon the fears of the country has totally changed the question; it is no longer a contest between the bank and the Treasury or the Executive; it is a question between the bank and the people—a question between the moneyed power of a corporation and popular sovereignty. Gentlemen had underrated the intelligence and patriotism of the people, and this last desperate experiment would fail. But, sir, whatever may be the political result, I hope those who have been instrumental in destroying commercial confidence, by predicting ruin, will unite with us in endeavoring to restore it. I trust, sir, that the ninety days referred to by a gentleman [Mr. Selden] at the commencement of the session are now drawing to a close, and that we are approaching those days of grace when the Bank of the United States will, in its mercy, relieve the country. I hope, sir, the bank will do now what it ought to have done two months ago—announce to the local banks that they have nothing to fear from its measures, and restore confidence. The president and directors of that institution have now no apology for persisting in its mysterious course towards the State banks; nay, sir, they have been called upon by their own friends, they have been admonished to change their course; the mandate has been issued from the other wing of the capitol; it cannot be misunderstood, and I have no doubt it will be obeyed, and that commercial confidence will be once more restored. Sir, if gentlemen really intend to do something for the relief and permanent benefit of the country, let them re-establish our foreign trade on a sound foundation, either by a warehousing system, or by extending the credit on duties; and, if they wish to secure a durable prosperity to trade, and a steady employment to labor, let them unite with us in our measures to enlarge the metallic basis of our circulations, and improve the condition of our currency. Mr. C. concluded by moving the reference of these memorials to the Committee of Ways and Means.

The memorials were accordingly referred to that committee.

Mr. SELDEN presented the memorial of the mechanics and artisans of the city of New York. In presenting this memorial, Mr. S. stated that the indulgence of the House on a former occasion, when he had the honor of presenting the memorial of the merchants of that city, would prevent him from detaining them at this time. This memorial is signed by most of those who, from their occupations, find employment for a very large part of the labor of the city. They represent that they are unable to continue their respective avocations; that they are compelled to discharge many of their workmen and laborers; and, if the present state of things continues, they will be compelled to discharge all, and close their shops. Mr. S. said, he believed nearly ten thousand men (all voters, too,) are engaged in the employment of house building alone, from the digging of the cellar to the putting on of the paint; that, as he was informed, scarcely a new contract for the erection of buildings had been made for the approaching season, and this large class of our people must be deprived of labor and support in that city.

Mr. S. said he was glad to find his colleague had already found it necessary to change his opinion, and that the impracticable plan of returning at once to a gold and silver currency was already abandoned; that he admitted it was necessary to proceed gradually, very gradually, in changing the present currency. Mr. S. said he still hoped that his honorable colleague and himself would act together upon this important matter.

Allusion was made by his honorable colleague to a suggestion made by him (Mr. S.) at the commencement of the session, wherein he prophesied the approaching dis-

tress of the country. Had not the anticipation been realized? Do not the memorials and petitions, day after day presented to both Houses of Congress, verify the prophecy? Can the gentleman wish or expect further evidence? Does he not believe our countrymen, especially our constituents, have suffered enough? or was it his wish to witness greater ruin and distress among those whom we represent? Mr. S. observed that he was glad the other day when his colleague had required the reading of the memorial with the large number of signatures stated by him, and had also asked for the printing of the signatures. As he understood the views of those memorialists, they were opposed to the present bank and to a restoration of the deposites; but, so far as related to a sound paper currency, regulated by a national bank, most of those who signed that memorial did not differ from the signers of the memorial from the mechanics, which he now presented, or from the merchants presented last week; on the contrary, as part of the proceedings of the meeting from which that memorial originated, they express their wishes and confidence that Congress will take active measures to afford a suitably sufficient substitute.

The memorial now presented by the mechanics was signed by three thousand artisans of the city. The signers may be a few more or less.

Mr. S. moved that the memorial be read, and, with the signatures, be printed, and referred to the Committee of Ways and Means.

FRANKLIN COUNTY (PA.) MEMORIAL.

Mr. CHAMBERS presented resolutions adopted at a public meeting of citizens of Franklin county, Pennsylvania, at the village of Quincy, on the subject of the public distress, which they attribute to the removal of the public deposites, and which they desire Congress to restore to the Bank of the United States.

Mr. C. represented that this meeting was composed not of bank jobbers, stock jobbers, or party jobbers, but of farmers and millers, without distinction of party, in one of the best grain-growing districts of Pennsylvania. Feeling the public distress, operating in depreciating the price of produce, and deranging and interrupting trade, they have given the subject their attention. The distress they attribute to the act of the Government in removing the public deposites, which they ask Congress to restore to the Bank of the United States.

This memorial received the same reference.

PITTSBURG (PA.) MEMORIAL.

Mr. DENNY presented the memorial of numerous citizens of Pittsburg, Pennsylvania, praying for the restoration of the deposites.

On presenting the above memorial, Mr. D. said: Some days since, I had the honor to present to the House a memorial signed by several hundreds of my constituents, relative to the embarrassments of the country, and which they were then experiencing. It has become my duty to present another memorial of like import. When I left my constituents, I did not suppose that in the short time which has elapsed they would become petitioners here, and I be called upon, in the discharge of my duty here, to present their memorials, declaring their grievances and their sentiments relative to measures of this Government—I should say of a part of this Government, which we too often substitute for the Government itself. They complain of the measures of a department of the Government, which have spread among them consternation and distress; which have invaded their security; measures which threaten them with bankruptcies and ruin; which have deranged their currency, their credit, and their commerce; which have paralyzed their industry, and will involve thousands in idleness and penury. When these measures of the Treasury began first to operate injuriously, and to be felt by the people, my constituents were unwilling, from prudential motives, to complain. They trusted to the wisdom and independence of this body to provide a remedy for the evils they were beginning to experience, and to protect them from others with which they were threatened. But, sir, finding their silence was misunderstood, and used, as they believed, for political purposes, adversely to their feelings, their wishes, and interests, they felt it incumbent upon them, under their obligation to Congress, to truth, and to the nation, no longer to remain silent sufferers. Acting under the great charter of our liberties, which guaranties to the people the right to assemble and petition for redress of grievances, a meeting was convened, composed of mechanics, manufacturers, merchants, men respectable for intelligence, integrity of character and of purpose. Resolutions were adopted, expressing the sense of the meeting; a memorial was agreed upon, printed, circulated, and signed by about a thousand persons. This memorial contains the names of individuals in every condition of life, respectable, honest, and who would scorn to represent to this House that which was not true. There are names to this memorial of men known to me, who would as soon separate their right hands from their bodies as to place their signatures to papers containing that which they did not believe to be true. We have here the names of persons pursuing every description of business to be found among my constituents—mechanics, laborers, manufacturers, merchants, professional men, men with money capital, men with no other capital than health, skill, and industrious habits—the poor, the rich, and men of all parties. To these memorialists I may apply the language of a distinguished gentleman, used on another occasion: they are "too independent to be corrupted by the influence of gold and (allow me to add) of office, or the power of a subsidized press." They have stated to the world what they believed to be true, regardless of calumnies or reproachful epithets. They have acted as freemen, free from the shackles attempted to be imposed on them by party.

My constituents have been made the subject of much remark recently in another place; and I may be permitted to express the mortification and surprise I felt at the statements and remarks, as they appeared in the public journals. Were they made because some of my constituents were supposed to be political opponents of the administration?

I am yet to learn that any distinction should be made in the degree of courtesy and respect to be shown to memorialists who present themselves respectfully to this or the other House, even if they were political opponents. May not political opponents speak the truth? and is it not entitled to the same respect as if it came from political friends? He who wishes not to hear the truth, may reject it because of the channel through which it may reach him; and truth is to be disregarded because no credit is to be given to political opponents. The credibility of memorialists ought not to be judged by a rule of this kind, and I trust it never will be applied to them here. Who is to establish and apply the rule? Men in power and in place? Those whose acts are complained of by the people? They would apply the rule to suit themselves. For the people to dissent, to disapprove, to complain, to remonstrate, is to lose caste; and thus to subject themselves to the reproach of being political opponents, and not entitled to credit. If the voice of honest remonstrance is to be in this manner interdicted or intimidated, and shall perish, liberty will perish with it; the voice of freemen will no longer be heard here—nothing but the puling of slaves and gross adulation of parasites and flatterers.

If an opportunity had been afforded to me at an earlier day, it would have been my duty to have then disabused the public mind in relation to the condition of my constituents. That melancholy task is not now necessary; my

constituents, themselves, have spoken in language not to be misunderstood. The condition of things among them has assumed a most melancholy aspect. What appeared a few weeks ago only in prospect, is now reality; hundreds of persons are thrown out of employment; many more have reduced their wages twenty-five per cent.; some of the manufacturing establishments have ceased their operations; others have diminished their business very considerably; and some are almost obliged to close their doors, and suspend their operations. All this occurs at a period of the year the most unfortunate for the working class, and is felt the most severely by the poor; and all is the result of measures instituted by men connected with the Government, who have professed feelings of love for the poor. The measures which have thus been introduced affect with peculiar hardship the working class, and, of course, my constituents feel their influence the more. The distress caused through the western country will increase that at Pittsburg. Our business is chiefly with the West; our commercial intercourse with that extensive region is about to be broken up—is materially deranged and embarrassed.

The difficulties will not be confined to the towns on the Ohio. The evils we experience will, in a few weeks, extend into the interior, and reach even the mountains in my own State. The spring of the year is, with us, always marked by the greatest activity in trade. When the navigation of the rivers which extend towards the north and to the south from Pittsburg open in the spring, then the pig metal, the blooms, the bar iron, various manufactures, the agricultural productions, and the lumber, which have accumulated during the winter at various points on the navigable streams, rush down to Pittsburg. The wharves and landings become crowded with boats, containing the productions from the interior, and with lumber from even the empire State. How great will be the disappointment of those interested when they shall arrive at Pittsburg and find no purchasers—business at a stand, stagnant—no money to be had, and that they may "go further and fare worse." Great will be the disappointment of those who relied on sales to be made in the spring, for cash, with which to pay for the operations carried on through the winter; they will not be able to meet their engagements, nor to pay the laborers for their winter's work. My constituents have been told to look to their machinery—to their coal—their steam power—their enterprise—their industry. What avails their machinery, when it cannot be employed? what their fuel, when it cannot be ignited? what their raw materials, when they cannot sell the manufactured articles, nor procure the means of paying the workmen? What avails their steam power, when there is nothing upon which it can operate? what their industry or their enterprise, when to exert them is to lead to bankruptcy? All their resources are of little avail amidst a deranged currency, and the interruptions of their commercial facilities. Embarrassment is rapidly passing over the whole land; and, like a mighty wave from the side of the Atlantic, it has dashed over every barrier, and is now mingling its crest with the waters of the great river. That there is cause for all this evil, none will deny. What is the cause? is the question. Who are the best able to judge of this cause--the politicians, the office-holders, the men who have been instrumental in producing the distress, or the suffering citizen who is its victim? An enlightened people have traced their distresses to their true origin—to the policy and measures commenced under the directions of a part of this Government. My constituents are now as capable of judging of the true cause of the evils with which they are visited as any gentleman on this floor; and I say to them, they are right in ascribing all their evils to the arm of the Treasury Department, or to those who wield it. It was not until after the Treasury Department unnecessarily commenced its crusade against the Bank of the United States, and removed from that institution the moneys of the nation, that any alarm took place. This has shaken all confidence in the currency, and operated to destroy mutual credit in the country. Before this war was commenced against the Bank of the United States, all was quiet and secure, business was flourishing, and every thing going on happily. Now, what is the case?

We receive accounts almost daily of failures, to the amount of millions, of manufacturers and mechanics suspending their business. Thousands are already without employment; and the most gloomy and melancholy forebodings as to the future pervade the working classes every where. And who is to escape? Why, the very instruments of Government, who have caused the evil—the office-holders—those who live on a taxed community; they are to be benefited by a reduction in the price of labor. No wonder, then, that your custom-house officers, and others in the pay of the Government, were at first clamorous in denying the existence of distress, and now in ascribing it to the bank; they are sure of their pay. Why has this warfare been commenced by the Treasury? We are told by gentlemen high in power and in place that the change which is attempted is by way of an experiment—a fiscal experiment. What! I would ask, is the labor, the produce, the property, the business of millions of free people, and amounting to millions in value, to be made the subject of experiment, to be sported with as children's toys, to be built up or knocked down as pleasure or caprice may dictate? Shall the prosperity, the comfort, the hopes, and the gains of this people, be thrown into the political crucible of this new fiscal alchymist at the head of the Treasury Department and his agents? If they only were to be the sufferers by their experiments, I would perhaps agree that they should abide the result. What good will they effect by continuing their experiments? Can they replace the millions which have been already lost to the country? Can they revive the merchant made bankrupt by their experiment? Can they compensate for the misery, the despondency, the tears, and the sufferings which have been produced among those individuals who have lost their employment and subsistence by the influence of this experiment? Can they compensate the workmen who have in thousands been thrown into idleness, and may be reduced to penury? No, sir. Why, then, continue this ruinous experiment? It will be honorable to recede; let it be relinquished. Shall the pride of opinion cause men to persevere in this course, and arrest the relief which otherwise would be afforded to the people? or is it moral courage which opposes itself to the wishes of a suffering community?

This administration has sufficiently evinced its moral courage; it is no longer doubted; it is stamped on too many measures to be now disputed or soon forgotten. Let us not have another display, by persevering in the exercise of a power which shall cause the recollection of it to be transmitted to the remotest posterity, by the ruin of the thousands which shall become its victims. I would much rather see that more beautiful exhibition of moral courage and magnanimity, in acknowledging error, or relinquishing opinions and policy, when requested by a suffering people, and in daring to do right, although advocated or suggested by political opponents. If the Secretary of the Treasury has unexpectedly brought the vessel of State into difficulty—into what our western boatmen sometimes call a pocket—there is but one way of getting her out. You may raise the steam until you start every rivet; you may drive the machinery until every plank trembles and groans; you will but the more increase the danger and alarm of the passengers, and force her harder upon the shoal. What then is done? The pilot rings his signal bell—"back her!" is the order—back she moves, gets out of the strait, regains the usual channel, is put on the true course; then "go ahead!" and away she

glides triumphantly on her route, to the great relief and joy of all on board. So will it be with our ship of State; let the pilot give the order, and she will be rescued from her danger—will regain her true course, and go on her way successfully, even under high pressure, but with abundant sea room. Will it not be magnanimous to act in this manner? Or is the pride of opinion and of party to prevent relief from reaching the people? And will nothing be done? Shall we sit here as indifferent and insensible to the appeals from the people, daily made to us, as the marble columns which surround us? I hope not. I trust that the better feelings of our nature, feelings of humanity, benevolence, of sympathy towards our suffering fellow-citizens, will have some influence in directing relief.

Memorials, it is true, are on our tables of a nature the opposite to that which I hold in my hand. Some deny the existence of a pressure or distress: others admit it, but attribute all to a different cause; these are of a negative character, and, in my opinion, not entitled to the same weight here as those of an affirmative character. The memorials which I present affirm the existence of distress, and declare what they believe to be the cause. The memorialists are not mistaken. And I would say to gentlemen, that these memorials come from strictly a working community—from emphatically a busy and laborious people; many of whom, not content to work from six to six, as is the custom in many places, anticipate the sun, begin with candle-light, and cease not to toil although the curtain of night drops around their labors.

These are the persons who now ask relief from the measures adopted by the administration. Memorials from them have already been presented, signed by hundreds. Efforts have been made to detract from their weight and importance, by allegations that they were gotten up at a tavern, and by political opponents. How have these allegations been met? A call, a copy of which I hold in my hand, signed by upwards of six hundred of the citizens of all parties, was made for a public meeting, to be held, not at a tavern, nor in a bar-room, but at the public court-house, and there to express opinions in relation to the removal of the deposites from the Bank of the United States. This meeting, the proceedings of which I hold in my hand, was no private matter; it is believed that at least two thousand persons were in attendance. The resolutions condemning the removal of the deposites, which I now present to the House, were proposed; the whole subject ably discussed; counter-resolutions were offered, and debated, and eloquently sustained by the mover, but rejected; and the original resolutions passed by an overwhelming majority.

Mr. D. moved that the memorial be referred to the Committee of Ways and Means; which was agreed to.

PHILADELPHIA MEMORIALS.

Mr. BINNEY presented a memorial from the merchants, mechanics, manufacturers, and traders, of the city and county of Philadelphia, praying Congress to restore the public deposites to the Bank of the United States.

On presenting the memorial, Mr. B. said that it was not his intention to violate the rules of the House, by giving any thing more than a brief statement of its contents. He considered the rules of the House as the great protection of the rights of the minority; and as, upon some interesting questions, he was one of that number, and, he feared, was likely to continue so, he did not mean, by deviating from the rule of the House, to put in jeopardy his claim to the benefit of the rules, under the authority of the Speaker, whenever he should think it necessary. He meant not to question the course of any gentleman on this floor, but merely to justify his own; and, for this reason, he should confine himself to a brief and pertinent statement of the memorial. Fortunately for him and for the memorialists, nothing more was necessary. The simple facts which it announced, taken in connexion with the characters, the occupations, the present condition, and the number of the memorialists, made an appeal to the representatives of the nation, which ought to surpass, in immediate effect, every thing which could be addressed to them by the most impressive or commanding eloquence. If the paper he was about to present recorded the convictions of the same body of men in regard to the reality and increasing magnitude of a calamity caused by famine or pestilence, or any thing but an act of political administration, it would excite a universal throb through every artery and vein of the great body of this confederacy. No man would doubt the truth of its statements; and all who had the hearts of men would fly to the immediate succor of those whom the calamity had reached, and threatened to destroy. It would be a circumstance of direful portent to the prosperity of this nation, if, because these statements represented the existing evil as the necessary consequence of an act of the administration, they should fall upon ears which hear them not, and upon hearts which feel them not, and should bring neither succor nor sympathy. He could not, Mr. B. said—he would not—believe that this was to be the case. He could not, and would not, believe that any thing had so hardened the hearts, or perverted the understandings of men, that they would disbelieve the existence of a present calamity, deny its cause, and refuse the remedy, merely for the reason that the evil was traced to an act proceeding from those whom they generally sustained in the administration of government. The memorial was signed by ten thousand two hundred and fifty-nine residents of the city and county of Philadelphia. The profession, trade, employment, or calling of the signers was, for the most part, affixed to their names, that the fullest scrutiny might be made into the authenticity of the proceeding. He understood that those who had superintended the proceeding had taken care that not a person under twenty-one, nor a non-resident, should be permitted to sign it. The names comprehended persons of every profession, and possessing, or who until the present moment believed they possessed, every kind of property, and every faculty for acquiring property, which had been heretofore known or sustained by our free institutions. They were therefore competent, in the highest degree, by general intelligence and practical experience, to estimate the nature, the causes, and the tendencies of the present derangement. The memorial had been signed without distinction of party, and in surrender of party differences to the unquestionable truth, that bankruptcy, want, and beggary will not respect the distinctions of party; and that, unless a remedy be soon applied, bankruptcy, want, and beggary would break up and confound them all in one universal party—of the ruined and undone. It has been signed by

722 Manufacturers,
504 Weavers,
1118 Merchants,
256 Tailors,
258 Boot and shoe makers,
251 Grocers,
185 Draymen, carters, and porters,
268 Watchmakers, silversmiths, and jewellers,
149 Tanners, curriers, and leather dealers,
452 Clerks and accountants,
146 Blacksmiths and stove makers,
441 Carpenters,
205 Storekeepers,
241 Printers,
119 Lamp and instrument makers,
228 Laborers,
97 Ironmongers,

150 Druggists,
224 Hatters,
84 Attorneys,
105 Cabinet and chair makers,
102 Umbrella makers,
188 Brickmakers, bricklayers, and plasterers,
60 Stone cutters,
82 Physicians,
74 Lumber merchants,
281 Farmers and millers,
94 Innkeepers, and livery stable keepers,
53 Saddle and harness makers,
57 Painters and glaziers,
33 Coach makers,
37 Brush makers,
51 Coopers,
62 Ship carpenters, riggers, rope makers, and sail makers,
153 Booksellers and stationers,
34 Combmakers,
42 Coppersmiths and tin workers,
48 Brokers,
53 Bakers,
34 Tobacconists,
20 Brewers,
21 Auctioneers,
47 Coal and flour dealers,
78 Mariners and watermen,
57 Engravers and lithographers,
35 Teachers,
16 Sugar refiners,
18 Distillers,
30 Iron masters,
439 Mechanics in various other branches, and
1777 Citizens, including artists, builders, engineers, publishers, shipwrights, paper-hangers, gilders, iron-founders, turners, upholsterers, wheelwrights, tallow-chandlers, butchers, and others.

These memorialists, a great proportion of whom he knew, and many of them through a course of years, Mr. B. said, would be received by this House, if it knew them as he did, as entitled to the fullest confidence for all their allegations of fact, as well as for their suggestions as to both disease and remedy. They constituted the fullest representation ever presented to Congress of the industry, economy, love of order, wealth, knowledge, and intelligence of the city and county of which they were residents.

They informed the House that they are in the midst of unexampled suffering and pecuniary distress; that it was confined to no class, but extends to all; that the misery with which they are threatened was vastly greater than that which they now suffered; that those who depended upon their daily labor for their daily bread were menaced by extreme want, and that upon some of them it had come already; and that the continuance of the evil must, to one part of society, produce insolvency and poverty, and, to another, the want of food and raiment. They professed, one and all, the firm belief, in which Mr B. said he joined, that this scene of distress, already great, and to become greater, was caused by the universal want of confidence; that the act of the Treasury, in removing the public deposites, had led to it; and that there was no relief but in their restoration. They accordingly prayed Congress to direct the restoration.

One remark, he said, he would make, and the only one that could be considered (if, indeed, it could be so considered) a deviation from the rule: it had been said that the distress was to be attributed to the Bank of the United States. The remark thus made proceeded, as he believed, either from an ignorance of facts, or from the adoption of principles which his mind was unable either to adopt or to comprehend. Gentlemen would find, or he greatly misapprehended the existing state of things, that the cause was precisely that which the memorialists had assigned—the universal destruction of confidence; and that this was operating with a secret and almost imperceptible influence, but with perfect certainty, and in a constant stream, to strip from the State banks the means of sustaining their credit and their debtors; not to place their specie in the Bank of the United States, but to take it into private possession, in town and country, for the purpose of meeting the day of calamity which was apprehended by all. This state of things was in a rapid course of development; if it should be distinctly disclosed either this day or the next, it would not surprise him. He believed it to be one of the worst forms in which this want of confidence was now operating, to bring on the extreme distress and ruin which the memorialists anticipated.

Believing, as he did, without any doubt whatever, that this was the true solution of the difficulty, and that nothing which did not restore confidence could be of any avail; and believing, further, that nothing would restore it but a return to the former relations between the administration and the bank, (Mr. B. said,) he would, of course, sustain the prayer of the memorial by every word and vote that he should utter or give upon the subject, and he hoped that the House would sustain it also.

He therefore moved that the memorial should be read; giving notice, at the same time, that, as the House had repeatedly decided that memorials of this kind should go to the same committee, and he did not wish to renew the question, he would move its reference to the Committee of Ways and Means, and that it should be printed, together with the names and occupations of the memorialists; that, if there was a single case of imposition, (which he did not believe,) it might be ascertained and shown.

Mr. SUTHERLAND inquired of Mr. Binney whether there were any signers to the memorial he had presented who resided in the southern portion of the county of Philadelphia?

[Mr. B. not being then in his seat, no reply was given.]

Mr. S. then presented a memorial, signed, as he said, by ten or eleven thousand of his constituents, remonstrating against the removal of the deposites. They were chiefly from Moyamensing, and he had put the question to his colleague to ascertain whether those individuals were not included among the signers of the memorial presented by him.

Mr. S. then presented another memorial from a meeting of the democrats of the city of Philadelphia, remonstrating against the restoration of the deposites and the recharter of the Bank of the United States. He observed, that the memorial spoke the voice of a very large portion of the city; and it would be found, in the issue of this affair, that, if ten thousand persons had signed the memorial presented by his colleague, they constituted but a small proportion of the inhabitants of that great city.

The memorials were then referred.

Mr. WATMOUGH presented the proceedings of a meeting of the citizens of Philadelphia, residing in the third district, on the same subject, and in favor of the restoration of the deposites.

Mr. W. said he should not consume the time of the House in remarking on the subject of these proceedings, especially as his colleague had already addressed it on the subject with that judgment and feeling which distinguished him on all occasions. He felt peculiar pride in presenting this paper, inasmuch as his constituents had placed themselves upon the high ground of State rights, and thus taken a lofty stand against Executive usurpation. They had directed him to stand firmly upon that ground; and he should, at the proper time, bring what little powers he possessed with zeal and devotion to the support of their wishes. The memorial was referred.

Mr. W. said that he held also a memorial from another portion of his constituents, (to whose sentiments and

wishes he owed the highest respect, though variant from his own,) which was of a very different complexion from that just presented. He moved the reference of this memorial; but, before it was referred,

Mr. SPEIGHT called for the reading of it; and it was read accordingly.

Mr. WATMOUGH said he was happy the gentleman had got the reading of the memorial: it possessed at least one striking merit--it "went the whole hog." He then called for the reading of the memorial which he had first presented; but

The CHAIR decided that, as the memorial had been referred, the call for its reading was out of order.

Mr. WATMOUGH asked the consent of the House to have it read; but it was refused. He then moved to suspend the rule for the purpose; but that motion was also negatived.

He then finally moved to reconsider the vote of reference; but this also was refused--ayes 88, noes 102.

CHESAPEAKE AND OHIO CANAL.

Mr. McKIM presented the memorial of the president and directors of the Baltimore and Ohio Railroad, in favor of a further subscription of stock by Congress to the Chesapeake and Ohio Canal.

Mr. STEWART moved that this memorial be printed, and took the occasion to express his high gratification at this conclusive evidence of the final and satisfactory adjustment of the unfortunate controversy which had so long retarded the progress of this great enterprise. It was now evident that these great rival companies were hereafter to cooperate as friends and allies in prosecuting this great work, which, so far as it had progressed, was surpassed, in the durability and grandeur of its structure, by no similar work in the world. He said it must be gratifying to all the friends of the work that, with this controversy, one of the most serious obstacles to its progress was removed. This magnanimous act, on the part of the Railroad Company, was worthy the patriotic and enlightened source from which it emanated; it was worthy and characteristic of the generous liberality which so eminently distinguished "the monumental city," from which it came. He hoped the House would follow the example of those rival companies, and that when the bill now on the table, providing for the object indicated by the memorial, came up, the contending parties in this House would, for a moment, forget the quarrels which so much disturbed and marred the progress of business here, and concur for once in the accomplishment of this favorite object of the Father of his Country, and thereby unite, by a powerful and enduring bond, the East and the West--the seat of the Federal Government with the great valley of the Mississippi.

The memorial was then ordered to be printed.

COMPENSATION TO R. MILLS.

Mr. JARVIS, from the Committee on the Public Buildings, offered a resolution directing the payment to Mr. Mills, the architect, of $1,000, for his services in designing and carrying into effect the alteration of the Hall of Representatives.

Mr. E. WHITTLESEY, not objecting to the resolution, wished, however, some explanation why there was no report from the committee on this subject, and why this claim did not take the ordinary course, of being submitted to the Committee on Claims?

Mr. HAWES, of Kentucky, moved to amend the resolution, by reducing the sum from $1,000 to $250.

Mr. JARVIS animadverted, with some warmth, on this proposition, as placing an artist of respectability below the compensation of the woodcutters of the House.

Mr. EWING did not object to the remuneration, but wished the subject recommitted, that a further experiment might be made for improving the acoustics of the hall, by uspending a glass ceiling below the dome.

After some remarks from Mr. BURGES, Mr. PARKER, and Mr. EVANS, the subject was finally recommitted to the Committee on the Public Buildings.

Adjourned.

TUESDAY, FEBRUARY 11.

Mr. POLK, from the Committee of Ways and Means, reported a bill to give to the Secretary of War all authority hereafter in regard to the mode of paying pensioners, accompanied by a detailed report; which bill was twice read and committed.

Mr. ADAMS, of Massachusetts, referred to the several memorials from New York, which had yesterday been presented by Mr. CAMBRELENG, and observed that he had not at the time understood that one of them referred to the warehousing system. In regard to the others, on the subject of the public distress and the bank, he had no objection that they should go, as they had been referred, to the Committee of Ways and Means; but that on the subject of the warehousing system had reference to the commerce of the country, and still more deeply concerned one interest (manufacturing) which it had been made his especial duty to advocate and support in that House. He had not read the memorial; but, from the gentleman's account of its object, Mr. A. presumed it pertained to the province of the Committee on Manufactures. He therefore moved a reconsideration of so much of the vote of yesterday as referred this memorial to the Committee of Ways and Means.

Mr. A. further desired the subject to be at once considered, but the House refused to suspend the rules for that purpose; and it was referred over to Monday, as petition day.

THE PENSION LAWS.

Mr. CHILTON'S resolution on the extension of the pension laws coming up again—

Mr. CHILTON ALLAN, who was entitled to the floor, after referring to the general anxiety which prevailed to have the question taken on this resolution, (as its consideration superseded that of a great number of others offered since the debate commenced,) offered to waive his right to the floor, if a general expression should appear to be given that the question should be now taken without further debate: if not, he presumed that he should not hereafter be deprived of the opportunity of delivering his sentiments on the resolution.

Mr. GILMER said he was very desirous that the amendment offered by the gentleman from Virginia [Mr. BOULDIN] should be discussed, and he therefore suggested the propriety of postponing the subject until to-morrow.

Mr. STEWART thought it would be better to try the sense of the House, and therefore suggested to Mr. ALLAN to move the previous question.

Mr. ALLAN accordingly moved the previous question; which he said he had never done before, nor did he know that he should now vote for it, but to try the sense of the House.

Mr. MASON, of Virginia, said that his colleague [Mr. BOULDIN] was not at this moment in his place; and thereupon requested Mr. A. to withdraw the motion.

Mr. ALLAN, however, declined doing so, and the House seconded his motion.

The previous question was thereupon put, as follows: Shall the main question now be put?

Mr. MASON demanded the yeas and nays, and they were ordered by the House.

Being taken, they resulted as follows: yeas 136, nays 66.

[This decision cut off all motions for amendment.]

The main question was then put, viz: Shall this resolution be adopted? and decided as follows:

YEAS.—Messrs. John Quincy Adams, John Adams, John J. Allen, Chilton Allan, William Allen, Ashley, Banks,

Barber, Barnitz, Bean, Beardsley, Beaty, Beaumont, John Bell, James M. Bell, John Blair, Bodle, Boon, Brown, Bull, Bunch, Burd, Burns, Cage, Cambreleng, Carr, Casey, Chaney, Chilton, Choate, S. Clark, William Clark, Clay, Corwin, Cramer, Crane, Crockett, Amos Davis, Day, Deberry, Denny, David W. Dickinson, Duncan, Edward Everett, Horace Everett, Ewing, Fillmore, Forester, Philo C. Fuller, William K. Fuller, Fulton, Galbraith, Gillet, Gorham, Grennell, Halsey, Hamer, Hannegan, Hard, James Harper, Harrison, Hathaway, Hawes, Henderson, Howell, Inge, R. M. Johnson, N. Johnson, C. Johnson, Benjamin Jones, Kinnard, Lane, Lawrence, Luke Lea, Leavitt, Love, Lucas, Lyon, Lytle, Abijah Mann, McCarty, McComas, McKennan, McKinley, McLene, Mercer, Miller, H. Mitchell, R. Mitchell, Moore, Murphy, Osgood, Page, Parker, Patterson, D. J. Pearce, Pierson, Polk, Pope, A. H. Shepperd, Shinn, William Slade, Charles Slade, Sloane, Smith, Spangler, Standifer, Stewart, P. Thomas, John Thomson, Tompkins, Vanderpoel, Ward, Wardwell, Webster, Whallon, E. D. White, Elisha Whittlesey, Wilson, Young—120.

NAYS.—Messrs. Heman Allen, Archer, Barringer, Bates, Baylies, Beale, James Blair, Bockee, Bouldin, Briggs, Bynum, Carmichael, Chambers, Chinn, Claiborne, Clayton, Clowney, Coffee, Connor, Coulter, Davenport, Deming, Dennis, Dickson, Philemon Dickerson, Evans, Foot, Foster, Gamble, Gholson, Gilmer, Grayson, Griffin, Hiland Hall, Thomas H. Hall, Joseph M. Harper, Hawkins, Hazeltine, Hiester, Hubbard, A. Huntington, Jarvis, W. C. Johnson, S. Jones, Kavanagh, King, Lansing, Laporte, Lay, Lewis, J. K. Mann, Martindale, Mardis, John Y. Mason, Moses Mason, McDuffie, McIntire, McKay, McKim, Muhlenberg, Parks, Patton, Franklin Pierce, Pinckney, Plummer, Ramsay, Reed, Rencher, Schenck, Schley, Speight, Stoddert, Sutherland, William Taylor, William P. Taylor, Francis Thomas, Turner, Turrill, Tweedy, Van Houten, Wagener, Wayne, C. P. White, Frederick Whittlesey, Williams, Wise—86.

So the resolution was adopted as follows:

Resolved, That a select committee be appointed, whose duty it shall be to inquire into the expediency of so extending the provisions of the act of Congress passed 7th June, 1832, granting pensions to certain classes of troops therein named, as to embrace in its provisions those who were engaged in the wars against the Indians subsequent to the close of the revolutionary war, and down to the treaty of Greenville, with leave to report by bill or otherwise.

WASHINGTON POTOMAC BRIDGE.

Mr. MERCER obtained leave to report from the Committee on Roads and Canals a bill to construct a bridge over the Potomac river, opposite the city of Washington.

Mr. McKENNAN (in the absence of Mr. CHINN, chairman of the Committee on the District of Columbia) moved that the bill be committed to that committee. He observed, in support of the motion, that this improvement had originated with the Committee on the District; and, in consequence of their action in relation to it, a contract had been made by the President, or his Secretary, for the building of the bridge. How the Committee on Roads and Canals obtained jurisdiction of the subject, he could not conceive; and, therefore, wished it restored to the committee to which it originally belonged.

Mr. MERCER replied, that no member of the House could be less disposed to trench on the rights which, either by courtesy, or by the rules of the House, belonged to any committee of the House: and the Committee on the District was certainly one of the last to which he would willingly offer any indignity. The grounds on which the Committee on Roads and Canals had proceeded in reporting this bill would be found in a communication from the President of the United States to the House, in which he had announced that a contract had been commenced, but not consummated, for the construction of this work. According to the provisions of that contract, upon the plan adopted, the bridge would probably cost from three to five millions of dollars. While the Committee on Roads and Canals were apportioning the sums to be applied to different works of internal improvement to be reported on by them, they could not pretermit this subject, as the sum to be expended on it formed a necessary element in their calculations. The committee believed it proper to reduce the expenditure on this work from three millions or five millions to one hundred and thirty thousand dollars, for which sum every important object in regard to the bridge would be effected. He had this morning received a letter from a highly respectable source, urging him to prompt action, which would be necessary to save the treasury from so large a draught upon it, should the contract be completed.

Mr. McKENNAN said that he entertained great respect for the Committee on Roads and Canals; but, as the measure had originated with the District Committee, and no objection had at that time been made by the other committee to their having the subject under their cognizance, he saw no reason why it should not remain where it took its origin.

Mr. McK. then went on to give a brief history of the course of proceeding, from the commencement of this undertaking.

Mr. MERCER followed with a counter-statement, but the particulars of both were too imperfectly heard to be correctly given. Among other things, he said, one of his objects was to save the District of Columbia from being charged with the expenditure of so large an amount of money for a single object, which could be so much more usefully distributed among several objects. Mr. M. again adverted to the vast expense of carrying the plan approved by the Executive into effect, and said that there was no where in the whole world, from China to the western extremity of Europe, such a structure as this must be, if completed on that plan. It was the opinion of a highly distinguished and experienced engineer in the employ of Government, that it would cost five millions of dollars. No contract had yet been made for it; whatever had passed was merely verbal.

Mr. CHINN (now in his place) supported the motion of Mr. McKENNAN; and while he purposely refrained from expressing any opinion as to the present or any other plan of the work, or as to the necessity or propriety of the work in any form, insisted that the subject most obviously pertained to the District Committee, &c.

On motion of Mr. MANN, of New York, the subject was postponed (in order to take up other business) until to-morrow.—Ayes 86, noes 72.

THE REMOVAL OF THE DEPOSITES.

The deposite question then coming up as the order of the day—

Mr. BOULDIN, of Virginia, rose to address the House, and began in the following words:

Before I submit some remarks I wish to make on the merits of the very serious question before the House, I must advert to a rebuke which, with all due humility, I received from my colleague, [Mr. WISE.] He stated, and truly, that, although Mr. Randolph, when he died, had been a member elect of this body, yet that fact had not been announced on this floor. I am not in the habit of taking to myself a general remark not peculiarly directed to myself; but when a general remark is of such a kind that it will apply to no one else, or not to any one else with equal propriety, I am compelled to take notice of it. My colleague did not as kindly suggest that this ought to have been done, until he mentioned it in his remarks on this floor; but another colleague most kindly

and delicately did, through another person, suggest to me that it ought to be done; and now, as is my duty, I must tell my colleague, and this House, and my constituents, the reason why Mr. Randolph's death was not here announced. But I cannot tell the reason why his death was not announced, without telling what I told a friend that I should say, in case I did ———

[Here Mr. BOULDIN swooned, fell, and in a few minutes after expired.]

And the House immediately adjourned.

WEDNESDAY, FEBRUARY 12.

DEATH OF MR. BOULDIN.

As soon as the journal was read—

Mr. ARCHER rose and said: I rise, Mr. Speaker, not to announce to the House—that were superfluous—but to submit the resolutions rendered proper by the dreadful catastrophe of which we were all appalled, and, I am sure I may add, afflicted, spectators yesterday; by which I have been deprived of an esteemed friend, and the State to which we both belonged, at a moment of the extremest public excitement, of one of the most valued and valuable of her representatives on this floor.

I know, sir, that I should outrage the feelings of the House, as I should violate my own, were I to avail myself of this occasion to pay at large the tribute of esteem to my departed colleague and friend, which would, under other circumstances, be due to the annunciation of his loss. He was of a character which might well be fruitful of panegyric, if it were now allowed me to dwell upon it. It was his fortune to have raised himself, from the humblest condition of life, to rank in his profession; to a high judicial station at home; and to a seat, and that no undistinguished one, on this floor, by the aid of merit alone. At an age approaching to majority, he was following the plough; and, so far from regarding this circumstance with shame, or desiring to conceal it, he had the superior mind to regard and to speak of it with exultation—as, what it truly was, an honor. Without fortune or influential friends, or the aid even of education, he had lifted himself to general esteem, to independence, and to a place which he regarded, as I do, inferior to none in point of honor—a seat in this House.

Sir, if I felt at liberty to pursue the theme, no man would be better authorized, from knowledge, to bear the high testimony which it merited to his character, as a private and a public man; nor, let me add, would there be any one who would be more glad and proud to render this just tribute to his memory and virtues. But I dare not pursue the theme, just and grateful as it would be. The awful catastrophe we have been called to witness and deplore speaks to our hearts, and, let me add, to our horror, in a language which forbids it. I feel that I ought not—may I say that I cannot—add more; and I content myself, therefore, after this brief and impartial notice, with sending to the Chair the resolutions I hold in my hand, such as are ordinarily adopted on occasions of this description.

Mr. A. then moved the following resolutions:

Resolved, That the members of this House will attend the funeral of the late THOMAS TYLER BOULDIN at eleven o'clock to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of THOMAS T. BOULDIN, deceased, late a member of this House from the State of Virginia.

Resolved, That the members of this House will testify their respect to the memory of THOMAS T. BOULDIN, by wearing crape on the left arm for thirty days.

Ordered, That a message be sent to the Senate to notify that body of the death of THOMAS T. BOULDIN, late one of the representatives from the State of Virginia; and that his funeral will take place to-morrow, at eleven o'clock, from the hall of the House of Representatives.

The resolutions were unanimously adopted; and then

The House adjourned.

THURSDAY, FEBRUARY 13.

No business was transacted in the House of Representatives to-day, the House being engaged in attending the funeral obsequies of the late THOMAS T. BOULDIN, one of its members.

FRIDAY, FEBRUARY 14.

The journal having been read—

Mr. WISE, of Virginia, rose and addressed the House as follows:

Mr. Speaker, I ask the indulgence of this House, at its first meeting since the melancholy occasion of the funeral of my lamented colleague, [Judge BOULDIN,] whilst I discharge a delicate and solemn duty to his memory and to myself. His death, so sudden, and so shocking to all, was peculiarly distressing to me. It happened at a moment when he was about to reply to what he termed my "rebuke" to him. I hope it is not improper for me now to state to members, his family and friends, and my own, that there was not the slightest emotion of unkind feeling between us at the time he expired. Sir, when I had the honor of addressing this House but the other day, on the momentous question which so excited his ardent mind, and which still agitates this nation, as a father to a young colleague he sat by my side, and gave me the cheering encouragement of his countenance and his smile. When I alluded to the fact that the death of his illustrious predecessor had not been announced to this House, I bowed to his venerable person, and disavowed the intention to "rebuke" him who filled the seat of Mr. Randolph with honor to himself, and usefulness to the country. But the day before he was cut down in the midst of his usefulness, we met in this Hall, and had a free and friendly conversation, which left nothing, on either side, unexplained. And I am confident that, if he had been spared but a few words more, he would have left no room for misunderstanding the relations in which we stood to each other. My object in making the allusion which I did to the death of Mr. Randolph was solely what I professed at the time, sincerely disclaiming any personal reflection upon my colleague, who, I never doubted, had good and sufficient reasons for failing to perform what seemed to be his appropriate duty. These reasons have since been made public. He said he would announce them fully when he came to speak on the deposite question. Alas! little did he anticipate that death would seal his lips, and bury him too in silence, before he should finish what he meant to have said on the death of his predecessor! I have the consolation to know that he died with a full knowledge that I intended no wound to his feelings, and no reproach to his conduct. And it becomes me to pay my humble tribute to his memory, when dead, as I paid him the homage of my respect, and confidence, and admiration, when living. I became acquainted with him late in the session; and, from that time until the moment he expired in the public service on this floor—a glorious death it was!—I have the proud satisfaction of believing that I daily increased in his good will, whilst I know he grew in my affections and in my estimation, as a noble, generous, and warm-hearted friend, an able and honest and useful man, a bold and true patriot, who "had done the State some service." He is gone!—lamented by none here more than by one who is comparatively a stranger to all his merits, his high worth, and exalted virtues; and whose fervent prayer to Heaven now is, that his departed spirit is reposing in peace in the bosom of his God!

CREEK INDIANS IN ALABAMA.

The following resolution, offered some time since by Mr. LEWIS, of Alabama, coming up for consideration, viz:

Resolved, That the Committee on Indian Affairs be instructed to inquire whether the provisions of the treaty of March, 1832, with the Creek tribe of Indians in the State of Alabama, be inconsistent with the sovereign right of jurisdiction of said State within its limits; and whether the execution of said treaty has so far conflicted, or is likely to conflict, with the operation of the laws of the said State over the country ceded by such treaty; and, if so, to inquire whether some act of legislation, consistent with the rights of said Indians, may not be necessary to prevent such conflict.

Mr. McKINLEY, of Alabama, observed that he understood the whole controversy to which the resolution had reference had been settled; and, not seeing any useful purpose that could be answered by its adoption, he moved to lay it on the table.

He withdrew the motion, however, at the request of

Mr. LEWIS, who said that he felt it his duty to state to the House, that, on yesterday, he had been favored with the perusal of a letter to the Secretary of War from the marshal of South Alabama, giving the information that the order for the removal of the settlers, on the 15th of January, had been suspended until some time in March, (perhaps the 16th,) and by that time it was hoped that the lands would be so far disposed of as to render a removal by military force unnecessary. While he (Mr. L.) sincerely hoped that such might be the case, and perhaps had no reason to doubt that such would be the fortunate result of this matter, yet, as his resolution was merely one of inquiry, directed to the sound discretion of the Committee on Indian Affairs, he trusted that it would not be laid upon the table, but that it would be referred to that committee. He could view the removal of the settlers by military force as no less than a question of peace or war, and he was not disposed to trust to the discretion or moderation of the President or any of his subordinate officers. He wished it not to rest on contingencies; and, as he believed that the act of 1807 was unconstitutional, he thought that its provisions ought now to be examined by the Committee on Indian Affairs.

Mr. McKINLEY said that he could not believe the inquiry to be a matter of the slightest importance to the State of Alabama. Although he did not altogether agree with some of the opinions of the President in reference to this subject, and though, in some respects, he might agree to a certain extent with the views of his colleague, yet he could not but consider it as highly indiscreet to go into such an inquiry at this moment. While the State had been annoyed by the Indians, and while there was reason to apprehend that the rights of the State were in danger of being invaded, there might have been some just cause of complaint; but now, when every effort had been made to remove the Indians, and when there was every prospect that the plan would speedily be consummated, of what use could it be to pass a resolution of this description—especially when, from the temper manifested by his colleague, in the remarks with which he had accompanied the resolution at its presentation, there was reason to apprehend that it would lead only to an angry dispute? What had the House to do with the act of 1807? Nothing.

Mr. LEWIS, in reply to the remark of Mr. McKINLEY, as to the efforts made by the Government to adjust this question by the removal of the Indians, said, that from the letter he had referred to, it appeared that the question was to be settled, not by the removal of the Indians, but by the sale of the land; and his colleague had misunderstood him, if he had supposed him to say that it was by the removal of the Indians.

Mr. McKINLEY renewed his motion to lay the resolution on the table.

Mr. LEWIS then demanded the yeas and nays on this motion. They were ordered by the House, and, being taken, stood as follows:

YEAS.—Messrs. John Adams, J. J. Allen, William Allen, Baylies, Bean, Beardsley, John Bell, James Blair, John Blair, Bockee, Boon, Brown, Burns, Bynum, Cambreleng, Carr, Casey, Chaney, Clay, Connor, Cramer, Amos Davis, Day, Dickerson, Dickinson, Dunlap, Forester, Fowler, W. K. Fuller, Galbraith, Gillet, Graham, Joseph Hall, T. H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Leavitt, Lyon, Lytle, Abijah Mann, J. K. Mann, Moses Mason, McComas, McIntyre, McKay, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Franklin Pierce, Pierson, Plummer, Polk, Pope, Ramsay, Schenck, Schley, Shinn, Charles Slade, Smith, Speight, Standifer, Stoddert, Sutherland, William Taylor, J. Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, C. P. White.—107.

NAYS.—Messrs. John Q. Adams, C. Allan, Archer, Banks, Barber, Barnitz, Bates, Beale, Beaumont, James M. Bell, Binney, Bull, Burd, Burges, Cage, Chambers, Chilton, Choate, Claiborne, S. Clark, William Clark, Clayton, Clowney, Coffee, Corwin, Coulter, Crane, Crockett, Darlington, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, P. C. Fuller, Gamble, Gholson, Gilmer, Gordon, Grayson, Grennell, Griffin, Hard, James Harper, Hawes, Hazeltine, Henderson, Hiester, W. C. Johnson, Seaborn Jones, Lay, Lewis, Love, Lucas, Martindale, Mardis, John Y. Mason, McKennan, Mercer, Milligan, Potts, Reed, Rencher, William B. Shepard, William Slade, Sloane, Spangler, William P. Taylor, P. Thomas, Tompkins, Tweedy, Vance, Watmough, E. D. White, Frederick Whittlesey, Elisha Whittlesey, Wilde, Williams, Wilson, Young.—88.

So the resolution was ordered to lie upon the table.

The House proceeded to the consideration of the proposition reported by Mr. MERCER, from the Committee on Roads and Canals, to amend the seventy-third standing rule, as follows: by inserting after the word "rivers," the words "and harbors," so as to give that committee jurisdiction over the improvement of harbors as well as rivers; and, on motion, the consideration of the said proposition was postponed until the 17th instant.

The House next proceeded to the consideration of private bills:

Among which, was one to remit the duties on the capitals of columns imported from Italy, for the use of the Philadelphia Exchange.

Mr. CAMBRELENG doubted the propriety of extending the practice on subjects of this kind. The Exchange, he believed, was erected by private individuals, and was individual property.

Mr. EVERETT, (in the absence of Mr. BINNEY, who had reported the bill,) explained and advocated the object of the bill. He adverted to the precedent of remitting duties on statues imported into New York, for the use, as he believed, of the New York Exchange. These capitals were of public value, as models to our own artists: their beauty was so great, that, before they had been suffered to leave Italy, plaster casts had been taken from them, both at Florence and Naples. The discussion ended in asking leave for the committee to sit again upon this bill.

Numerous private bills were then passed through Committee of the Whole, and ordered to a third reading.

After which, the House adjourned.

SATURDAY, FEBRUARY 15.

CASE OF HARDEMAN OWENS.

The following resolution, offered on the 14th of January last by Mr. GILMER, of Georgia, coming up for consideration, viz:

"*Resolved*, That the Secretary of War be directed to communicate to this House all correspondence which he may have had, or other information in his possession, in relation to the death of Hardeman Owens, a citizen of Alabama, who was lately put to death by a party of regular soldiers; whether said Owens was put to death in pursuance of orders from the War Department, or any officer of the United States; and that he also communicate to this House any correspondence which he may have had, or other information in his possession, in relation to any obstructions thrown in the way of the execution of the process of the courts of Alabama, issued for the purpose of bringing to trial those by whom said Owens was killed; and any correspondence in relation to the removal of said prosecutions to the district court of the United States."

Mr. GILMER said that he desired to state why he felt it his particular duty to bring before the House, for its consideration, the subject of the resolution which he had offered for its adoption. The friends and relations of Colonel Owens were his neighbors and immediate constituents. Colonel Owens was himself a native of the county of Oglethorpe, in Georgia, the place of Mr. G.'s nativity and residence. His grandfather and grandmother were yet living in that county, and were most respectable and excellent people. Two of the members of the Legislature from the county of Oglethorpe, and the acting sheriff of that county, are his near relations. His father was an officer during the last war, commanded a company from the county of Oglethorpe, died in the public service in the expedition against the Creek Indians in 1812, and lies buried in the Creek territory, not very distant from the place of his son's death. Colonel Owens was, in 1830, elected by the Legislature of Georgia to survey a part of its public lands, and Mr. G. said he knew that the service had been well performed. Mr. G. stated that an attempt had been made to remove public odium from those by whom Colonel Owens was killed, by aspersing his character. He had been much surprised at the statements he had seen upon that subject. Mr. G. said that, during the last summer, he had stopped at the house of Colonel Owens, on his way to Alabama, and also on his return. He had then understood from Colonel Owens that he had the prospect of an exceedingly productive crop; that it had been cultivated principally by his Indian neighbors, whom he hired for that purpose; and that he had contracted for Indian reserves, sufficient to secure for himself a very valuable tract of land. Mr. G. stated that he had made constant inquiries as to the situation of the Indians, and their treatment by the whites; that he had seen Owens in the company of a large number of Indians not very distant from Owens's residence, and that he conversed freely with them, and that he had heard no complaint against him as an intruder. This was a few weeks before he was put to death, and near twelve months from his first removal into the Creek territory. Mr. G. stated that, after the death of Colonel Owens, he had received a letter from his widow, requesting him to apply, as her friend, to the President, for redress for the injury she had sustained; that he had applied to the President, through the Secretary of War; and that he had received an answer that precluded even the hope that her complaints would be attended to. Mr. G. stated that Mrs. Owens had a family of children, and was unfortunately subject to occasional mental derangement, which made it necessary that she should be often under the care of others. It was, indeed, difficult to imagine a case better calculated to excite the sympathy of others than that of Mrs. Owens. Her husband killed; a family of small children dependant upon her for support; subject, herself, to a most afflicting dispensation of Providence; in a wilderness country, surrounded by savages; without friends; deprived of her property; and driven from her home by an armed soldiery, and turned out upon the world to be sustained by charity! Mr. G. said he owed it to the widow, her children, and their relatives, (he was, perhaps, under a still higher obligation to the country,) to institute, if possible, through this House, some inquiry into the conduct of those by whom Owens was put to death. The account which he had seen published was, that the life of Colonel Owens had been taken by a party of regular soldiers, acting under the immediate orders of the deputy marshal of the southern district of Alabama, who, it was alleged, acted under instructions from the President of the United States. It is scarcely consistent with the character of our free institutions that the regular army should be employed to enforce the commands of the Executive Department, in time of peace, against the life of a citizen. When it is so employed, both the law and urgent necessity must unite to justify the act. Is it not the duty of the House of Representatives, as the grand inquest of the nation, as the guardian of the rights of each of its citizens, to inquire whether the death of Colonel Owens can be thus justified; and, if it cannot, that it take care that the violated laws of the country be amply vindicated? Mr. G. said that he desired to know whether the deputy marshal of Alabama had had any warrant for the arrest of Colonel Owens; and, if he had, by whom it was given? What was the crime with which Owens was charged, and the evidence upon which the charge was founded? By the fourth, fifth, and sixth articles of the amendment of the constitution, it is provided that the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizure, shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation; and particularly describing the place to be searched, and the persons or things to be seized. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment by a grand jury, (except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger;) nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State or district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. Mr. G. said that the constitution would not have been adopted, as originally proposed to the States, but for the strongest assurances upon the part of its friends that these articles, or others of a similar character, would be adopted as amendments to it for the security of the personal rights of individuals. He said that it was not his purpose, at present, to pronounce, upon the death of Colonel Owens, whether he was murdered or not; or to assert that those by whom he was put to death were guilty of any offence. The object of the inquiry was to ascertain the facts, so that the House might form a correct judgment upon that subject, and be enabled to determine whether

any, and what, further proceedings ought to be had in relation to it. Mr. G. said that the second part of the resolution called for any information in the possession of the Secretary of War upon the subject of the obstruction of the process of the courts of Alabama, (issued for the purpose of trying those by whom Colonel Owens was killed,) by the officers of the United States, was immediately connected with the first, and was equally necessary for preserving the authority of the laws, if the facts, as they had been understood, should prove to be true. The facts were understood to be these: that, upon application being made to the commanding officer of Fort Mitchell, (where the soldiers were stationed who were charged with the murder of Colonel Owens,) for the means of serving writs of *subpœna* upon the soldiers who were supposed to be cognizant of the circumstances attendant upon Owens's death, the aid asked for was not given; and that, after a true bill for murder had been returned by a grand jury against one of the soldiers, he was suffered to leave the garrison and that part of the country, so as to avoid a trial. Mr. G. said that he could not vouch for the correctness of this statement of facts, nor was it necessary, as he had no doubt but that the Secretary of War had it in his power to answer this point of the inquiry fully.

If the officers of the regular army stationed at Fort Mitchell had refused to aid, or even neglected to aid, the officers of justice in arresting a soldier under their command, charged with the crime of murder, they had themselves committed a gross violation of the rules and articles of war, as established by law. By the 33d article it is provided that, when any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the person or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer or officers of every regiment of troops or company to which the person or persons so accused shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons to the civil magistrates; and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons to the civil magistrate, or to be aiding and assisting to the officers of justice in apprehending such person or persons, the officer or officers so offending shall be cashiered. The House would at once perceive the importance of the information asked for by this part of the resolution.

The third clause of the resolution asked of the Secretary of War for the correspondence and the orders which had been given for the removal of the prosecution against those by whom Colonel Owens was killed, from the courts of Alabama to the district courts of the United States. Mr. G. said he held in his hand what purported to be copies of communications from the Secretary of War to the Governor of Alabama, to Francis S. Key, Esq., to Major McIntosh, commander at Fort Mitchell, and to Jeremiah Austie, deputy marshal of the United States district court in Alabama.

These communications show that the Executive Department of this Government had appointed a special agent, with directions to interfere so far with the execution of the laws of Alabama, and the appropriate duties of the Judiciary Department of this Government, as to endeavor to remove the prosecution of those charged with the murder of Owens from the courts of Alabama, where the prosecution was then pending, to the courts of the United States. To control the jurisdiction of a State over persons charged with the commission of crimes within its limits, was an assumption of a higher power than had yet been exercised by this Government over the States. This was, indeed, the first attempt which had been made to enforce the law passed at the last session of Congress, commonly called "the force bill." Mr. G. said that he hoped that the time had arrived when the members of this House, and the people of every part of our country, were ready to unite with him in the fervent wish that this may be the last attempt to enforce that act; and that this excrescence upon the body politic, which had been thrown out from the exuberant feelings excited by the late collision between the General and State Governments, would soon be cut off. It is a most striking fact, that, in this effort of the Executive Department to avail itself of the powers conferred upon it by the law alluded to, (extraordinary as those powers were,) its authority had been greatly exceeded, and, indeed, entirely misunderstood. The Secretary of War, in his letter to Major McIntosh, says: "I enclose a copy of the seventh section of the act of Congress, passed 2d March, 1833, entitled 'An act further to provide for the collection of duties on imports,' which makes ample provision for taking from the State tribunals, and carrying before those of the United States, all persons prosecuted for these proceedings." Upon examination, the House would find that the seventh section of the law referred to, instead of giving the power claimed under it by the Secretary of War, only authorizes the courts of the United States to discharge by writs of *habeas corpus* those who might be illegally imprisoned for acts done in pursuance of the laws of the United States. The Executive Department had no legal power whatever, not even by the force bill, to remove prosecutions for crimes pending in the courts of the States to the courts of the United States. He would not now attempt to show that no department of this Government—not even the Government itself—had any such power; because it would be foreign to his present purpose. He said that, without going into any discussion whatever of the principles connected with this part of the resolution, he would refer the House to a decision of the supreme court of New York, which determines the extent of the jurisdiction of the State courts over crimes committed within the limits of a State, and not within any place ceded by the State to the United States. The title of the case is the People *vs.* Godfrey. The principle decided in that case is this: "The right of exclusive legislation or jurisdiction within the limits of any of the States can be acquired by the United States only by purchase of territory from the States, for the purposes and in the mode prescribed by the constitution of the United States." Mr. G. said that he felt himself obliged to say this much in explanation of the resolution which he had offered. He believed it was only necessary to call the attention of the House to the subject embraced within it, to satisfy every member of the necessity of some investigation in relation to it. For the Secretary of War, Mr. G. expressed great respect. He said that he thought the Government owed it to itself, as well as to the country, to make this inquiry. He hoped, whatever may have been the conduct of its subordinate officers, that those high in authority would be found not to have wilfully participated in the violation of the rights of the people. Mr. G. said, in conclusion, that he considered the subject of great importance, on account of the principles involved in it; but that he did not feel himself at liberty to discuss those principles in the present stage of the investigation.

Mr. CLAY, of Alabama, rose to reply; but, before he proceeded, called for the reading of an extract from the message of Governor Gayle to the Legislature of Alabama, with a view to show how this entire subject was viewed at this time by the Government of that State.

The extract having been read—

Mr. S. JONES requested the reading of the correspondence between the Governor and the Secretary of War, and of the letters to the commandant of Fort Mitchell, &c.

These papers having been read at the Clerk's table—

Mr. CLAY resumed, and said, that he had had these documents read, in order that the House might judge of the necessity or propriety of such a call as was contained in the resolution. The authorities of the State of Alabama manifestly considered the whole matter as settled; and he could not perceive any practical object to be obtained by adopting the resolution. The documents which had been read, had most of them gone the rounds of the newspapers, and the subject was pretty generally understood. Governor Gayle appeared to be satisfied; and the Legislature of Alabama had since passed a law regulating this whole matter of intrusion on Indian lands, with which the Executive of the United States was satisfied. The fact had been well known, for months past, that prosecutions had been instituted against the deputy marshal, and all others who had been concerned in the death of Owens.

It was true that Major McIntosh, the commandant of Fort Mitchell, had at first refused to admit the serving of the writs; but, on the receipt of instructions from the War Department, he had not only permitted the process to be served, but had given every facility to that object. The case had assumed a character wholly judicial, and this hall was not the place to investigate matters of a judicial kind; nor was it a very high compliment to the courts of Alabama to suppose that they would surrender the jurisdiction to any other tribunal. Besides, the resolution was objectionable in its phraseology: it called on the Secretary to say whether Owens "had been killed by his order." This was not decorous. Seeing no good end to be answered by the inquiry, and as the mover proposed, as he understood, no proceedings against the Secretary of War, he moved to lay the resolution on the table; but withdrew his motion at the request of

Mr. LEWIS, who made some observations, strongly protesting against what he conceived to be an attempt to stifle a very proper inquiry.

Mr. BEARDSLEY obtained the floor, but yielded it to Mr. GILMER, to allow him to modify the phraseology of the resolution; which having been done, the Chair pronounced Mr. BEARDSLEY entitled to the floor: but the hour having expired, the subject lay over.

Mr. S. JONES moved to suspend the rules, to allow the discussion to proceed; but the House refused.

Several bills were then read a third time and passed, and the House adjourned.

MONDAY, FEBRUARY 17.

WAREHOUSING SYSTEM.

The motion of Mr. ADAMS, of Massachusetts, to reconsider the vote by which a memorial from certain merchants of New York, praying for the establishment of a warehousing system, was referred to the Committee of Ways and Means, coming up as the question lying over—

Mr. ADAMS briefly stated the reasons which had induced him to move for the reconsideration; but, owing to a cold, his voice was so feeble that his remarks were not audible at the reporters' table.

Mr. CAMBRELENG expressed his regret that the first measure which proposed any thing like relief to the mercantile interest of the country should be resisted by a gentleman who usually acted with that part of the House which dwelt upon the necessity of relief to that interest. The gentleman had proposed to take this subject from the Committee of Ways and Means, and send it to that on Manufactures, with the manifest purpose of destroying it. The petitioners prayed for no new principle, but only that an arrangement, which had long existed in relation to spirits, should be extended, so as to embrace other species of goods. The memorialists asked for a removal of the restriction on debentures, and for the abolition of custom-house fees; yet, the gentleman from Massachusetts would have the House believe that such a memorial pertained to the Committee on Manufactures. It was but a few years since the subject of the tariff itself had gone to the jurisdiction of that committee; yet, even in that case, the committee held but a divided empire, and had the charge of only so much of the tariff subject as immediately related to manufactures. By the act of 1832, all wool and woollens, and all goods of which wool was a component part, if the duties on them were not paid within three months after their arrival, must be sold at auction, at whatever sacrifice. On the first day of this month there had been six hundred and thirty packages of goods in this situation, which must be sacrificed, because the importing merchants had not the means to pay the duty.

Mr. C. said that he had voted for the act of 1832, not because he approved of the law, but with a view to prevent the shedding of blood. According to its provisions, in the midst of this time of pressure and distress, (which, thank God! the Government had not created,) the property of merchants must be sacrificed in this manner. Yet, when means of relief were proposed, those who had demanded relief in an imperious tone were the first to turn about and oppose it. But, could not gentlemen see that, in opposing a measure of this kind, they were eventually doing injury to every manufacturer in the United States; because sales thus forced, however small their amount, went sensibly to affect the market price. The merchants of New York did not ask for such a bill as was pending in another House. If it were offered to them, nine out of ten would reject it. What they asked was, for leave to put their goods into warehouses; and, when they took them out, to pay duties, by bonds, at three and six months. He hoped the motion for reconsideration would not prevail.

Mr. HUNTINGTON, of Connecticut, observed, that the opposition to this motion came with but an ill grace from the member from New York. Mr. H. had voted against both the bill of 1832 and that of 1833; but that gentleman had voted for both. Mr. H. had not heard the gentleman at that time say that the effect of that bill would be to withdraw from the carrying trade an amount of twenty-nine millions of dollars; or that, within one year, the merchants would be obliged to ask relief in the payment of duties. The gentleman had held no such language at that time. But now he comes to the House with a memorial asking relief. And what was the relief asked? It was, that the whole tariff question might be opened anew, after it had been settled by the act of 1832, and finally arranged by the compromise of 1833. Did the gentleman suppose that those acts could ever have passed the House, if they had contained no provision for the payment of cash duties on woollens? But now he asked for a warehousing system, under which the duties might remain unpaid for three years. The question was, whether this memorial should go to the Committee of Ways and Means, or to the Committee on Manufactures. Its object being to modify an act which had been reported from the Committee on Manufactures, and so to modify it as to take away a great part of the protection at present granted to manufacturers, it seemed plain that it ought to go to the Committee on Manufactures. If the House wished to have the whole tariff question opened again, they would vote against the reconsideration; but if they wished this subject to remain undisturbed, then they would reconsider.

Mr. CAMBRELENG disclaimed any wish to have the tariff discussed. Nor should he press the reference for which he had moved, were not the case so urgent as to call for prompt and immediate action. As to the bills of 1832 and 1833, to which the gentleman had alluded, he certainly did not wish to impeach the patriotism of the gentleman from Connecticut, nor should he for a moment think of putting his own importance into the balance with

that gentleman's; but this he would say, that he knew of no interest, however precious, which he was not prepared to sacrifice, to spare the shedding of blood in a civil war. If the act had threatened a universal wreck of the entire commerce of the country, he should still have voted for it with that view.

Mr. SELDEN called for the reading of the memorial, as he suspected that, after all, it would turn out to be of such a kind as ought to go to neither of the committees proposed, but should rather be referred to the Committee on Commerce.

The memorial was thereupon read, when

Mr. S. observed, that the memorialists spoke of the warehousing system simply as going to affect commercial interests. They remonstrated, too, against the multiplication of custom-house oaths. These were matters which had nothing to do with the increase or the diminution of the revenue, but were connected with commerce. It was true the subject had some bearing on manufactures also, but its main aspect was commercial.

Mr. ADAMS wished to offer a word or two in reply to the gentleman from New York, [Mr. CAMBRELENG.] That gentleman seemed to suppose that he (Mr. A.) was adverse to the proposition of the memorial, and desired its reference to the Committee on Manufactures on that ground. But Mr. A. did not wish that any such thing should be understood. He was desirous of getting the subject before the Committee on Manufactures for examination and consideration. He had not made up any opinion upon it. The memorial opened a subject which demanded great consideration, and had been the subject of much dispute. The act of 1832, for which the gentleman had voted to avoid the effusion of blood, had been reported by the Committee on Manufactures; but it had been drawn, not in reference to manufactures alone, but as much in view of the commerce of the country. The payment of cash duties, however, had not been imposed by the act of 1832, but by that of last session, which had been introduced and passed, and approved by the President, as an arrangement of compromise. This memorial went again to open the subject, and to destroy the compromise. He thought it belonged to any other committee than the Committee of Ways and Means.

Mr. CAMBRELENG said that the gentleman was mistaken in what he had stated. Cash duties had been imposed by the sixth section of the act of 1832, which the gentleman had himself draughted. In reply to his colleague, [Mr. SELDEN,] he observed, that every measure and paper which he (Mr. C.) had introduced into the House, on this subject, had uniformly, and without exception, gone to the Committee of Ways and Means.

Mr. DICKSON, of New York, demanded the yeas and nays on the question of reconsideration. They were ordered by the House; and, being taken, stood as follows: Yeas 84, nays 123.

So the House refused to reconsider, and the memorial remained with the Committee of Ways and Means.

MEMORIAL FROM PORTSMOUTH, N. H.

Mr. HARPER, of New Hampshire, presented the memorial of certain inhabitants of Portsmouth, N. H., which he moved to be referred to the Committee of Ways and Means.

Mr. H. said that the petition complained of the distress of the times, which it attributed to the removal of the public deposites from the Bank of the United States. The memorial stated that, previously to the establishment of the present bank, the same state of things existed as now exists; the same general want of confidence, the same scarcity of money, and the same inequality in the exchanges of the country; that the establishment of the bank restored mutual confidence, established a sound currency, and equalized exchanges, and was followed by general prosperity. The memorial concluded by praying Congress that the deposites may be restored, or that some other measure be devised to bring back confidence to the public mind. The petition, he said, was signed by two hundred and fifty citizens of Portsmouth, of highly respectable character, men of wealth and of influence, and who were entitled to his respect.

The memorialists, he observed, set forth in their petition that it was the duty of the people to make known to their representative the wants and grievances of those whom he represented, and the duty of the representative to lay these before the Legislature. In this doctrine Mr. H. said that he fully concurred. But it was due to the House and to himself to state the means he possessed of becoming acquainted with the sentiments and wishes of his constituents.

The city of Portsmouth contained between eight and nine thousand inhabitants, of whom more than one thousand were voters. This memorial was signed by two hundred and fifty persons only. Such a number constituted a minority even of the voters alone, and did not include more, or but little more, than half of the minority who had opposed his election.

There were different opinions as to the cause of the difficulty experienced by the commercial community. That difficulty did exist, he was not prepared or disposed to deny; but there might be other causes for it besides the removal of the deposites from the Bank of the United States. One cause might have been overtrading, an abuse of the credit system, the dependance on fictitious capital, the habit of living beyond men's income, and not the least was undoubtedly the conduct of the bank itself. The president and cashier of one of the banks in Portsmouth had petitioned that the deposites, when removed, might be placed there; but the Government had seen fit to place them elsewhere; and now the names of these same gentlemen were found appended to a memorial praying that the deposites might be restored to the United States Bank.

These memorialists declared their belief that the directors of the bank had conducted its affairs rather with a view to the public good than to mere private emolument; but he saw attached to this memorial the names of some who had petitioned those directors that the president of the Portsmouth bank might be removed from office for favoritism. New Hampshire contained, he said, five councillor districts, eight counties, and twelve senatorial districts. In all of these meetings had been holden, and candidates had been nominated, in view of the election to take place three weeks from to-morrow. These were all primary meetings of the people: delegates, consisting of twice the number they were entitled to in the State Legislature, had been present. And in nearly all of these meetings resolutions had been passed approving of the removal of the deposites, and against the recharter of the bank. Some of these he would read.

[Mr. H. here read a number of resolutions passed at district meetings in the State of New Hampshire, of which the following were the first, and the rest of a similar character.

Resolved, That each successive year of the administration of our venerable Chief Magistrate increases our confidence in the wisdom of his measures, and our admiration of his firmness and decision in carrying those measures into effect.

Resolved, That the removal of the public deposites from the Bank of the United States by the Secretary of the Treasury has our unqualified approbation.]

These, Mr. H. said, were, in his judgment, much more conclusive evidences of public opinion than the two hundred and fifty signatures got up to a petition in the manner well known to most who heard him. It was to be presumed that the opponents of the administration had got

all the signatures to such a memorial that they conveniently could.

The memorial was then referred.

RHODE ISLAND MEMORIALS.

Mr. BURGES presented a memorial of citizens of the city of Providence, in the State of Rhode Island, complaining of the derangement of the currency of the country, and praying Congress to adopt measures to secure a sound and stable currency, and that the accustomed intercourse between the Government and the Bank of the United States may be restored.

Mr. B. said this memorial had been produced here by the pressure of the times. The memorialists had imagined, from the very prudent arrangements made by them, that they could have carried themselves through the crisis without any great public complaint. This, however, was not so, and they found themselves disappointed. They have sent here a memorial setting out these facts at length. After describing the great pressure in the money market of the country, and that all means would soon be exhausted, they add, the capitalists have already advanced so much beyond their means, that no further relief could be expected from that quarter; that, unless some aid were soon afforded, they would be unable to fulfil their contracts, and the result would be a general derangement of all business. The memorialists attribute this to the condition of uncertainty into which the whole money system of the country had been thrown by the interruption of the former relations between the United States Bank and the Government. They pray for the return of those relations of amity and confidence, as the only ground upon which their former prosperity could be restored.

The memorial was signed (said Mr. B.) by one thousand and sixty-five persons, somewhat more than the whole number of voters in the city of Providence. He believed the whole did not exceed eleven hundred, and there had never been polled more than nine hundred at the most contested election. At this season of the year many of them were absent on business in other States, probably not less than three or four hundred. He did not believe there was a single man of Providence and its vicinity entitled to put his vote in the ballot-box who had not subscribed his name to this memorial. It was signed by leading men of all parties; and two of the gentlemen who had written to him on the subject, Mr. Richmond Bullock and Mr. Ives, the former a president of a bank, were both of them leading men in favor of the administration.

Mr. B. said that the men of Rhode Island were as fixed in their political principles, and as capable of deciding on financial questions, as any men in this or any other country; nor did they yield to any in talent or integrity. They state it as their firm conviction that the conduct of the Government towards the United States Bank had brought these evils upon the country, under which it was now embarrassed, and that the only sure mode of relief was by restoring public confidence. The honorable member entered at some length into a eulogy on the enterprise, talents, integrity, and high moral character of the citizens of Providence, North Providence, and Pawtucket, among whom he had lived for a period of almost forty years. There were no men on earth more industrious or more faithful in their engagements. Though occupying but a small space on the map, the fruits of their genius and industry were to be found dispersed over almost the whole inhabitable globe, supplying even the markets of the two most enterprising nations of Europe—England and France. He alluded to the invention of making nails by cutting. It was in the State of Rhode Island also that spinning by water was first brought into operation. With a community of less than a hundred thousand souls, they had accumulated a banking capital of more than seven millions of dollars; and to one dollar of specie in their vaults they had not three of paper in circulation. If, then, a people so circumstanced cried out upon the pressure of the times, what must be the situation of those who had twenty dollars of paper abroad for every one of specie in their vaults? After some further remarks, Mr. B. concluded by moving that the memorial be read, printed, and referred to the "eternal" Committee of Ways and Means.

Mr. PEARCE said he had two petitions to present to the House, but, before he presented them, he would make a few remarks in reply to his colleague, who had just presented a memorial from the city of Providence. [The SPEAKER asked Mr. P. if he rose to address the House on the memorial just presented, and he, replying in the affirmative, proceeded to say:] That this memorial he had seen some days ago in one of the Providence journals, and he had heard much as to the manner in which it was got up. While the Clerk was reading it at his desk, I examined the signatures to it, and they all appeared to be in the same handwriting.

Mr. BURGES explained. There were two copies of this petition: one of which was sent to the Senate, the other was the one before the House. With regard to that before the House, it would be seen that a number of the names were in the handwriting of the persons whose names were there as signers; the others were copied from the Senate petition.

Mr. PEARCE said he did not intend to say that all whose names were to it did not sign the memorial; but he had made the remark in regard to the signatures for another purpose--to show that what he had understood to have been the case was true: that at the meeting in the city of Providence not one hundred and fifty men, and perhaps not one hundred, were present; that at the meeting the memorial was adopted; and at that, committees were appointed in the several wards in the city of Providence to request gentlemen to put their names to this memorial; that when these ward committees had finished their work, they reported the number of names they had obtained, and these names were copied and appended to the document before us, as we now see them. This must have been the case, from another consideration—the length of time from this meeting in the city of Providence to the period when it was published in one of the newspapers printed in the city, with a statement that a thousand and sixty names were signed to it. Now, sir, (said Mr. P.) if there were in the city of Providence that general distress which has been represented, would so much time have been required, and would such pains have been taken or found necessary to procure these signatures? My colleague would seem to represent that this memorial was signed by all the freeholders of the city of Providence, with the exception of a few office-holders. If he be correct in what he has said, that it was signed without reference to political distinctions, he is not authorized to say that the thousand and sixty, if they all resided in the city of Providence, (and the contrary of this he will admit,) comprise all, or nearly all, with the exception he had made, of those who live in the city of Providence, who are males, and are twenty-one years old and upwards; and surely those whose rights are affected by any public measure, whether freeholders or not, have at least the right to petition. Assuming (said Mr. P.) that there are now in the city of Providence nineteen thousand inhabitants, it is fair to presume that five thousand of these are male citizens above the age of twenty-one. When the last census was taken, there were more than four thousand of this description. One thousand and sixty are not a majority of this number. My colleague has represented the thousand and sixty as being all, under the existing laws of Rhode Island, voters. He does not know that they all are, nor do I believe that all are, voters. The memorial purports to be a memorial of the city of Providence and its vicinity; "vicinity" might include all the

factory villages in the county of Providence; it might include all the towns (eleven in number) in that county. I have no doubt (said Mr. P.) that there is a pressure in the money market in the city of Providence, and that the memorialists—all of them, if you please—think that the removal of the deposites is the cause of it. I do not believe the pressure so great as has been represented, nor do I consider the removal of the deposites as the sole cause of it. We want now all the light which can be shed upon the subject which we have under discussion; and my colleague ought to have told the House that within the last three or four weeks gentlemen living in the city of Providence, and perhaps some who have signed this memorial to relieve their distresses, had loaned the citizens in New Bedford and New York three hundred thousand dollars. He (Mr. P.) had been told that one of the notaries who had been employed by most of the banks in the city of Providence had said that for the last three or four weeks he had done less business than at any other time, having protested but one note, and that one of long standing, and one which would have been protested without reference to any general scarcity of money at any period. If what I have stated be correct—and will my colleague contradict me?—I see no evidence of any great scarcity of money in the city of Providence. Was there a great scarcity of money in any other part of Rhode Island? But three or four days before this meeting was organized, the Legislature of Rhode Island closed its session of three or four weeks' duration—an unusually long one for our State—in the city of Providence. Its most numerous branch is elected semi-annually, and is not at any time far removed from the people. Can gentlemen believe that there was throughout the State, or any considerable portion of it, any severe distress, the consequence of the act of the Executive of the United States, or his Secretary—charge it upon one or the other, and which I care not—when no voice reached us from that Legislature? Sir, we should have heard a voice from our Legislature, if all be true which my colleague has stated, as we have heard voices, though of a different character, from the Legislatures of Ohio, New Jersey, and New York. In my opinion, if resolutions expressing the views and sentiments entertained in this memorial could have been carried through the Legislature of Rhode Island, that course would have been adopted as the preferable one. In the town in which I reside, and composed of my immediate constituents, since this meeting in the city of Providence, there has been a large meeting of men of all parties; and although, in that town, there is or has been a majority of about one hundred opposed to the administration, that meeting did not think proper to memorialize Congress on behalf of the bank, or represent to the House that they were ruined by the removal of the deposites. The meeting was dissolved without adopting resolutions in regard to the bank or the deposites. They, in my opinion, wisely concluded to do nothing. My colleague, Mr. Speaker, has represented this meeting in the city of Providence as not a political meeting: in proof of this he has, I think, improperly introduced to the House two gentlemen, Mr. Ives and Mr. Richmond Bullock, on whom he has pronounced, gratuitously, (for they desired nothing of the kind,) eulogiums; who are, as he says, the warm and ardent admirers of the President of the United States. Mr. Bullock has always supported the present administration, and Mr. Ives, although not a very efficient man at the polls, (for with the party politics of the day he seldom troubles himself,) is also the friend of Andrew Jackson. I agree that these gentlemen differ with the President in his stand against the bank, but they will not abandon him in consequence of their difference. It appears to me, (said Mr. P.) my colleague was rather unfortunate in bringing to our view these men, as the only two men who supported the President, who attended a meeting composed of all parties. Were there no other prominent Jackson men who attended this meeting?—unfortunate, because one of these men, with his family connexions, had a large interest in the stock of the United States Bank, a branch of which is located in the city of Providence, who had always been in favor of that institution; and the other was probably a stockholder to a very considerable amount: unfortunate, because both are now presidents of banks in the city of Providence, which had applied for these deposites. I agree that these considerations could not influence these men, both highly respectable, and, as an intelligent merchant, one has not his superior in this, and perhaps not in any country. I have thought it not improper, as they have been named, to put into this discussion such facts as are within my knowledge.

With regard to the embarrassment and distress said to exist in the city of Providence, he could then say that, although such might be the fact to a certain extent, the language of this and all other memorials must be taken with some grains of allowance. He (Mr. P.) had heard a voice from home, and it was a voice to which he paid great respect, and the language it uttered was, Decision, decision, decision! He joined in that voice. If the Government deposites were to be restored, let them be restored; if they were to remain where they were, let them remain. The cry of the people was, Leave us uninfluenced by hope or fear: let us know our fate. If this question had been settled, as it ought to have been, in the first week of our session, did gentlemen believe there would have been, at this time, either difficulty or agitation in the country? He thought, indeed, that the existence of these things was owing, in no small degree, to their proceedings in this House. Who have protracted this debate? and who have repeatedly shown dispositions to bring it to a close? These questions the people will answer. Is there any scarcity of money in the country, with specie pouring in upon us every day, and none leaving us? Is the credit of the Government impaired? Let proposals be published for a Government loan of fifty millions of dollars, and every cent of it would be taken in three days—yes, in three hours, even at a premium of less than six per cent. Sir, there would be a rush for it, such a one as there was in Philadelphia, not long ago, for stock in the Girard Bank, and such a one as there is often in the State of New York, when commissioners open the books for subscriptions for bank stock. He submitted to the House that the present state of things, whatever it might be, arose out of our long and tedious debates, our inflammatory speeches, and our want of decision; and no small share of the blame, therefore, might well be ascribed to the proceedings in this House.

Mr. BURGES regretted the occasion in which he was necessarily brought into collision with his colleague, a gentleman who came from the same State, and with whom he had ever held the most friendly relations. By that gentleman, however, he had been met with a flat contradiction before the House; and, above all, it was in regard to men for whom he (Mr. B.) had so high an esteem—men for whom he would wager so much. For my own colleague, (said Mr. B.,) before this House, to question my representations and testimony as to these men, whom I so well know—whom my colleague so well knows—men whose integrity has never yet, during any portion of their lives, been at all questioned by any man—no, not even by the most suspicious—is to me astonishing. A year ago, and my colleague would have gone through a flaming world in defence of the characters of these men.

The SPEAKER said such remarks were not in order.

Mr. BURGES said he meant no disrespect to his colleague. He was in the habit of speaking disrespectfully of no one. But he was speaking then for his neighbors; and he wished to show that men whom he was proud to

call his friends had no sinister views. Although it was true that the gentlemen alluded to were interested in banks—it was true they had much property and great interest in many banks—but he hoped that it would not be considered as a necessary consequence of possessing such property that they would make misrepresentations. Mr. Ives's connexions (said Mr. B.) are stockholders in the Bank of the United States; and they are stockholders in manufactories. They are stockholders in looms, or mills, or banks; but may they not be all this, without corruption of heart or perversion of judgment? Did his colleague think that Mr. Ives misstates things here, because he holds stock in a bank? Does he think that Mr. Richmond Bullock would do this? If so—if the gentleman has imagined, or has heard this, he has misconceived, or he has been misinformed. They have not signed this petition because they were disappointed candidates for the public deposites. With regard to the old Providence bank, it was a bank, the stock of which was better than that of the United States Bank; it was regarded every where as the soundest bank in the State. Why, then, he would ask, was not the public money put in this bank? Why was it, in preference, put in a bank, the stock of which was below par--a bank, thirty shares of whose stock had been put up at auction, and no offer made? Why had the Secretary of the Treasury put the public money in a bank like this, in preference to a bank where the stock was so valuable that no one would sell out?

Mr. B. proceeded to allude to the mention made by his colleague [Mr. PEARCE] as to the application made by the bank of which Mr. Richmond Bullock is president for a share of the public deposites. Did Mr. Richmond Bullock apply for this? No. It was true he (Mr. Bullock) owned more than one-half of the stock of the bank alluded to, and he was a friend of the administration; but, sooner than aid it in an act of fraud against the Bank of the United States—sooner than aid it in depriving that bank of the right for which it had paid millions—Mr. Richmond Bullock would hold his hand in a flame until it was consumed. He thought all who knew that gentleman would say that his signature to that petition was not placed there through either disappointment or avarice.

It had been represented by his colleague that the meeting which drew the petition he (Mr. B.) had had the honor to present was a small meeting. Sir, it was a meeting of men who had gravely considered the present state of things, and who had looked forward, as prudent and discerning men, to the future. Men of all parties were there; all except the office-holders were there. It was true they did appoint committees, and they did it because they thought it was not only proper, but the better mode of proceeding. His colleague had also said that he had seen this memorial in print. He (Mr. B.) did not know when or where he had seen it, but there was no necessity for suppressing the facts of the case. Committees were appointed, and they did go into the respective wards of the city and its vicinity, and the petition was signed by men who knew what they were doing. But the gentleman had said that the signatures were not a majority of the voters of the State of Rhode Island.

Mr. PEARCE: I said that 1,050 were not a majority of 19,000.

Mr. BURGES resumed. He was satisfied that, as regarded the number stated, his honorable colleague was right; but it must be borne in mind that Providence was a commercial city; its citizens were abroad in all the climates of the earth; many of them were in our southern climes; at any time, there were not more than 900 out of 1,100 resident; and at this season there were not more than 600 or 700. He would say, then, that the signers of the petition did constitute a majority of the residents of Providence. Many persons, as his colleague well knew, did not vote, because they would not purchase a piece of land. They were engaged in business, and in pursuits which called them abroad; and this was the reason why the number of votes of Providence was always smaller, in proportion to its estimated number of citizens and inhabitants, than many other places. With regard to the $300,000 loaned to the inhabitants of New Bedford and New York, it was not from the town of Providence.

Mr. PEARCE explained. He had not said that the loan was from the town of Providence.

Mr. BURGES resumed. If the gentleman did not mean the town of Providence, he had nothing further to say on that subject. As to the loan itself, he knew not but that it might have been made before this pressure had taken place. Relations of interest and amity existed between Providence and the place named, and the loan might have been made for the purpose of relieving the latter. It must have been made some time since; and, if made at all, it did not prove the abundance of the means of the citizens of Providence now, but rather their willingness to relieve others in distress; and the necessities of those whom they sought to relieve. The gentleman had spoken of Newport--the place which he [Mr. PEARCE] more immediately represented. He should not deny what that gentleman had asserted of his constituents, or of their opinions. He should deem himself most contemptible if he should say of any memorial presented by that gentleman from his constituents that it was a fabricated statement, and signed by the names of persons picked up in the streets, or persons influenced by avarice. He hoped to God that he should never be left to such a degraded and miserable condition. The gentleman said he had heard a voice from home. What was that voice? He spoke of hopes and fears. What was it that was hoped for? Was it that this question would be dismissed without doing any thing? What was it that was feared? They heard no such language from the town of Providence. What was it that was hoped for? What was it they feared? Did they hope that things would be restored to the state in which they formerly were? The gentleman says we ought to have "decision." Sir, (said Mr. B.,) I agree that the criminal may sleep more comfortably on the evening before his execution than he could on the evening before his trial. As long as the matter was undecided, there was hope; but there was fear, and wretched was the condition of a man in such a state. What was now to be done with this petition? The same thing which had been done with others. It was to be sent to the Committee of Ways and Means. But had that committee any balm which would act as a specific for the wounded condition of the country? Could that committee, by its action, restore confidence, or re-establish the wealth of the community? If they could even pass a law, what would be the use of the law? It would be as the cord of green withes with which they bound the arms of Samson; when he shook his giant shoulders, it was broken to pieces in an instant. Let them do what they would, they could not restore confidence; they could not restore peace, and health, and harmony to the country. The remedy must come from the same source as the poison. Mr. B. concluded by expressing his regret that he should have been compelled to take the course he had taken: it was owing to the attack made on him by his colleague.

Mr. PEARCE, in reply, disclaimed having made, or intending to make, any attack upon his colleague. If I had, (said he,) my colleague ought to be the last man in the world to complain; nor have I made any upon those who signed the memorial. He would appeal to the House whether he had done so. My colleague ascribes to me language which I never used; which you, Mr. Speaker, know I never used; and reasons accordingly. I was (said he) apprized of the existence of the paper presented, because I had seen it in a newspaper printed in Rhode Island; but I was not apprized of the intention of my colleague to make the remarks he has this morning made.

As he had thought proper to go out of the usual course pursued in presenting petitions, and to make statements of his own—to express his own opinions in connexion with the subject—he (Mr. P.) had thought it his duty to state facts which had come to his own knowledge. Did his colleague wish the House to pass its judgment on facts relative to the state of things in the country, or in the State of Rhode Island, without first getting all the light upon the subject which could well be obtained? And he would ask, after all his colleague had said, to what his contradiction amounted, more than mere assertions unsupported by facts, or, in the decorous language of his undertones, "I deny it," "I deny it?" Although a matter of very little consequence, was it denied that Mr. Ives was president of a bank which had applied for the deposites? Let those who deny this go to the Treasury Department. Was it denied that Mr. Richmond Bullock was president of another bank that had applied for the deposites? Mr. Taney, or Mr. Kendall, would satisfy any one on this point. Was it denied that of this meeting of all parties, these were the only two men whose names his colleague had thought proper to give us as supporters of the present Executive? With regard to the number of voters in the city of Providence, the gentleman is again unfortunate. He is under the conviction that none but voters signed this memorial, and would seem to imply that none but voters had a right to sign it; he would make it appear that all—and, in fact, more than all—signed the memorial; he is under the impression that there are but eight or nine hundred voters in the city of Providence, and two or three hundred, at least, of those are now absent. I would remind him of the state of the polls last spring, when his friend was a candidate for the office of Governor, and was not elected; and my friend was a candidate for that office, and was elected, although three-fourths of the votes of the city of Providence were cast for his friend. Sir, I am under the impression that, on that occasion, eleven hundred and forty votes were polled—a few more than we find names appended to this memorial. His colleague had said that what he (Mr. P.) had stated was an imputation upon the gentlemen whose names had been mentioned. He had cast no imputations upon the characters of those gentlemen; he had not intended to cast any; he was proud to call those gentlemen his friends. One was occasionally a correspondent, from whom he had received a few lines that morning; the other, a family connexion; and he did not believe they would hereafter, as he well knew they had not heretofore, have any great share of respect for his colleague; one of whom did not condescend to speak to him; and the other was unwilling to speak of him. His colleague had never had the support of either of these gentlemen, and he (Mr. P.) could not believe he ever would. He did not believe that he could succeed in misrepresenting him to these gentlemen. Did he deny that this meeting was composed of one hundred, or of one hundred and fifty persons? It appeared not. His purpose had mainly been to show that when it was said there was a great meeting in the city of Providence, it was not so great as had been represented; otherwise, it would not have been found necessary to appoint committees to go through the several wards, and into the neighboring villages, to solicit signatures to a memorial. If the distress had been as represented, when the time for the meeting had arrived, the town-hall would have been filled with its thousands, as it had been on many occasions. His colleague seemed to regret that he (Mr. P.) should differ in opinion with him; this is as broad as it is long. I suppose he thinks I differ with him, rather than he with me, because he is rather the oldest man. I cannot reciprocate this feeling of regret. We come here supported by different interests, and, God knows, for my seat I am under no obligations to him. Mr. P. said his object was to present things in their true light, so that the House might not be left to suppose, from this meeting, that there had been a change in public opinion in Rhode Island. He believed that if the question could, in terms, be put to the people of Rhode Island that day—the bank or not—a majority would be found against the bank, although three years since the case would have been totally different. The party that had sent him here had put forth their ticket for the spring election; and such was the state of the minority, that no opposition had yet been started, nor did he believe that any would be. His means for correct information were as great as his colleague's, and his correspondence as extensive; representing, as he said, all the anti-masons of his State, all the Jackson men, with a very few exceptions, and having some friends amongst those who, when that party was in existence, were called national republicans. No doubt the gentleman had given the House a part of a speech which he had been concocting for another occasion. But this was of no consequence; we might as well have it then as at any other time. It had not been his purpose or his wish to break a lance with his colleague; but he would have him to learn then, and once for all, that he (Mr. P.) was not to consult him as to what opinions he should express, or what course he should pursue. He did not feel himself called upon to regret the course his colleague thought proper to pursue, and he hoped in future his colleague would not trouble himself to regret his (Mr. P.'s) course. There were certain reasons why he might regret his difference with that gentleman—reasons of a personal nature: he was more advanced in years than himself; his was the first office he ever entered to acquire a knowledge of the law. But their relative situations at the present time were changed; they both stood on that floor as the representatives of independent men; as such, they were equally bound to express their opinions without regard to what might, or what might not, be the opinions of each other.

Mr. BURGES briefly replied. He disclaimed having attempted to produce a disagreement between himself and his colleague, or a wish to control the course of conduct which he saw fit to pursue. He (Mr. B.) would do much—very much—to prevent an interruption of the amicable relations which had subsisted. He felt it, he knew it to be a duty to repel the slightest discredit which could be thrown on, or which might attach to, the characters of the honorable and high-minded gentlemen alluded to in the course of debate, and to the independent citizens by whom that memorial was signed.

The memorials were then referred.

CONNECTICUT MEMORIAL.

Mr. FOOT presented a resolution, passed unanimously by the board of directors of the Connecticut River Banking Company, and also a petition, signed by merchants, mechanics, and manufacturers of the city of Hartford, on the subject of the present derangement of all commercial business and of the currency, which has caused such general and deep distress in the country.

Mr. F. said that, being deeply sensible of the indispensable necessity of a strict observance of the rules of the House, to facilitate the despatch of business in every deliberative body, he should keep strictly within the rule, "briefly stating the contents of the memorial and resolution."

The petition is signed by more than three hundred intelligent, active, business men, engaged in the several occupations which are deeply affected by every derangement of the currency of the country, and every fluctuation in the market; men of experience and observation, not mere theorists; men who know their interests, and are engaged in the peaceful pursuits of those interests. They feel distress, and believe this distress has been brought upon them by the acts of their public agents! In the exercise of their right, secured by the constitution,

they "petition Congress for redress of their grievances!" Their language is respectful and temperate; at the same time, firm and confident! They state that they feel deep solicitude on account of the deranged state of the money concerns of the country, its effect on their pursuits and occupations, and the gloom which it throws over their future prospects; that general distrust and want of confidence has been produced by the removal of the deposites, and "declarations that the bank will not be rechartered," as they fully believe, and state with the most perfect confidence, from their intimate acquaintance with commercial transactions, and the certain embarrassments which always follow any shock in the money market. And they apprehend a still greater scarcity of money; decline of property; want of confidence and general distrust; which must inevitably increase the public distress, by throwing out of employment and reducing the wages of the laboring class of the community; and, unless some remedy be speedily provided, they see nothing before them but bankruptcy and ruin! They believe that it is in the power of Congress to grant relief; and they ask this relief at your hands. They propose the remedy, and they ask of Congress to provide and apply that remedy, and they ask no more! They pray that the public moneys may hereafter be deposited in the United States Bank, and that the bank may be rechartered, with such modifications as the wisdom of Congress may approve.

The resolution and petition were then referred to the Committee of Ways and Means.

MEMORIAL FROM PHILADELPHIA.

Mr. HARPER, of Pennsylvania, presented the memorial of the cordwainers and boot and shoe dealers of the city of Philadelphia, praying for the restoration of the deposites, and for a recharter of the Bank of the United States. The signers, he said, were about equally divided between the friends and the opponents of the administration; but, in relation to the subject of the memorial, there existed no difference of opinion among them. They had from two thousand five hundred to three thousand persons in their employ, whom they had not yet discharged, having borrowed money at an extravagant interest rather than do so; but they could not much longer endure the existing pressure, and, however reluctant, would be compelled to dismiss these persons from their employ. They were persons who had themselves once been engaged in personal labor, but, by industry and success, had become able to employ others. They had sent on a committee to represent their case, and had, in their memorial, employed the clear and forcible language of freemen, who knew their rights and felt their wrongs. Their sufferings were unparalleled, and were rendered the more afflicting, as having proceeded from the act of their own Government. They demanded a redress of grievances, and he hoped that their appeal would not fall upon ears that would not hear, or hearts that could not feel. If the present system should be persevered in, it must lead to a scene of distress, and, he would add, of confusion, which had no parallel. These workmen must all be turned out of employ. Their wives and children would cry to them for bread; and every man must know that persons in such a situation had no ears to which reason could be addressed. It was the duty of the House to anticipate such a state of things, and to take measures to prevent it. The memorialists stated their unqualified opinion that it was the removal of the deposites which had produced their distress, and they looked to the President himself as the author of that measure. It had shaken the confidence of every man in his fellow. Capitalists held their money with a miser's grasp; and when these distressed memorialists applied for loans, they were answered that those who had formerly been glad to get five per cent., now saw the prospect of realizing from eight to twelve. Such a state of things was calculated to throw all the profits of the community into the hands of the rich, and to drag out the last pittance from the pockets of the poor.

The effects must ultimately reach every village and hamlet, and go down to every farm-house and cottage of the land. They fell, with oppressive force, upon the hard-working portion of the community. Mr. H. said that he had been himself a working man; he knew how hard it was for such men to rise. He knew well how dear their earnings were, and how mortifying it must be to have them all stripped from their possession and thrown into the hands of the rich. Yet, the present course of the Government must produce that effect, as naturally and as certainly as the sun gave forth its light or heat. The memorialists prayed that the deposites might be restored, and the bank rechartered. He concurred with them in this petition. His own sentiments were, indeed, opposed to the entire system of banking; he believed its tendency to be injurious to the morals of the community; but, if the country must have a system of banking, was it not better to have a sound currency, redeemable at pleasure in gold and silver, than a heap of rotten paper, based on a capital of less than one dollar for twenty? And this whole measure of the Government professed to be an experiment. An experiment! The entire currency, all the exchanges, the whole business, the total prosperity of this great community, all to be thrown on the result of an experiment! Enlightened statesmen had ever considered it as the acme of political wisdom to preserve a steady and uniform currency, whose real corresponded with its apparent value. But ours, forsooth, wiser than all that went before them, must make an experiment—an experiment whose sad result fell in ruin upon the worthy and laborious of the community. To justify a scheme so monstrous, it had been alleged that the bank was guilty of misconduct. Now, admitting all the charges against the bank to be true, (though no charges had ever been more completely and triumphantly refuted,) Mr. H. denied that the measures of the Government were calculated to remedy any one of the evils complained of. It was said the bank had extended and contracted its discounts too much and too suddenly; but would this prevent it? It was charged that the bank had aimed at political power; would the removal of the deposites cure this evil? Had not the bank abundant funds still to accomplish the same mischief as before? It was manifest that the charges against the bank had been got up to sanction the course of the Government. It had been, by the organ of the Government, declared that the President, before he left the Hermitage, had openly avowed the determination to put down the bank. This was declared by the editor of the Globe, who claimed to speak by authority. Why, then, hatch up pretended reasons for a measure which had long before been determined upon? Mr. H. said that this state of things could not long be submitted to. The letters he was continually receiving pointed to consequences that must ensue; and he warned gentlemen to remember that a starving population was not a body to be reasoned with. Should the House ever come to a determination—if it should decide that the deposites should never be restored—that would not remove the evils of the community, because the bank must, in four years, gather in from sixty to seventy millions of dollars, now outstanding; and could any man believe that, while that compulsory process was going on, the distresses of the community would not continue? Mr. H. disclaimed all personal interest in the bank; neither he nor his relatives had a dollar invested in it. And what concern he had in banking operations went to militate against the bank, and not to persuade him in its favor.

If the present system continued, the most valuable and enterprising citizens must be ruined, and, after all, a new

bank must be chartered; for the depreciation of the State paper would be such as would raise a cry that must be heard.

Mr. H. referred to the stagnation of business in Philadelphia. It was usual there to build from 1,200 to 1,500 houses in a year. This was the season at which many of the contracts were entered into; and, from information derived about ten days ago, from a person engaged in building, he stated that he knew of but a single contract now made for the approaching season. Why would not gentlemen look at this state of facts? Why would they shut their ears, and refuse to listen in time to the remonstrances of the people? These memorialists were most of them men of small capital, who started in business with $4,000 or $5,000. They employed hands to manufacture boots and shoes at wholesale prices. These they disposed of to country stores, for notes at sixty and ninety days. Those notes they had always hitherto had discounted with readiness by the banks in Philadelphia. But now these notes were rejected, they had to borrow money to employ their hands; they were obliged to pay exorbitant and destructive interest for this temporary relief, and must soon be compelled by necessity to dismiss their workmen, and suspend their business. The Bank of the United States had done its utmost to alleviate the public distresses. This was admitted even by the directors of some of the deposite banks. Under these circumstances, the people came to the doors of Congress, and asked relief. He hoped they would not ask in vain.

The memorial was referred to the Committee of Ways and Means, and ordered to be printed.

RESOLUTIONS OF SOUTHWARK AND MOYAMENSING, PA.

Mr. SUTHERLAND presented certain resolutions passed by what claimed to be a "glorious and triumphant meeting" of the inhabitants of Southwark and Moyamensing, praying for the restoration of the deposites. Mr. S. said he owed it to the House and to himself to say that this memorial proceeded from inhabitants of the same district with the eleven hundred whose memorial he had lately presented on the opposite side of the question. He moved that the memorial be printed and referred as the others had been.

Mr. MANN, of New York, objected to the printing. He said that, if he was not mistaken, that memorial contained language disrespectful to the Government, and improper to be tolerated.

Mr. SUTHERLAND stated that the paper was not a memorial, but contained the resolutions adopted at the meeting referred to.

Mr. MANN continued: Be they memorials, or be they resolutions, it was not material, so long as they contained expressions derogatory to one department of the Government. Mr. M. did not deny the right of petition, but he did deny the right of any persons to address the House in terms derogatory to the character of the Government. Some of the expressions contained in the memorial were extremely objectionable. He could not remember the exact expressions; but, from hearing it read at the Clerk's table, he believed that the memorialists declared that the conduct of the Executive in removing the deposites was tyrannical, derogatory, and exceptionable. He then called for the reading of the second resolution, and it was read accordingly.

Mr. SUTHERLAND said that he had no doubt that many of the papers which had been presented to the House on this subject, if nicely weighed in golden scales, would be found to be not altogether correct; but these resolutions had now been presented, and he should be very sorry if they were not printed. He was, it was true, opposed to the object of the memorialists; but they had a right to be heard, and he hoped that the gentleman would not object to the memorial being published.

The CHAIR inquired of Mr. MANN whether he persevered in his objection to the printing?

Mr. MANN withdrew his objection.

Mr. WATMOUGH said that he could point out the words to which he presumed the gentleman objected.

The CHAIR reminded Mr. W. that the objection was withdrawn.

Mr. WATMOUGH replied he was sorry it had been withdrawn. He had been in hopes the gentleman would have held on to the objection, and would have called upon his friends to rally ——

[Here the CHAIR called Mr. WATMOUGH to order. The objection was withdrawn, and the question was on printing.]

Mr. WATMOUGH said he wanted to point out the words that gentleman had objected to, as being offensive to the Government.

The CHAIR called Mr. W. to order.

Mr. WATMOUGH said he wanted to know what the gentleman meant by "the Government."

The CHAIR ordered Mr. W. to take his seat.

Mr. WATMOUGH said he wanted to know how that gentleman *dared* to insult the dignity of the House of Representatives ——

The CHAIR again called Mr. W. to order, and directed him to sit down.

Mr. WATMOUGH said that he did not complain of a personal offence; but he did feel, and feel deeply, that the gentleman had insulted the dignity of the House, and had grossly insulted a body of memorialists whom Mr. W. knew to be as upright, honest, and honorable men as the country contained. This was the point things had come to at last. He had long been expecting it; and if a better opportunity was to occur for discussing the subject, he did not know when. He thought this was as good a time as any ——

The CHAIR: You cannot discuss it now.

Mr. WATMOUGH: I will now read the words that the gentleman could not recollect. I will supply him with the words which he considers so disrespectful to "the Government."

[Mr. W. here read some passages from the first resolution.]

Mr. MANN said that he had had no intention, in the remarks he had made, to disturb the nerves of the gentleman from Pennsylvania. As a young member, it could hardly be supposed that he had intended to insult the dignity of the House, and still less that of the gentleman. He hoped that, for the future, that gentleman would take very little trouble, if any, on his account. The gentleman was certainly very right in selecting the expressions referred to. Mr. M. did think that the memorialists ought not to use the term "vindictive" in reference to operations of the Government. He gave this, however, but as his own opinion. The gentleman had been anxious to know what he meant by "the Government." By "the Government," he meant the House of Representatives. Gentlemen were acting out the scenes of the tragedy every Monday, and they had gone on until the House had seen ten acts and ten scenes; but, in performing this tragedy, they ought to be a little careful as to the language they employed. As due to the respect he owed to himself, to the House, and to the gentleman from Pennsylvania, he desired to be careful that no memorialists should be permitted, in the heat of their political zeal, to use expressions that were calculated to forfeit that dignified right of petition and remonstrance which was secured to them by the constitution. He hoped that the gentleman from Pennsylvania would, hereafter, when he was disposed to ask for information, suffer him to do so in his own language; and he must be permitted to add, that, whether that gentleman would suffer it or not, he should, at all times, take the liberty of doing so.

Mr. LANE said that he should like some explanation from the gentleman from Pennsylvania.

The CHAIR pronounced it out of order, and put the question on the printing, which was carried.

MEMORIAL FROM GERMANTOWN.

Mr. SUTHERLAND presented a memorial of inhabitants of Germantown and Bristol, adopted at a meeting held without distinction of party, praying for the restoration of the deposites.

He also presented a memorial from the cordwainers and boot and shoe dealers, adopted at a meeting held in Independence Hall. Mr. S. said he presented this memorial by way of answer to that offered by his colleague, [Mr. HARPER,] and to the speech which had accompanied it. That gentleman had said that business was at a stand; that no contracts had been made at a season when there had heretofore been many. Mr. S. attributed this mainly to the protraction of the debate in Congress, and to the agitating and inflammatory speeches which were every day sent abroad through the country. There was a sort of military process going on. We could not turn round, but the first thing we met was the speech of Mr. A, or Mr. B, ——

The CHAIR pronounced Mr. S. out of order.

Mr. SUTHERLAND justified himself, as intending only to reply to his colleague; and then referred to the rumors in the community about the danger of the State banks, &c. After remonstrating against farther delay, and pressing an early decision, he quoted certain passages from the memorial, in which the shoemakers declare themselves in good business.

Mr. HARPER explained. He had not said that the hands were yet discharged; but that, without help, they soon must be.

The memorial was then referred.

MEMORIAL OF MERCHANTS OF BALTIMORE.

Mr. HEATH presented a memorial of the merchants of Baltimore, praying for the restoration of the public deposites. He stated that some of the signers were directors of the Union Bank of Baltimore, which had been selected as the Government deposite bank, and also the presidents and cashiers of other banks of that city.

Mr. H., in presenting the above memorial, said he should avail himself of the opportunity of addressing a few remarks to the House on this subject.

First, with regard to the memorial which had been intrusted to his care. It was signed by upwards of three thousand individuals of all classes, and without distinction of party. It included the whole of the commercial, trading, and manufacturing interest of that portion of the community which he had the honor to represent. Among other names of high respectability, were to be found several of the directors of the Union Bank of Maryland, a bank which had been selected by the administration as a place of deposite for the public moneys, together with the president, cashier, and directors of several other banks in Baltimore. The memorial, in fact, contained scarcely a single name that was not well known for integrity and moral worth. He would confidently appeal to his honorable colleague, (Mr. MCKIM,) who, he was sure, would at all times be found ready to testify to the high standing, intelligence, enterprise, and talents of the citizens of the district which he (Mr. H.) had the honor to represent. He said it with pride, and yet with confidence, that there was no city in this great Union which possessed men more ardent for their country's welfare, more able to sustain her glory and honor, or more free from the trammels of party prejudice, than the city of Baltimore. In commercial enterprise, and in the rigid fulfilment of engagements, her citizens yielded to none. And it was a memorial signed by such men he now presented to the House.

He was well aware of the nature of the oath taken by him as a member of that House; and he was not the less aware that neither that oath nor the constitution of his country, which he had so solemnly sworn to maintain, recognised any party feeling or party prejudice. But he could not help expressing his astonishment and regret to observe that too many honorable gentlemen who had addressed the House upon this vital question had manifested a warmth of party feeling little consistent with the character of the deliberative representatives of the people. In saying thus much, he wished not to be understood as meaning to reflect personally upon the line of conduct any other member might have deemed it his duty to pursue. For himself, he could solemnly and conscientiously aver that, when he first entered the door of that hall, he entered it divested of the remotest principle of party feeling or party prejudice. He entered it as an American freeman, to exercise the right bestowed upon a free representative of a free and enlightened people, resolved to act for his country, and his country only. It was these views and these feelings that should alone bias the course he intended to adopt.

It had been said upon that floor that the Bank of the United States had been guilty of a violation of its charter. If so, the law had provided an ample remedy, and he thought that remedy should have been first applied. He would not that the writ of *scire facias* should have been withheld one hour after the delinquency had been proved. We have been told that the bank had made use of their funds for electioneering and other illegal purposes. It might be so; but he would ask, was not the same to be apprehended from the State banks? Had they not the same means, the same ability, the same end to answer? and what proof was there that they would be more immaculate than the chartered institution? He called upon every member of that House to divest himself of party feeling; he called upon them, in the name of their constituents and of their country, to do so; and he would ask if they could lay their hands upon their hearts, in the presence of their God, and reconcile it to their consciences in considering a question of this important character upon party principles? Had the guilt of the bank been established? Were all the charges brought against that institution made out? He had not seen them. The public, however, did know something about the conduct of the bank, and he would briefly enumerate what that was.

The bank had acted as the faithful agent of the Government for a period of seventeen years, during which time it had paid to that Government from six to seven per cent. annually. It had disbursed all the drafts made upon it by Government, and distributed the deposites of the public money free of charge and free of risk throughout every State and Territory of the Union. Nor had the country been a loser to the amount of one solitary cent in any of these great transactions. These were facts known to the world; and, in the face of them, he would ask if it were good policy to withdraw the public funds from an institution like this, and scatter them over the country, scarcely any one knew where?—to take them out of vaults over which the Government had complete control, and place them where it had none?—to remove them from a bank in which they appointed directors of their own, and deposite them in others, in not one of which they had the power of appointing a single director, or a prospect of receiving one cent of interest for the public money?

Of one thing the country had hitherto been assured: that, whatever might have been the conduct of the United States Bank in regard to other matters, the public money was at least safe in its vaults; which was more than they could assure themselves of at this time. He greatly feared that it would be found, in perhaps not a few of them, when the people called for their money, that more than one hole had existed through which the deposites had escaped,

never more to be recovered. He should be happy if his fears were groundless; but, from what he knew, he could augur nothing better.

Mr. H. said he had been sent to that House, not as a partisan, nor upon party feelings, but as a free and independent American citizen, who would never bend his neck to the collar or to the yoke. He stood before that House with the proud consciousness of possessing a character that had never been known to swerve from duty. This was perhaps much to say, but he would appeal to those who had long known him (and there were some within the sound of his voice) for the truth of this declaration. It was the duty he owed his constituents and his country that impelled him to the course he should pursue on this question. It was with pain that he found himself arrayed against the course of the present Executive; for he would say that General Jackson had not a more ardent, zealous, or sincere friend on this floor than he had been. The whole of his (Mr. H.'s) public life would attest the truth of this. He had uniformly supported all his measures, and had the greatest confidence in his integrity.

He would say more: he was still his friend and admirer, and happy should he be if he could add he was still his advocate. His duty impelled him to an opposite course, and the period had not yet arrived in this country when an American citizen dared not differ from the President of the United States in any matter brought before Congress or the public. He was not prepared to receive either the collar or the yoke. He could not help expressing his regret that such terms were drawn from him; but he would appeal to the partisans of the President of the United States on that floor, and ask them, if, instead of sending a message announcing the withdrawal of the deposites from the United States Bank, he had thought fit to send a message directing them to be restored, whether they would not have lifted their voices as highly and as loudly in favor of their return as they had done in support of their removal? He was firmly of opinion they would have done so.

The SPEAKER called the honorable member to order. Remarks of that character, impugning the motives of members of the House, could not be allowed.

Mr. HEATH hoped he should be excused if he had not confined himself within the strict rules of the debate, since it was the first time he had ever addressed that honorable assembly. He said he should not detain the House with any further observations, but would ask for the reading of the memorial.

The Clerk read the memorial; and

Mr. H. moved that it be referred to the Committee of Ways and Means, and printed; which motion was agreed to.

MEMORIAL OF MERCHANTS, &c. OF RICHMOND.

The SPEAKER laid before the House a memorial signed by about eight hundred of the merchants and other inhabitants of Richmond, praying for the restoration of the deposites to the United States Bank.

Mr. PATTON said the accidental connexion which he had with the memorial which had just been read—a connexion growing entirely out of the necessity that some one, according to the usual custom of the House, should call for the reading of memorials on this subject—made it proper, and perhaps necessary, that he should state, without entering upon any discussion of the questions of constitution, law, or national policy, which constituted the topics of the memorial, that from most of the propositions and inferences contained in it he wholly dissented.

I shall not, (said Mr. P.) at this late period of the day, avail myself of the example which has been so frequently set in the House lately, to enter upon an elaborate exposition of my opinions, and the reasons which have induced me to adopt them. I hope to have an opportunity of doing so at large, before the discussion in the regular form, and on the direct question, shall be determined. For the present, I beg leave to say that I do not agree with the memorialists that the Chief Magistrate, in the course pursued by him to procure the removal of the deposites by the Secretary, viz. by the removal of Mr. Duane, has been guilty of any unconstitutional assumption of power. I concur with the memorialists, that the questions which have arisen out of this matter do involve an inquiry as to the proper line of distinction and separation between the Executive, Legislative, and Judicial Departments of the Government, as secured by the constitution, and the separation of which, and restriction of each of which within its own orbit, are essential to the preservation of the public liberty, according to one of the received maxims of free government. But it seems to me that, if the principles asserted in the memorial of the citizens of Richmond be adopted and carried out to their legitimate consequences, there will be accomplished an utter subversion of the barriers erected by the constitution for the protection of the Executive branch of the Government, in the administration of the functions devolved upon it; and a very rapid stride will be made towards the consummation so much dreaded by the fathers of the republic—the consolidation of all the powers of Government in the ingulphing vortex of the Legislative Department.

I think with the memorialists, Mr. Speaker, that the proceedings of the Executive, in this matter, were unwise, inexpedient, and ill-timed; but, at the same time, supposing that the President honestly believed that the law justified, and the public interests required, the removal of the deposites, (and we have no right, from any evidence before us, to say that he did not,) then it seems to me that he had not only the power, but that it was his constitutional right and official duty to displace the recusant Secretary of the Treasury.

In relation to another proposition maintained by the memorialists, I differ with them. I do not admit that the removal of the deposites involves any violation of public faith, or that any obligations of contract require them to be restored. I regard the question whether they ought to be restored, as a question of political expediency. It is not, I agree, a question of "bank, or no bank." That is, what you, or I, or any other gentleman may think, as to whether a United States Bank ought to be rechartered or not, has nothing to do, in my judgment, with the inquiry whether the deposites ought to be restored or not. But I am at a loss to comprehend how any gentleman, who looks at the deposite question as one of political expediency, can keep out of view the inquiry whether the Bank of the United States, or any Bank of the United States, will be chartered.

It is not, to be sure, admitted by the memorialists, in terms, but it is to be gathered from the whole scope and tenor of the memorial, that the commercial distress and dismay which exists has not resulted from the act of the removal of the deposites itself, but from an apprehension that the bank is not to be rechartered, and that the Executive branch of the Government has assumed an attitude of hostility to the bank. If this be true, what relief can you afford? How do you remove the dismay of the trading community by returning the deposites unaccompanied with an assurance that the bank is to be rechartered? The imputed cause of the disease will still remain in full force; and if any relief be afforded by the administration in the proposed palliative, it must necessarily be temporary, and after a few months the evil must be renewed, and be felt with aggravated severity. In this respect, the question whether the Bank of the United States will be rechartered, is unavoidably connected with the proposition whether the deposites ought to be restored or not.

As to that question, every gentleman, looking to the signs of the times, to the known and ascertained opinions of the representatives of the people—the representatives of the people here, and the representative of the people at the other end of the city--must judge for himself.

For my own part, I see no reason to suppose that the Bank of the United States will be rechartered, or that a Bank of the United States will be established. If that question were now to be presented, I believe there would be a majority of at least forty in this House against the establishment of any bank. Is it likely that this majority will be changed? I know of no ground on which such an expectation can be indulged. If I believed that the Bank of the United States would be rechartered, I would vote for a restoration of the deposites instantly.

I have been induced to make these few remarks, without premeditation, unexpectedly, and indeed, I may say, by an accident, for the purpose of preventing any possible misapprehension of my opinions, which might have resulted from my making, without explanation, the motion which I now make—that the memorial be referred to the Committee of Ways and Means, and be printed.

The motion was agreed to.

RESOLUTIONS OF KENTUCKY.

Mr. TOMPKINS presented the following resolutions of the House of Representatives of the State of Kentucky, viz:

HOUSE OF REPRESENTATIVES, *February* 4, 1834.

Resolved, by the House of Representatives, That the President of the United States, by causing to be withdrawn the public money from the place of safe deposite, where it had been made by law, and placing it in the local banks, under his control, of the solvency of which the people at large know nothing, and into whose affairs their representatives have no right to examine, has violated the constitution and laws of the United States; that he has "assumed a responsibility" dangerous to liberty, and which tends to the concentration of all power in the hands of the Chief Magistrate of the United States.

Resolved, That, by the frequent exercise of the veto power, and that still more arbitrary and dangerous one of withholding bills passed by both Houses of Congress, thereby preventing the opportunity of a reconsideration by that body in the mode prescribed in the constitution, the President has, to a great extent, crippled and paralyzed the Legislative Department of our Government, and, in some instances, has prevented the exercise by Congress of their essential constitutional rights.

Resolved, That the clerk of this House transmit to each of our Senators and Representatives in Congress copies of the foregoing resolutions.

Extract. Attest: R. S. TODD, *C. H. R.*

After the presentation of numerous other petitions, the House adjourned.

TUESDAY, FEBRUARY 18.

The journal of yesterday's proceedings having been read—

Mr. ADAMS wished to have the journal corrected, in that clause which speaks of the memorial offered by Mr. CAMBRELENG, on the subject of the warehousing system, and which refers to it as a memorial praying also for the abolition of cash duties. He thought the words "cash duties" could not be in the memorial; neither was its prayer such as the journal stated. He wished those words in the journal stricken out. There was, in fact, no such thing as a cash payment of duties now existing; and he was desirous of taking this opportunity of replying to some of the remarks of Mr. CAMBRELENG on this subject yesterday.

The CHAIR decided that it would be out of order to go into reply to what passed yesterday, upon a mere motion to amend the journal.

Mr. ADAMS still insisting on his motion—

The CHAIR quoted to him the language of the memorial, in which reference was found to the payment of cash duties.

Mr. ADAMS then said that that which he had supposed to be an error of the clerk was an error of the memorialists, for that no cash duties were exacted.

CASE OF HARDEMAN OWENS.

The resolution offered by Mr. GILMER, calling for information on the subject of the death of Owens, in Alabama, coming up—

Mr. BEARDSLEY, who had the floor from Saturday, rose to address the House, but yielded it to

Mr. CLAY, who wished to explain. He had opposed this resolution when it had last been up, but had not at that time understood that one of the objects of the mover was to get information as to injuries which might have been done to the family of Owens, with a view to obtain restitution to the widow. It had also been since intimated to him that another object was, to inquire whether one of the officers at Fort Mitchell had not contrived to run off the man charged with the killing of Owens, so as to put him beyond the process of the courts of Alabama. He therefore withdrew his opposition to the resolution. He also admitted that he had been mistaken as to the conduct of Major McIntosh in relation to the process to apprehend the soldier; that officer had, at no time, resisted the process, but had afforded every facility for having it served.

Mr. BEARDSLEY, believing that the resolution was calculated to lead to much discussion on a very exciting subject, had intended to move to lay the resolution on the table; but, as there seemed a general wish to get a decision upon it without delay, he would move the previous question.

Mr. HARDIN asked Mr. B. to withdraw his motion, but he refused.

The question was then put on seconding the call for the previous question, and decided in the negative, as follows: ayes 98, noes 104. So the House refused to put the previous question.

Mr. HARDIN then addressed the House in a very animated speech, in support of the resolution.

Mr. MARDIS considered the speech as unnecessary and premature, as none were opposed to the resolution. The only effect of discussing the subject, before the information was obtained, must be to prejudice the public mind in a case where the character of a public officer was concerned.

Mr. WILDE made a very spirited reply to the explanation of Mr. CLAY; protesting, utterly, against placing the resolution on such grounds. It rested on the rights of every American citizen.

The resolution was again read and adopted, without a dissenting voice, as follows:

"*Resolved*, That the Secretary of War be directed to communicate to this House all correspondence which he may have had, or other information in his possession, in relation to the death of Hardeman Owens, a citizen of Alabama, who was lately put to death by a party of regular soldiers; whether said Owens was put to death in pursuance of orders from the War Department, or any officer of the United States; and that he also communicate to this House any correspondence which he may have had, or other information in his possession, in relation to any obstructions thrown in the way of the execution of the process of the courts of Alabama, issued for the purpose of bringing to trial those by whom said Owens was killed; and any correspondence in relation to the removal

of said prosecutions to the district court of the United States."

DEPOSITE QUESTION.

The House proceeded to consider the motion of Mr. POLK, of Tennessee, to commit the report of the Secretary, on the removal of the public deposites from the Bank of the United States, to the Committee of Ways and Means, together with the following instructions, moved by Mr. MCDUFFIE, of South Carolina:

"To report a joint resolution providing that the public revenue, hereafter collected, be deposited in the Bank of the United States, in conformity with the public faith pledged in the charter of said bank."

And the following instructions, moved by Mr. JONES, of Georgia:

"To inquire into the expediency of depositing the revenue, hereafter collected, in all the State banks in the different States where the same is collected, in proportion to their respective capital paid in; and to prescribe the terms on which the same shall be deposited; and to report by bill or otherwise."

Mr. MUHLENBERG rose and said, that this was merely a preliminary question, the decision of which would not affect the decision of the main question. It was merely a question whether the subject should go to the committee with or without instructions. The question had been under consideration the greater part of seventy days, and he thought it quite time to decide it; the country was calling for it in every direction. He felt compelled, therefore, from an imperious sense of duty, to call for the previous question.

Mr. CHILTON asked a call of the House.

The SPEAKER stated that the call of the House was not in order, as there was a motion for the previous question, which was not yet decided. The question was, now, whether the House would second the motion for the previous question.

Mr. WILDE said there was a principle of courtesy, which was above any consideration upon which the gentleman from Pennsylvania [Mr. MUHLENBERG] had made his motion for the previous question. He considered, after what had been said in the debate, in relation to his connexion with the Committee of Ways and Means, that he had a right to expect from the House an opportunity of being heard. By the courtesy of the House he was entitled to make a reply to some of those who had participated in the debate. He therefore appealed to the gentleman for the withdrawal of his motion.

Mr. CHILTON appealed from the decision of the Chair on the question of order, and he argued at some length to prove that a call of the House could be required at any time.

The SPEAKER went fully into the grounds of his decision, stated that the practice of the House had not been uniform, and expressed a wish that the House would now solemnly settle the question.

Mr. BURGES said there was no good reason for not calling the House before the seconding of the previous question. If there was a necessity for the call, it existed before the motion for the previous question was put.

After some remarks from Mr. HARDIN, Mr. CHILTON withdrew his appeal.

Mr. J. Q. ADAMS renewed the appeal: he thought, he said, that the decision of the Chair was incorrect. It appeared to him that if there was ever an occasion for the presence of all the members, it was precisely when the previous question was demanded. The decision of the Speaker rested on the technical construction of the rule, and he thought it ought to be reversed.

The SPEAKER said that he was never more satisfied with the correctness of a decision than that which he had now given. He was perfectly satisfied that it was correct, according to the rules and usages of the House. But he only felt solicitous for the distinct settlement of the question, as it was one of much importance in reference to the future despatch of business.

Mr. FOSTER, Mr. VINTON, Mr. GHOLSON, and Mr. CLAYTON, also made some remarks in opposition to the decision of the Chair; and Mr. BROWN, of New York, in support of it.

Mr. WILDE asked whether, before the decision of the House on the appeal, it would be in order to move a call of the House.

The SPEAKER replied that it would not be in order.

Mr. WILDE then demanded the yeas and nays on the appeal, and they were ordered.

Mr. CHILTON remarked that there was nothing in the rule of the House that forbade a call of the House; and hoped that, upon a great question like this, the fundamental right of their constituents to give, through their representatives, a vote, would be respected.

Mr. BYNUM said he did not rise so much to enter the discussion of the parliamentary usages of the House, in relation to the subject under debate, as to reply to the remarks of his honorable friend from Virginia [Mr. GHOLSON] and the gentleman from Georgia, who had just taken his seat. Mr. B. said he had heretofore invariably voted against the call of the previous question. His object had been to allow the fullest latitude to a free discussion of the subject then before them, which had been carried on upwards of two months without interruption, and which, he thought, in all conscience, a reasonable length of time for the discussion of one subject. But the honorable gentleman from Virginia had said, or insinuated, that the House was about to use the brutal force of numbers to put a stop to the debates. This he denied, and contended that he had every disposition to extend to every gentleman on this floor an opportunity to address the House; but that he thought such was the nature of this protracted debate, and the circumstances growing out of it, that the interest of the country at large required that it should be terminated in some form or other; that hundreds and hundreds of thousands of dollars of the people's money had been spent in this protracted discussion, without the least benefit, in his judgment, being afforded to the nation. He could not, therefore, upon grounds of policy, feel himself justified in voting in favor of a continuation of so fruitless a discussion. Mr. B. said that the gentleman from Georgia [Mr. CLAYTON] had stated that he thought it a very hard case that a call of the House should not be made, in order to allow gentlemen who were absent an opportunity of voting. Mr. B. said he could not recognise the principle of having a call of the House on every occasion to get members in to vote. He thought it rather their duty to be in their seats, and that they should be excused only for sickness or unavoidable absence, for which, he had no doubt, they always would be excused both by the House and their constituents, to whom they were more immediately responsible. He, therefore, thought there was little weight in the argument of the gentleman from Georgia, in relation to the hardness of the cases of those who were absent. Gentlemen had complained, (said Mr. B.) of the majority's determination to bring this debate to a close; he thought this complaint wholly unfounded. Who, he asked, was most responsible for this protracted discussion? Who would be censured for the evil consequences which had, and would continue to grow out of it? The friends of the administration, no doubt. Yes, sir, the very party that now is opposed to the termination of this already too protracted and perplexing question, will be the first to cry out, in voices of bitterest censure, against the majority in favor of the administration having suffered so much time of the House to be consumed, at such enormous expense to the country, in idle and profitless debate; that they had the power to put a stop to it whenever they might have thought proper. He thought cour-

tesy at this time required immediate action on the subject. Indeed, gentlemen of the opposition had so declared themselves, again and again.

Mr. B. was proceeding to show that the present excitement in the country was owing more to the incertitude of the action of the House on the subject than to the simple act of the removal of the deposites, when the debate was arrested by the Speaker's informing Mr. B. that the merits of the question could not be gone into on the motion for a call of the House.

Mr. WILLIAMS believed that a call of the House was at all times in order, as it was preliminary to, and necessary to, all other questions. He would move a call of the House before the question on the appeal was taken.

The SPEAKER decided that this motion was not in order.

Mr. WAYNE considered, as the House was not in possession of the motion for the previous question, the call of the House was then in order.

Mr. REED said that the very seconding of the question was the decision of the House, and which must ultimately affect the question. He hoped that the decision made by the Speaker would be reversed.

Mr. BURGES deemed the continuance of the present question in debate as one of the most important questions that ever had been presented—

The SPEAKER called to order.

Mr. BURGES continued, and said he desired, therefore, to have a full expression of the representative voice, that the fetters of tyranny should not be riveted, so as that, on this great question, hereafter no man could say, in excuse, that he was not here to vote upon it.

Mr. BEARDSLEY said he would not debate the merits of the question, but he meant to call the attention of the House to what had been its practice on former occasions; and, in doing so, he could not help adverting to the former vote given by the honorable member from Rhode Island, two years ago, upon an occasion which that honorable member must well recollect. Notwithstanding the horror which he now expresses against the call for the previous question, he had twice concurred in such a call on one and the same day, to carry through the question of rechartering the Bank of the United States: then, there was not a word from him as to tyranny. If the present call was tyranny, what, he asked, was the conduct of those acting, then, with him?

The SPEAKER rose to order.

After a few remarks from Mr. BURGES and Mr. BEARDSLEY,

Mr. ADAMS said it was his intention to have asked the member from Pennsylvania [Mr. MUHLENBERG] to withdraw his motion for the previous question, that he might have addressed a few remarks, not on the merits of this question, but to show that the report of the Secretary ought not to be sent to the Committee of Ways and Means without the instructions moved by the member from South Carolina, [Mr. MCDUFFIE;] but, as a similar favor had been refused to another member, he could not, with propriety, now make that request. He hoped, however, hereafter to have an opportunity of addressing the House on the abstract question; and feeling, then, unwilling to waste the time of the House, and, at the same time, desirous to avoid a decision upon what he feared would be a most pernicious precedent, he would withdraw his appeal from the decision of the Chair.

Mr. FOSTER, however, renewed the appeal.

Mr. HARDIN remarked, he regretted to differ with his friends, but he must say that the call of the House was not in order after the previous question was moved.

The House sustained the decision of the Chair by the following vote: 115 to 112.

The question was then taken on the call for the previous question, and the call was seconded by the House, by a vote of 115 to 109.

Mr. CHILTON then moved a call of the House, which was lost.

The questionbeing, Shall the main question be now put? the yeas and nays were ordered.

Mr. BURGES moved that the House do now adjourn, and thereupon asked the yeas and nays, which were ordered.

The question being then taken on the motion for adjournment, it was decided in the negative, yeas 84, nays 142, as follows:

YEAS.—Messrs. J. Q. Adams, Heman Allen, C. Allan, Banks, Barber, Barnitz, Barringer, Bates, Beaty, James M. Bell, Binney, Briggs, Bull, Burd, Burges, Chambers, Chilton, Choate, Claiborne, William Clark, Clayton, Clowney, Coulter, Crane, Crockett, Darlington, W. R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Evans, Edward Everett, Horace Everett, Felder, Foot, Foster, Fulton, Gamble, Gholson, Gordon, Gorham, Grayson, Grennell, Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Jabez W. Huntington, W. C. Johnson, Lewis, Martindale, Marshall, McComas, McKennan, Mercer, Milligan, Moore, Pinckney, Potts, Reed, Selden, William B. Shepard, William Slade, Sloane, Spangler, William P. Taylor, P. Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, E. D. White, Frederick Whittlesey, Williams, Wilson, and Young.—84.

NAYS.—Messrs. John Adams, John J. Allen, William Allen, Archer, Baylies, Beale, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Bynum, Cage, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, S. Clark, Clay, Coffee, Connor, Cramer, Day, Philemon Dickerson, David W. Dickinson, Duncan, Dunlap, Ewing, Fillmore, Forester, Fowler, P. C. Fuller, W. K. Fuller, Galbraith, Gillet, Gilmer, Graham, Joseph Hall, T. H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway Hawkins, Hawes, Henderson, Hiester, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, George W. Lay, Luke Lea, Leavitt, Love, Loyall, Lucas, Lyon, Lytle, Abijah Mann, Joel K. Mann, Mardis, Moses Mason, John Y. Mason, McCarty, McIntire, McKay, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patton, Patterson, Dutee J. Pearce, Peyton, Franklin Pierce, Pierson, Plummer, Polk, Pope, Ramsay, Rencher, Schenck, Schley, Augustine H. Shepperd, Shinn, Charles Slade, Smith, Speight, Standifer, Stoddert, Sutherland, William Taylor, Francis Thomas, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, Campbell P. White, Elisha Whittlesey, Wilde, and Wise.—142.

Mr. CHILTON again moved a call of the House.

The CHAIR decided that the motion was not in order, as the House had just decided against the motion.

The yeas and nays were then taken on the question whether the main question should be now put, and it was decided in the affirmative, yeas 116, nays 112, as follows:

YEAS.—Messrs. John Adams, W. Allen, Beale, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Samuel Clark, Clay, Coffee, Connor, Cramer, Day, Dickerson, Dickinson, Dunlap, Forester, Fowler, William K. Fuller, Galbraith, Gillet, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, Joseph M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Benjamin Jones, Kavanagh, Kinnard, Lane, Lansing, Laporte, Lawrence, Luke Lea, Leavitt, Lucas, Lyon, Lytle, Abijah Mann, jun., Joel K. Mann, Mardis, Moses Mason, jun., McCarty, McIntire, Mc. Kay, McKim,

McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patterson, D. J. Pearce, Peyton, Franklin Pierce, Pierson, Polk, Pope, Schenck, Schley, Schinn, C. Slade, Smith, Speight, Standifer, Stoddert, Sutherland, William Taylor, Francis Thomas, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, Campbell P. White.—116.

NAYS.—Messrs. J. Q. Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Baylies, Beaty, James M. Bell, Binney, Briggs, Bull, Burd, Burges, Cage, Chambers, Chilton, Chinn, Choate, Claiborne, William Clark, Clayton, Clowney, Corwin, Coulter, Crane, Crockett, Darlington, W. R. Davis, Amos Davis, Davenport, Deberry, Deming, Denny, Dennis, Dickson, Duncan, Evans, Edward Everett, Horace Everett, Ewing, Felder, Fillmore, Foot, Foster, Philo C. Fuller, Fulton, Gamble, Gholson, Gilmer, Gordon, Gorham, Graham, Grayson, Grennell, jun., Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Hiester, Jabez W. Huntington, Wm. C. Johnson, Seaborn Jones, King, Lay, Lewis, Love, Loyall, Martindale, Marshall, John Y. Mason, McComas, McDuffie, McKennan, Mercer, Milligan, Moore, Patton, Pinckney, Plummer, Potts, jun., Ramsay, Reed, Rencher, Selden, William B. Shepard, A. H. Shepperd, William Slade, Sloane, Spangler, William P. Taylor, Philemon Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, E. D. White, F. Whittlesey, E. Whittlesey, Wilde, Williams, Wilson, Wise, Young.—112.

Mr. C. C. CLAY asked the yeas and nays on the main question, and they were ordered.

The main question, on the motion of Mr. POLK to refer the letter of the Secretary of the Treasury to the Committee of Ways and Means, was then taken, and decided in the affirmative, as follows:

YEAS.—Messrs. John Adams, William Allen, Baylies, Beale, Bean, Beardsley, Beaumont, John Bell, James Blair, John Blair, Bockee, Bodle, Boon, Brown, Bunch, Burns, Bynum, Cambreleng, Carmichael, Carr, Casey, Chaney, Chinn, Samuel Clark, Clay, Coffee, Connor, Coulter, Cramer, Davenport, Day, Philemon Dickerson, David W. Dickinson, Dunlap, Ewing, Forester, Fowler, William K. Fuller, Galbraith, Gholson, Gillet, Gilmer, Joseph Hall, Thomas H. Hall, Halsey, Hamer, Hannegan, J. M. Harper, Harrison, Hathaway, Hawkins, Hawes, Henderson, Howell, Hubbard, Abel Huntington, Inge, Jarvis, Richard M. Johnson, Noadiah Johnson, Cave Johnson, Seaborn Jones, Benjamin Jones, Kavanagh, King, Kinnard, Lane, Lansing, Laporte, Lawrence, Lea, Leavitt, Loyall, Lucas, Lyon, Lytle, Abijah Mann, jun., Joel K. Mann, Mardis, John Y. Mason, Moses Mason, McCarty, McIntire, McKay, McKim, McKinley, McLene, McVean, Miller, Henry Mitchell, Robert Mitchell, Muhlenberg, Murphy, Osgood, Page, Parks, Parker, Patton, Patterson, Pearce, Peyton, Pierce, Pierson, Plummer, Polk, Pope, Schenck, Schley, Selden, Shinn, Charles Slade, Smith, Speight, Standifer, Stoddert, Sutherland, William Taylor, William P. Taylor, Francis Thomas, Thomson, Turner, Turrill, Vanderpoel, Van Houten, Wagener, Ward, Wardwell, Wayne, Webster, Whallon, C. P. White.—131.

NAYS.—Messrs. J. Q. Adams, Heman Allen, John J. Allen, Chilton Allan, Archer, Ashley, Banks, Barber, Barnitz, Barringer, Bates, Beaty, James M. Bell, Binney, Briggs, Bull, Burd, Burges, Cage, Chambers, Chilton, Choate, Claiborne, William Clark, Clayton, Clowney, Corwin, Crane, Crockett, Darlington, Warren R. Davis, A. Davis, Deberry, Deming, Denny, Dennis, John Dickson, Duncan, Evans, Edward Everett, Horace Everett, Felder, Fillmore, Foot, Foster, Philo C. Fuller, Fulton, Gamble, Gordon, Gorham, Graham, Grayson, Grennell, jun., Griffin, Hiland Hall, Hard, Hardin, James Harper, Hazeltine, Heath, Hiester, J. W. Huntington, William Cost Johnson, Lay, Lewis, Love, Martindale, Marshall, McComas, McDuffie, McKennan, Mercer, Milligan, Moore, Pinckney, Potts, jun., Ramsay, Reed, Rencher, William B. Shepard, A. H. Shepperd, W. Slade, Sloane, Spangler, P. Thomas, Tompkins, Tweedy, Vance, Vinton, Watmough, E. D. White, F. Whittlesey, E. Whittlesey, Wilde, Williams, Wilson, Wise, Young.—98.

Mr. JONES, of Georgia, asked the unanimous consent of the House to offer a resolution for the instruction of the Committee of Ways and Means. Refused.

On motion, the House adjourned.

WEDNESDAY, FEBRUARY 19.

PUBLIC DEPOSITES.

The House resumed the consideration of the resolution moved by Mr. MARDIS on the 14th January, when Mr. M. modified the same to read as follows:

"*Resolved*, That the Committee of Ways and Means be instructed to inquire into the expediency of reporting a bill requiring the Secretary of the Treasury to deposite the public moneys of the United States in the State banks; and, also, as to the expediency of defining, by law, all contracts hereafter to be made with the Secretary for the safe-keeping, management, and disbursement of the same."

Mr. MARDIS said, in submitting his views in support of the resolution just read, he would not feel himself called upon to prove that the Treasury was an Executive Department; or to defend the President against the charge of having violated the constitution, in the removal of Mr. Taney's predecessor; or of having violated all law, by directing the public deposites to be removed from the Bank of the United States. Neither would he stop to inquire whether or not the Chief Magistrate had acted correctly in this transaction. He needs no aid of mine to rescue his character from imputations of this kind: a long life, spent in the performance of the most honorable and important services of his country, furnishes his greatest security. Neither would he investigate the reasons of the Secretary for the removal of the deposites from the United States Bank, or inquire into the truth of the charges made against the bank. His views on these topics were sufficiently indicated by his recorded votes on the proposition sent to the Committee of Ways and Means. He had introduced this resolution, from the thorough conviction that the public deposites would not be restored to the Bank of the United States, and from a settled belief that the bank would not be rechartered. If he were right in these suppositions, then it would seem to follow, as a consequence, that new depositories should be provided by law. Before he proceeded further, he would ask, was he correct in the conclusion that the Bank of the United States would not be rechartered, or the deposites restored? In confirmation of what he had said, he begged gentlemen to refer to the state of public opinion in reference to the renewal of the charter of the bank at the session of 1832. The subject at that time had not been generally agitated among the people. We could alone learn the wishes of the people through their representatives then on this floor; and what was their sense on this subject, as then expressed through their representatives? Had any one forgotten that there was at that session a decided majority in favor of renewing the charter of the bank, and that, too, without either an investigation into its transactions, or a discussion of its principles? He presumed that the wishes of the members at that time corresponded with those of the people; they were in favor of the bank. There were, however, men then—a few—who raised their warning voices against the giant. Had any one forgotten the indictment filed against the bank by the honorable gentleman from Georgia? [Mr. CLAYTON.] Can any one that heard his predictions at the time of exhibiting his bill,

do him the injustice to say that he is not a prophet worthy of all honor? He had the specifications before him, seven in number, and all of grave import; any one of which, if true, would be sufficient to destroy public confidence in the institution. He felt that it was due to the reputation of the distinguished gentleman from Georgia that the House should be put in possession of them. Mr. M. proceeded to read them as follows:

"1. The illegal issue of seven millions of branch bank orders as currency.

"2. Usurious contracts, relative to depreciated bank notes, at the West.

"Mr. CLAYTON read a part of the reported case in the United States Supreme Court, Bank of the United States *vs.* Owings *et al.*, which proved, he said, a distinct case of usury; and there were many other instances in Ohio and Kentucky, involving nearly a million of dollars in each of those States.

"3. The practice of compelling borrowers to draw domestic bills at a usurious discount, in cases where simple loans of money were requested.

"4. The non-user of the charter from 1819 to 1829, in not issuing notes from the branches of the South and West.

"5. Building houses for rent. Mr. C. contended that purchases of plantations, or any speculations in real estate, were contrary to the charter.

"6. Of the capital stock, there was not a due proportion of coin. He said the Government deposites were $16,000,000, those of individuals $8,000,000; the circulation above $20,000,000. To meet all of these, they had not more than $7,000,000.

"7. Foreigners voting for directors through trustees."

At the time that the honorable gentleman submitted the above charges against the bank, he accompanied them with the declaration that he confidently believed that they were all true, and that, if Congress would raise and send to Philadelphia a committee, with power to send for persons and papers, he would establish each and every one of them to the satisfaction of Congress and the American people. The gentleman did not stop here; but, with a prophetic eye, he ventured to predict that the destruction of the bank would be the consequence of the disclosures that the proposed examination would expose to the view of a hitherto incredulous community. The committee was raised, and invested with full power to investigate the transactions of the bank; the gentleman from Georgia was placed at the head of the committee. He proceeded to Philadelphia, spent many weeks in making his investigations, and what did he tell us had been the result? Why, that he had found abundant proof to sustain, not only every charge in his bill of indictment, but many more. He presented us with a volume of evidence in support of this declaration, which was, by order of this House, printed, and sent into every portion of this country. This volume of testimony, followed up by another important document at the same session, had the effect to rouse the public mind to a just sense of the dangerous character of the institution.

Does any one doubt that the charges then brought against the bank were fully sustained? Assuredly the gentleman from Georgia does not; for we find him at the last Congress, many months after the publication of his book, prosecuting his original indictment, in an amended form. On the passage of the resolution declaring the Bank of the United States a safe depository for the public moneys, we find the honorable gentleman acting in opposition to the resolution. Yes, sir, he said, as late as a few days before the adjournment of the last session of Congress, that the United States Bank was not a safe depository for the public money. What, sir, has been the result of all these investigations by Congress and the people? A large majority of the whole community have sustained the gentleman's allegations against the bank; they have pronounced a verdict of guilty. If proof of this fact be required, he referred gentlemen to the re-election of the President of the United States, in opposition to the extraordinary exertions of the bank. He called their attention to the change of public sentiment, as indicated on this floor. He begged gentlemen to contrast public opinion in the States of New York, Pennsylvania, and Ohio, as expressed individually, and through their legislators, two years since, with their wishes now, as communicated to this House through the same channels. The indictment of the gentleman from Georgia had been sustained by the people from Maine to Mobile, as also by a large and decided majority of the members on this floor. Now, what did he hear? He understood it to be the wish of the gentleman from Georgia to enter a *nolle prosequi* in favor of the culprit. Mr. M. said he protested against his right to do so. This may be considered a proper practice in Georgia, but he doubted whether the principle would be recognised as sound elsewhere, (if there.) He denied the right of the gentleman to move the discharge of the convict before an infliction of the penalties of the law. Was he not sustained, (asked Mr. M.,) by the facts here adduced, that there had been a great change in public opinion against the bank since the session of 1832? If any thing was yet wanting, if further proof should be required, he would refer gentlemen to the vote of this House on the resolution at the last session of Congress in reference to the safety of the deposites, and contrast the then vote with the vote of yesterday on the same subject. At the last session, two-thirds of this House voted that they were safe in the Bank of the United States. How was it on yesterday? Near two-thirds of this body said that the deposites were not safe in the United States Bank. He presumed that the representatives now on this floor as truly represented their constituents as did the members of the last Congress. Then he would take it for granted that, at this time, there were, both in and out of this House, a decided majority opposed either to the restoration of the deposites, or to a renewal of the United States Bank charter.

But we are informed by gentlemen that there is to be a great change of public opinion on this subject. An unheard-of reaction is expected. The people are told—modestly told—that they are laboring under a delusion in relation to the oppressions of the United States Bank; that all its alleged usurpations are without a shadow of foundation; all slanders upon the bank concocted and propagated by the President and his minions, as a pretext to seize upon the pursestrings of this nation. The people are to be enlightened on the subject of their rights by this body. Yes, sir, they are promised deliverance from the oppressions of the tyrant Jackson. And by whom? The gentleman from Georgia and the gentleman from Virginia, [Mr. ARCHER;] both highly respectable, and very capable of enlightening the community on this and all other subjects. But what relation do these distinguished individuals bear to the subject before us? We have seen the gentleman from Georgia's indictment filed, and now on record, against the bank; we have seen his vote recorded, saying that the United States Bank was not a safe depository for the public money. And he found, on examination of the journal of the last session, that the gentleman from Virginia [Mr. ARCHER] voted with the gentleman from Georgia that the Bank of the United States was not a safe depository for the treasure of the nation. Now, he asked, would it be just, would it be proper, or would it be right, to give to the President all the glory, all the honor, of having exposed to public view the dangerous tendency and corruptions of an institution that bids defiance alike to the constitution and the rightful guardians of the rights and liberties of the people? Sir, (said Mr. M.) I can do no such violence to my conscience. Both of the gentlemen are entitled to share with the Pres-

ident whatever of glory or honor he may have acquired by opposing this monster of corruption. Did not the gentleman from Virginia say, by his vote at the last session, that the Bank of the United States was an unsafe depository of the public money? His constituents confided in him—the country confided in him; they had a right to do so. Can he now tell a confiding community that he was mistaken; that, at the last session, he acted without information? No. The volume of testimony then before the House and the nation would contradict any declaration of the kind. No, sir: he said that the money was unsafe in the Bank of the United States, because he honestly believed that it was unsafe. Had any thing occurred since that time calculated to do away the force of the evidence upon which the gentleman acted? Nothing had transpired, within his knowledge; and yet we find not only these, but several other gentlemen, now advocating a restoration of the deposites, that had heretofore been violently opposed to the bank. Now, sir, patients do not usually apply twice to a physician—first for a prescription, and then for a relief from its operation. The same doctors that brought the disease upon the country (if disease it be) now tell the people, not that they themselves were deceived, but attempt to throw the whole responsibility upon the Executive. Will the people trust them? Will they not, at least, before they take their counsel, endeavor to cultivate some little acquaintance with them? Will they not likely institute an inquiry into the political tenets of gentlemen who offer to give to them this new light? Will they not compare their present opinions and course with their former opinions? What would likely be the result of this investigation? They would find gentlemen, now, violent against the President for doing the very act that they said should have been done more than nine months since. On learning this fact, would not the mind naturally suggest this question to these gentlemen—what did you intend or design when you voted that the deposites were not safe in the United States Bank? Did you mean thereby to convey the idea to your constituents that they were safe, or the contrary? And, if you deemed them unsafe, where did you design to place them? And, further, if you then deemed the deposites unsafe in the Bank of the United States, and invited the Secretary of the Treasury to withdraw them, why is it that you now denounce him for doing that which you said the public good required to be done? If (said Mr. M.) he had misrepresented the past or present opinions or course of gentlemen on the other side of the question, he had done it unintentionally. But were the gentlemen to whom he had alluded in favor of rechartering the bank? He believed not; he had heard from them no declaration to that effect; he understood that they unhesitatingly pronounced the Bank of the United States unconstitutional. And yet they were in favor of restoring the deposites to an unconstitutional bank! Gentlemen say that their object in returning, at this time, to the bank the public deposites, is to relieve the public distress. Let us examine whether the proposed measure would likely effect the object. If the removal of the deposites had done to the community the injury that had been charged upon that act, he would ask if it would afford any relief now to return them? Would we not have to pass through the same scene of distress and suffering in 1836, if the bank is not to be rechartered? Taking their own assumptions as to the causes of the present distress as true, he would ask gentlemen what the community would gain by restoring the deposites? Would not the condition of the country be greatly prejudiced by such a measure? Let us now begin to prepare to meet the 3d day of March, 1836. The restoration of the deposites would not have the effect to restore public confidence in the bank, unless it would be deemed a sufficient assurance that the bank would be rechartered. It was not the trifling amount taken from the bank that had produced the money-panic in the country. The bank is fully able, without the deposites, to grant the same amount of accommodations to its customers that it did formerly; but it is not the policy of the bank to do so. A renewal of its charter is the leading object with the bank; every other consideration is made subservient to this. The community, or that portion of it that have private capital, are fearful to make investments until a decision is made by Congress upon the proposition now pending. So soon as that decision shall be made, capital will again perform, to the trading community, its accustomed office. If the restoration of the deposites afforded any present relief, (which he very much doubted,) he thought it quite certain that it would bring upon the country fourfold distress at the expiration of the charter. A speedy decision of the question would be the greatest possible relief to the country.

Mr. M. hoped that he had succeeded in proving that the first position taken by gentlemen opposed to the recharter of the bank, and now in favor of a restoration of the deposites, was unsound. He would next inquire if the fact, that the enemies of the bank are now united with its friends on the question of the deposites, would be calculated to produce a reaction in favor of the bank? In my judgment, (said Mr. M.) it must have directly a contrary tendency. On one side, it is said, we cannot get along without a United States Bank; that the institution is essential to the existence of the republic; that the Bank of the United States is the life-blood and soul of our political system. What are the views of the gentlemen who have now joined them? They say the bank is unconstitutional, inexpedient, and that the happiness of the people and the stability of our institutions depend upon the abolition of the bank. Is not this a singular contradiction of opinion? Doubtless they were all honest. But does it not fill the mind with astonishment to see gentlemen entertaining such opposite opinions voting together? The truth must be told here as well as elsewhere, and the people have a right to know these facts; they have a right to know who it is that had condemned the removal of the deposites as a lawless usurpation of power. But it had been said by gentlemen from a certain quarter that the legal and vested rights of the bank had been violated by the removal of the deposites; and that they felt called upon, from a sense of justice to the bank, as also a sense of duty, to restore to the bank its chartered rights. This is strange doctrine, coming from the quarter it does: it ill comported with what he had understood to be the favorite theory of the gentlemen. He had, up to this time, understood their doctrine to be, that an unconstitutional law was, in point of fact, no law at all; that it was, *ipso facto*, void; consequently, no right could vest by operation of such a law. He had understood that it was upon this principle that gentlemen predicated the right of State conventions at pleasure to declare void, and to render inoperative upon their citizens, any law of Congress that they might adjudge to be unconstitutional. He had understood that it was upon this theory that a sovereign State had attempted to exempt her citizens from the operations of the late tariff laws. He would respectfully inquire if there was any difference, so far as legal rights were involved, between rights acquired under an unconstitutional tariff law, and an unconstitutional bank charter? If the one could not vest rights, neither could the other; if either did, then he held that no power on earth could or dared disregard them. Do not gentlemen perceive that, by admitting the bank charter to be unconstitutional, and contending, at the same time, that the stockholders had acquired vested rights which they are not at liberty to disregard, they surrender the right of State interposition—its right to render null and void an unconstitutional law? Mr. M. said that he rested the defence of the President and Secretary upon much higher ground, and had only adduced the above argument to expose what seemed

to him to be a gross inconsistency. In opposing the present course of the Executive, gentlemen have entirely changed their opinions on this point. He would not attempt to account for this extraordinary change; it would be improper were he to do so. This he would, however, say, that he did not well comprehend how it was that gentlemen had introduced into the leading debate on this question the subject of magicians; now, he apprehended, if one party had its magicians, so had all the others: each had their leaders and wire-workers. Gentlemen on the other side, therefore, did not so much object to the use of magic as to the superior skill of the magicians opposed to them; they feared that their own magicians were not of the order of Aaron; and methinks, Mr. Speaker, that they are fearful that Martin's serpent will swallow up all of theirs. He would not pretend to say that he was right in this supposition, or that his views corresponded with those of any other gentleman on this floor. It would be uncharitable to suppose any gentleman capable of legislating in reference to men; neither would he be understood as impeaching the motives of any gentleman. But of this he felt certain, that the American people would never consent to be made a party to any contest, the sole object of which was to put up one man and to pull down another. Principle alone should and does govern a large majority of the people of this country, in all their sentiments on public topics; there could be no community of feeling between the people and politicians who suffer considerations merely personal to control their acts. The intelligence of the people, he thought, had been greatly underrated; and, were he not greatly mistaken, gentlemen who rely for success on their own ability to control public sentiment, and presume upon the ignorance of the community, will be destined to a short existence. In the other end of the capitol there were individuals who might profit by this suggestion. The people understand their rights, and would never suffer them to be sported with by politicians for party purposes. If gentlemen should learn to place more confidence in the people, and presume less on their own abilities to manage and control them, he would venture the assertion that the country would be quite as ably and faithfully represented.

In any view in which he (Mr. M.) had been able to see this subject, his mind had been led irresistibly to the conclusion that the deposites would not be restored, or the bank rechartered. This understanding of the subject brought him to the consideration of the main object of the resolution. Before he entered upon the discussion of this branch of the subject, he begged leave to notice a charge that had been brought against the President and Secretary. He knew that it must have been intended for effect in the country. The President had been charged with having seized upon the pursestrings of this nation. What idea was this declaration intended to convey to this community? Either that the President had been actually guilty of disbursing the public money without law, or of using it with a view to corrupt the public mind, and for electioneering purposes. Now, sir, is there any one so ignorant as to put the least confidence in charges so destitute of truth? There was not an individual on this floor that believed any such thing. The people can never be made to believe it; for, in point of fact, it is untrue. Does the simple removal of the deposites from one bank to another produce the effect of giving the President any new powers over the public treasury? Had the Executive attempted the exercise of any new power?

[Here the remarks of Mr. M. were broken off by the expiration of the hour assigned to the consideration of resolutions. Mr. M. on a subsequent day resumed his remarks as follows:]

He was defending (he said) the President of the United States from the charge of having seized upon the purse of the nation; and had adverted to the fact that he could not take one cent from the treasury without an appropriation by law. He had likewise met and contradicted the charge that the Chief Magistrate had laid hold of the public treasury, with a view to corrupt the people, to manage elections, and thus to control public opinion. The removal of the deposites, it was said, was unauthorized, and prompted by the President. Now, sir, (said Mr. M.,) I had promised, at the commencement of my remarks, not to go into an examination of the sufficiency of the reasons assigned by the Secretary for the removal of the deposites. But he trusted that it would not be considered a breach of promise if he attempted to show that the Secretary of the Treasury was not restricted, in his power to remove them, to one class of reasons. The opposition have exhausted all their learning, ingenuity, and abilities to prove that the discretion of the Secretary over the deposites is limited by the bank charter to their safety. It had been said that the Secretary's guardianship over the public treasure extended no further than to enable him to withdraw the money belonging to the treasury from the Bank of the United States, whenever their safety might, from any cause, be endangered. And this, it had been contended, was a sound construction of the bank charter. As a whole, (Mr. M. said,) he thought it fair to presume that, if this position could be shown to be unsound and untenable, gentlemen on the other side would surrender at discretion. By entrenching themselves behind this argument, and bringing all their powers to bear on this point, he inferred that gentlemen had abandoned all others. Indeed, every thing must depend on their sustaining this construction of the bank charter; for if the Secretary had a right to remove the deposites for reasons other than those connected with their immediate safety, then it would be conceded on all hands that the reasons assigned were abundantly sufficient to authorize the act. Mr. M. said he would read from the bank charter the section which authorized the Secretary of the Treasury to remove the deposites, &c. "That the deposites of the money of the United States, in places in which the said bank or branches thereof may be established, shall be made in said bank or branches thereof, unless the Secretary of the Treasury shall at any time otherwise order and direct," &c. It would seem, from the reading of this section, that the power of removal was a general one, to be exercised at the discretion of the Secretary.

But it had been said that other portions of the charter limit and control this section, so as to justify the construction contended for. Now, (said Mr. M.) I propose to examine the correctness of the principle insisted on, and to test the soundness of the argument of gentlemen by an application of their own rule. He would presume that the power conferred by Congress on the Secretary over the deposites was designed to answer some sensible and valuable purpose; yet he was prepared to demonstrate, to the satisfaction of any candid, unprejudiced mind, that, if the Secretary's right to remove the deposites or withhold them from the Bank of the United States were restricted to the simple inquiry, Are they safe? the provision of the charter under consideration would be without either sense or value; and, further, that the power given to the Secretary over the deposites would be no security to the public treasure. [Here Mr. M. read from the bank charter, section 16: "That the bills or notes of the said corporation originally made payable, or which shall become payable on demand, shall be receivable in all payments to the United States, unless otherwise directed by act of Congress."] Now, gentlemen contend that the Secretary can alone refuse to deposite in the Bank of the United States when it would be unsafe to do so. Would this power be any security to the treasury of the nation? When is it likely that it would be unsafe to trust the public moneys in the United States Bank? Assuredly, when it had failed to pay specie for its notes; when its paper had depreciated in value; when public confidence had been

shaken in the management and solvency of the institution; then, and not till then, would the Secretary have a right, according to the doctrine of gentlemen, to withdraw the public deposites from the Bank of the United States, and then only for the safety of the public revenue. Now, let us suppose all this derangement, of which he had been speaking, in the affairs of the bank, to take place in the recess of Congress; and that the Secretary changes the place of deposite to the State banks: would the safety of the public treasure be secured thereby? No. The Secretary, we have seen, is compelled to receive, in payment of the revenues of the Government, the notes of the Bank of the United States, until Congress otherwise direct by law. Would not the removal of the deposites, under such circumstances, be altogether nugatory, and fail to effect the purpose of securing them? Would not the Government be compelled to receive in payment of all public dues the depreciated bills of the Bank of the United States, unless Congress could legislate upon the subject? And could it be an object with the United States, whether this depreciated, valueless paper were deposited in the one or the other bank? He contended that this view of the subject was alone sufficient to prove either that the construction contended for was not the true one, or that the section of law under consideration was designed by Congress to answer no sensible or valuable purpose. He would take it for granted that the Secretary's power of control over the public treasury was not limited as contended for; that a much more extended discretion over the subject was intended to be confided to the Secretary by the charter. Then, sir, if the Secretary has the right to withdraw the deposites from the Bank of the United States, for reasons other than those connected with their safety, does not the main argument which is urged against him fall harmless to the ground? Then, had there been no cause for the act of the Secretary? There had been abundant reason; and he contended that the existence of adequate causes had been conceded by the argument employed on the other side. The President and Secretary had realized the wishes and expectations of the country, and we have evidence conclusive of this fact on our tables. We have before us the voice of the people from Maine to Louisiana, approving and concurring in what had been done. Thus, neither the President nor Secretary had been guilty of a wanton usurpation of power. But is it true that either the President or Secretary is desirous to retain the discretion over the public moneys which had devolved upon the latter, in the honest and faithful discharge of his obligations to the country? Is any individual or party desirous of leaving the public treasure in the hands of the Secretary, to be deposited in the State banks at his discretion? He had heard of no one that wished any such thing. From his humble station, and more humble pretensions, he had but little intercourse with those to whose hands the administration of our Government had been committed; but he had heard from no one that it was desired by the Secretary that the deposites should be left subject to his management without further legislation. If he were to venture an opinion, he would say that he did wish legislation, and speedy legislation, on the subject. He called on gentlemen who had manifested so much anxiety, so much solicitude, lest the Secretary should use, or attempt to use, the public moneys with a view to corrupt and abuse the public mind for party purposes, to go with him in passing a law regulating and controlling this whole subject. But, sir, it is said that, though it may be desirable to change the destination of the public deposites, and though the country may be solicitous to rid itself of the Bank of the United States, yet, such is the present condition of the country, that it is impracticable to do either. We are informed that the peculiar organization of the Bank of the United States, and its connexion with the business transactions of the community, and the influence that it is capable of exercising, and does exercise, over the whole country, render it indispensable. We are advised that this bank is necessary to insure to the laborer the reward of his labor. We are told, in a word, that the enterprise and industry of every portion of this Union is at the mercy of the bank. Yes, sir, we hear this arrogant declaration, this alarming fact, from the most distinguished advocates of the bank on this floor. How is this made manifest? They say that the bank understands the interests of the country so well; knows the points where, at particular seasons, capital will be required; and has such extraordinary facilities through its branches, that it is able to transfer its capital from one place to another, so as to meet the emergencies of the business community; and in this way regulates not only the currency, but the price of labor and the value of its products. Now, sir, carry out this argument. If the bank, at will, controls the enterprise and industry of this country, it can control at pleasure the elective franchise. If it has the power now to enforce a renewal of its charter, he would ask whether, if at some future day, when its friends and enemies come in conflict for the first office in the gift of the American people, it would not have it in its power (by the employment of the same means) to put down its foes, and sustain its friends? It could control the elections by the same means that it had already resorted to, with a view to force the community and this House to yield to its demands. Are not these assumptions on the part of the bank at war with the spirit and genius of our institutions, and subversive of the liberties of the people? If the bank had already so interwoven itself, and become so closely connected with our institutions, and so identified with the enterprise and industry of the country, that its amputation would destroy the whole body politic, then, Mr. M. said he gave up all as lost. Its power had already overshadowed the liberties of the people; it is without compass, without bounds. Mr. M. said, though doubtless the bank was anxious to acquire the power attributed to it, he was of opinion that it had not as yet succeeded. He knew that its attempt to destroy the right of free suffrage had been promptly met and put down by a high-minded, virtuous, and patriotic people. He thought, on investigation, it would be found that (although its powers are acknowledged to be very great) the friends of the bank were mistaken in the supposition that the price of labor and the value of property were subjected to the whims or caprice of the United States Bank. And, if such were the case, it behooved every American to free his country from an irresponsible institution possessed of powers so extraordinary, and so very dangerous to the peace and prosperity of the country. Let us see whether this institution will bear amputation. He would ask the sugar planter of Louisiana in what manner he was paid for his sugar? The answer would be, that nine-tenths of the sugar was paid for in bills on local banks. The growers of cotton in Mississippi and Alabama will tell you that they are paid in notes on local banks for nine-tenths of their cotton. He would appeal to every one conversant with the course of business in the States named to sustain him in this assertion. And what does this prove? Why, directly the opposite of the declaration of the friends of the bank, "that the Bank of the United States is indispensable to enable the merchant to buy and carry to market the products of the country." It proves more: that, wherever there is demand, there will be found capital equal to that demand; and there is much greater security in trusting to the competition of enterprising citizens for a certain reward of our industry, than to a moneyed corporation. Then let us part with this institution. Here he might be asked if he contemplated a substitute for the Bank of the United States? He would answer in the affirmative. He proposed, as a substitute, the State banks. It was with this view that he introduced the resolution

now before the House. But it had been said that by no league or confederation of the State banks could they be made to supply the place of the United States Bank, and that, if they could, the same objections would exist against such league or confederation as do now exist to the United States Bank. He contemplated no league or confederation amongst the State banks, and admitted that his objections to such an association of banks would be as strong as they are now to the United States Bank. Mr. M. said that, notwithstanding he was opposed to confederating the State banks, he would not yield the point but that they might be made, for all valuable purposes, as efficient as the Bank of the United States, without encountering any of the evils or dangers of that institution. Mr. M. said, in substituting the State banks for the Bank of the United States, he would compel each of the deposite banks to collect and disburse the revenue of the United States in the same manner in which that duty is now performed by the United States Bank. They should be required to make weekly statements to the Secretary of the Treasury, showing the amount of capital stock paid in, the notes in circulation, the amount of public and private deposites, and the amount of debts due to the institution. On their failing to discharge any of the duties required by law, or a refusal to pay specie for their notes, he would make it the duty of the Secretary to withdraw the Government deposites; and, with a view to the greater security, say, if you please, that the circulation of the notes of no bank of deposite should exceed its capital stock paid in beyond a given amount, to be fixed by law. In consideration of the services to be performed, make the notes of the deposite banks, so long as they continue to be such, receivable in payment of all public dues to the United States. He contended that the notes of these banks, with the guards and checks here proposed, would furnish the country with as sound a currency as that of the Bank of the United States. It will be seen by this plan that each of the deposite banks would be compelled to perform to the Treasury all the duties heretofore required of the United States Bank. Would there be any greater danger of the State banks neglecting to do their duties than the Bank of the United States? Would not the inducements in the one case be as strong as in the other? Then, if the State banks complied with the law, would not the services be as well performed to the Government by the State banks as by the United States Bank? What was to prevent the deposite banks from transferring the funds of the Government from point to point, to meet the demands against the Government? Have they not the same facilities with the Bank of the United States? But it may be said that, notwithstanding the one bank may have as many incentives to do its duty as the other, and that the facilities for the transmission of the funds of each are the same, yet that the notes of the local banks would, for the want of universal currency, fail to answer public expectation. What (asked Mr. M.) had given to the notes of the Bank of the United States universal credit and circulation? Was it not two circumstances: the public deposites, coupled with the fact that its notes were receivable in payment of the revenues of the Government? Let the same advantages be extended to the deposite banks, and he ventured to predict that the credit of their paper would be quite as good, and the circulation of their notes as general, as that of the Bank of the United States. If the notes of the branch bank at Mobile were current in New York and Boston, is it because that bank is more solvent or better managed than the branch of the State bank at that place? If rumor be true, the preponderance was in favor of the State institution. Each pays specie for its notes. Why, then, is the paper of the State branch less current than the notes of the Branch Bank of the United States located at the same place? Simply because the notes of the Branch Bank of the United States are receivable in payment of the public revenue. The notes of the branch banks at New Orleans, Charleston, and Savannah had a circulation throughout the Union; while the circulation of the local banks in these cities, quite as well conducted, and entirely solvent, were limited to their respective States. But, make their notes receivable in payment of all debts due to the United States, and give each of them the use of the public deposites and the credit of the nation, and nothing could prevent their paper from taking the place of the United States Bank notes.

But it was said that these notes of local banks would be payable nowhere but at the banks from which they were issued. True, the notes of the bank at Mobile would be payable only in Mobile; so with other local bank notes. But was not this the case in reference to the United States Bank and its branches? Were not the notes of the sevesal branches payable only in the offices of those branches? If they had been paid or taken elsewhere by the bank, it was only a matter of courtesy, and not of right. If the United States Bank and its branches had taken each other's notes, it was not from a disposition to accommodate the community to their own injury; for, as far as we had experienced, that bank had never failed to avail itself of every advantage which offered. His object was to establish the fact that it is credit given to the United States Bank notes by the Government, coupled with the facilities afforded to it by the public deposites, to which the general currency of the United States Bank notes was owing. Would not the same causes produce the same effects in regard to the notes of deposite banks? Had the United States Bank ever failed to benefit itself by any operation in its power? Look at the premiums exacted on local exchange. If you apply at the bank in Philadelphia for a draft on the branch at New Orleans, and pay them in their own notes, they will charge a premium on the draft. They demand the same premium on the exchange which the brokers in Philadelphia demand. If it were merely a spirit of accommodation which induced the branches to take each other's notes, why should a branch demand a premium on a check? This view proved conclusively that the universal circulation of the paper of the United States Bank was not owing to its accommodating disposition, but to the causes which he had mentioned. If the bank did not charge the same rate of premium on exchange which the brokers in New York and Philadelphia charged, how could the brokers exist in those places? Why did not all resort to the bank? From the flourishing condition of the brokers in the neighborhood of the bank, he was led to the conclusion that exchange was afforded as cheap by the brokers as by the bank. Why, he would ask, should not the notes of a local deposite bank, paying specie for its notes, giving weekly statements of its condition, its notes being also receivable in payment of dues to the Government, be quite as current as the notes of the United States Bank? Would the people have no security, if his plan were adopted? They would have the same security for the safety of the deposites which the charter of the United States Bank gave them. The condition of the deposite banks would be made known in the same manner. But it may be said that these reports are not alone sufficient, and that the charter of the United States Bank offered other security, by the appointment of Government directors. But these were merely nominal directors. The Government has directors; but they can know nothing of the concerns of the bank, because all information is denied to them. Of this fact we had the most conclusive evidence. It came to us in such a manner that we should do violence to our judgment in supposing that the Government directors had any direct participation in the management of the institution. But were not the State banks, under the management of individuals, quite as respectable and trustworthy as the United States Bank? Were they not also accountable to the Legislatures in their respective States? Were they not under the direct super-

vision of the people, through their Legislatures? They were directly amenable to the people, who were affected by the management of the institution. The United States Bank was amenable to the people of the Union. But an act done at that board might be justified by nine-tenths of the Union, and the tenth portion, to whom the act was injurious, would have no redress. An act which was injurious to the interests of Alabama might be approved of in New York, or in other northern cities. The people, therefore, could be better secured in their rights through the immediate responsibility of the State banks than through the general responsibility of a national bank. This liability, connected with the safeguards which he had referred to, would afford perfect security to the people of this nation.

It was said that the whole commercial interests of the country would be prostrated by the measure which he had advocated. But if the commercial prosperity of the country depended upon the amount of capital in employment, no such effect could take place. Not a cent of capital would be annihilated by the measure. The mere withdrawal of capital from one bank, and its transfer to others, did not diminish the capital of the country to the amount of a single cent. The amount of revenue would be the same, whether it was received by the State banks or a national bank; and it was likely that the local banks would make as much use of it as the United States Bank would make. What inducement would the local banks have to withhold discounts? The people would have the same use of their own money, and it would be distributed more generally than it would be if deposited in the United States Bank. He might be told that the rate of exchange would be injuriously affected by the measure.

Mr. M. went on to show that though the equalization of domestic exchange was one of the leading inducements to the establishment of a national bank, yet the bank itself had done every thing in its power to defeat this very desirable object. In the year 1832, and part of 1833, the bank received from premiums on checks $217,244. The bank, by pursuing this course, had violated one of the great principles on which it was based. In support of this view, he read a passage of a letter of Mr. Crawford:

"But if that institution should change its policy; should refuse those facilities to the commercial class which it has amply furnished from the commencement of its operations; should introduce a system of internal exchange, with a view to increase its profits, it will require but little address in the State banks to excite against it the public indignation, in a degree that would not fail to produce great embarrassment, and ultimately lead to the extinction of the bank at the expiration of the existing charter."

Again: "In referring to the causes which had the most decided influence in calling the United States Bank into existence, the inconvenience resulting to the community from the inequality in the rate of exchange between the different sections of the Union stands eminently prominent."

Again: "If the impression be correct, which I have already stated to have existed, that the brokers in the commercial cities, and, indeed, over the whole surface of the country, were able to produce an unnatural state of domestic exchange, with the inconsiderable means in their possession, and feeble bond of union by which they were connected, what limits can be assigned to the effects which may be produced by the employment of a capital of $35,000,000, diffused over every section of the country, directed by a single head, to this single object? I am persuaded that the boldest imagination in the direction will not dare, at the threshold of their career, to say, Thus far will we go, and no further. Let not the directors deceive themselves by supposing that the moderation which may mark the introduction of the system of domestic exchange will lull the community into security."

Again: "The exaction or one-fourth or one-half of one per cent. on checks drawn in one office of discount upon another, without reference to the commercial relations which exist between the two places, by a capitalist which always sells and never buys, will as effectually convince the community of the prostration of its rights and interests at the will of the bank, as the exaction of ten per cent. It is the establishment of the principle, and not the amount of the exaction, which will exhibit the power of the bank to levy contributions on the commerce of the nation *ad libitum*. In the moderation of a moneyed institution, whose vital principle is profit, no reliance will be placed by the community."

The universality of the circulation and currency of the notes of the United States Bank prevented the banks and others from exacting and receiving extravagant premiums on domestic exchange; for it must be conceded on all hands that the rate of exchange is regulated by the uniformity of the currency. Then, if the uniformity in the value of the bills on the United States Bank has had the effect to equalize the rate of exchange among the States of this Union, so as to prevent even the bank itself from exacting heavy premiums, would not the paper of the deposite banks, enjoying the same Government facilities, have a like currency and uniformity of value, and produce the same results upon the internal exchange of the country, with those of the United States Bank and its branches? Mr. M. said that he had now gone through the argument; that he had a word to address to the true friends of State rights. He would not ask them to come to the support of General Jackson; he did not ask them to rally around the standard of his administration. He called upon them to engage in a much more noble enterprise. He invited them to come forward at this crisis, and arrest the further progress of the money tyrant. He asked gentlemen to come to the rescue of the constitution; to vindicate their own principles, and restore to their own constituents and country their lost rights. One word in conclusion. We are told that we are in the midst of a revolution. He concurred in the sentiment. He knew that a mighty struggle had already commenced between the money power of the Government on the one side, and the right to self-government on the other; and the question remains to be decided whether we shall have a bank erected upon the ruins of our constitution, or a constitution without a bank. The people understand the issue; and, if I am not greatly mistaken in the signs of the times, they are ready for it. They know that it is in the power of the bank, pending the issue, to bring much distress and suffering on the country. Let it come. They are prepared for it all. He would meet the ills that the bank might visit upon the country, as he would share the expenses, endure the toil, or peril the dangers of a war undertaken to sustain the honor of his country, or redress injuries done to its citizens. And he pledged himself, although he might be the least considerable individual engaged in this conflict, to free his country from the tyrant's grasp, or to be immolated in the last ditch with those that perish struggling for the constitution and liberty.

[Mr. M.'s speech was continued on a subsequent day, but the whole is given entire above.]

PAYMENT OF REVOLUTIONARY CLAIMS.

The bill to provide for the payment of certain revolutionary claims coming up for its third reading and final passage —

Mr. SMITH moved that it should be postponed until Tuesday next, in consequence of the absence, from indisposition, of Mr. Franklin Pierce, who wished to submit his views upon it.

Mr. MARSHALL said it was important that the bill should be acted upon.

Mr. VANDERPOEL inquired if it was in order to move to postpone the bill indefinitely?

The SPEAKER said the motion was not in order.

Mr. WISE remarked that a number of his constituents were interested in the passage of the bill, and he hoped it would not be delayed on account of the absence of one member.

Mr. MASON thought that the friends of the bill would not suffer any injury in acceding to the delay that was asked. This was due as an act of courtesy, and would not prevent the discussion of the principles involved in the bill.

Mr. HARPER, of New Hampshire, advocated the postponement, under the circumstances; which finally was carried.

THE ARMY COMMISSARIAT.

Among bills on their third reading was the following:

A BILL to render permanent the present mode of supplying the army of the United States, and fixing the salary of certain clerks therein named.

Be it enacted, &c., That the act passed March 2, 1829, entitled "An act to continue the present mode of supplying the army of the United States," shall be continued in force until repealed by Congress.

SEC. 2. *And be it further enacted*, That the principal clerk in the office of the Commissary General of Subsistence shall receive the annual sum of sixteen hundred dollars, one of the other clerks the sum of twelve hundred dollars, and the other clerk the sum of one thousand dollars.

On this bill an animated debate arose, which occupied the House for a considerable time.

Mr. JOHNSON, of Kentucky, in a few remarks, explained the grounds of the bill.

Mr. WILDE made a short speech in opposition to it, chiefly on the ground that it went to increase the number of clerks in the Commissariat Department, and to raise the salaries of some of them.

Mr. THOMSON, of Ohio, explained and vindicated the grounds on which the bill had been reported.

Mr. VANCE supported the bill, urging the necessity of its passage, as the present law for supplying the army would expire in March next. He spoke with high commendation of the existing state of the commissariat of the army; in proof of which the books would show that the entire wastage in the supply of the whole of our military posts amounted to less than one per cent. He contrasted with this the state of things under the old system—in which twelve per cent. was allowed in turning over stores to a new contractor; and the defalcations on the part of commissaries, he said, were enormous. As to the subject of clerks, he adverted to the increase of business in the department, from its having been charged with the supply of rations for the Indians. He bore honorable testimony to the ability, fidelity, and diligence of the officer and clerks now in employ in that branch of the public service. Better officers were not to be found in any department of the Government.

Mr. McKAY, of North Carolina, opposed the bill. The present law, he said, would not expire till the close of the next session; so there could be no haste in the case. He was not opposed to the general system of supplying the army, but objected to the mode in which the law was executed. The commissaries were ninety-seven, instead of fifty in number, as had been provided by the act of 1821. He was opposed to taking so many officers from the line of the army. Besides, the assistant quartermasters ought to be required to do the duty of assistant commissaries.

Mr. SPEIGHT concurred in the commendation of the clerks, but wished the further consideration of the bill postponed to Tuesday.

Mr. R. M. JOHNSON replied to Mr. McKAY, insisting that the increase in the number of commissaries formed no objection whatever to the bill. The country had lost thousands—yes, millions—by the foolish economy of employing too few officers, for fear of the expense of their salaries. He compared the public service, in this respect, to the management of a large farm, whose owner must lose largely if he refused to employ the requisite number of hands on his estate. He passed a high eulogium on the present head of the commissariat, (General Gibson,) and bore testimony to the great accuracy of his accounts while so many millions were passing through his hands.

Mr. BLAIR, of South Carolina, concurred in the views of Mr. McKAY, and moved to recommit the bill.

Mr. P. C. FULLER, of New York, thought it would be best to have two separate bills for the two distinct objects comprised in the present one.

Mr. VANCE wished distinctly to understand whether the object of those who opposed the bill was to take the supply out of the hands of officers of the army, and give it to private citizens?

Mr. McKAY explained, and seemed to disclaim such a purpose.

Mr. VANCE went on to defend the bill, and again referred to the vices of the old system. In illustration of which, he said that he had recently examined what is called "the Black Book," containing the list of defaulters to the Government, and found there an amount of fifteen millions lost to the Government in this department of the service alone. Now, there was not the defalcation of one dollar. As to the expiration of the present law, the commissary general himself was under the apprehension that it would happen on the 1st of March next.

Mr. BLAIR said he did not wish to change the existing organization of the staff, but only to alter the bill in some of its details.

Mr. WILDE offered instructions to the Military Committee to report two distinct bills, in lieu of that now before the House. He concurred with Mr. VANCE in his hearty approbation of the existing system; but objected to some features of the bill, and was opposed to all indefinite legislation.

Mr. EVERETT, of Vermont, wished the bill referred to a Committee of the Whole, where it would receive all necessary amendments.

Mr. BLAIR thought it could be better amended in the Military Committee.

Mr. MILLER, of Pennsylvania, replied to Mr. McKAY, and advocated the bill. He had heard no reason why the number of commissaries proposed was too great: no abuse was charged; on the contrary, all agreed in commending the administration of the whole department. As to indefinite legislation, it was an objection which applied equally to most of the bills passed in the House.

Mr. WARD advocated the bill with great warmth, and could not conceive how any rational being could wish it divided. As to the clerks' salaries, it only placed them on a footing with the other clerks in the War Department. It was time, after so many weeks, that the House began to do something.

Mr. WILDE said that if his rationality was to be measured by his not desiring the bill to be divided, he must conclude, with Dr. Franklin, that the Almighty had not endued man with reason, but only with a sensible instinct.

Mr. WARD explained, and disclaimed personality in the remarks he had made.

Mr. WILDE thought the gentleman mistaken in supposing that the bill only placed the clerks on the same footing with others. It gave them more; and the House would immediately be applied to, to raise the salaries of other clerks in like manner.

The question was then taken on the instructions moved by Mr. WILDE, and negatived.

The bill was then recommitted to the Committee on Military Affairs, without instructions.

FORTIFICATIONS.

The next bill on its third reading was the following:

A BILL making appropriations for certain fortifications of the United States, for the year 1834.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated, to be paid out of any unappropriated money in the treasury, for certain fortifications, viz:

For the preservation of Castle island, and repair of Fort Independence, thirty-four thousand seven hundred and fifty-eight dollars and eighty cents.

For a fort on George's Island, one hundred thousand dollars.

For Fort Adams, one hundred thousand dollars.

For repairing Fort Columbus and Castle Williams, fifty thousand dollars.

For a fort on Throg's Neck, East river, New York, one hundred thousand dollars.

For rebuilding Fort Delaware, seventy-nine thousand dollars.

For Fort Monroe, fifteen thousand dollars.

For Fort Calhoun, one hundred and twenty thousand dollars.

For fortifications in Charleston harbor, fifty thousand dollars.

For the fort at Cockspur Island, Georgia, eighty-two thousand dollars.

For completing a fort at Pensacola, forty thousand dollars.

For a fort on Foster's Bank, Florida, fifty thousand dollars.

For a fort at Grand Terre, Louisiana, fifty thousand dollars.

For contingencies of fortifications, ten thousand dollars.

For completing Fort Macon, repairing the wharf and dike, and for the protection of the site of that work, seven thousand dollars.

Mr. McDUFFIE regretted that he had been prevented, by indisposition, from opposing this bill in its progress through the House. It contained appropriations for four or five new fortifications. He had given notice two years since that he should oppose appropriating for any new works; and now, in the spirit of fairness, he would move that the bill be recommitted to the Committee of Ways and Means. No new forts should be built till we were at least able to arm and man those already erected.

Mr. BARRINGER concurred in the views of the gentleman from South Carolina; but, having examined the fortification bill of last year, he found that there had been preparatory appropriations for the works proposed to be appropriated for in this bill. He rose, however, to state a fact which had been ascertained by Colonel Drayton, when at the head of the Military Committee, viz: that, at the present rate of appropriating $100,000 a year for the arming of our fortifications, those already built would not be armed under forty years. Mr. Drayton, he said, had moved the House to double the annual sum; but the House had refused, though that very session they appropriated $800,000 for new works. This did not look like that wise foresight which ought to guide the legislation of a great nation.

Mr. POLK replied and explained. The bill did not contain appropriations for a single new work. He referred to the particulars of the last year's bill to prove that for some of those works $25,000, and for others $50,000 had been appropriated. The sums in the present bill corresponded with the estimates from the War Department. It was not for the Committee of Ways and Means to presume, as of course, that the House was going to change its settled policy in reference to the fortifying of the country. Mr. P. called for the reading of communications from the Secretary of War and from the engineers.

Mr. McDUFFIE further urged his motion. He disclaimed any intention of abandoning the fortifications of the country; but the system, with a few exceptions, was now complete, and Congress had resolved, as he understood, to go no farther at present. The appropriation of last year had been $600,000; that proposed for this year was $900,000. It was not for him to exhort the Committee of Ways and Means to take care of the treasury. But when Congress were told, from high authority, that it was doubtful whether the Government would make both ends meet—when a recommendation the most extraordinary that had ever been addressed to such a body—he would not say in a republican Government, but even in a monarchy—had been addressed to that House by the President, not to waste the people's money, but to be economical in the use of it—to have such a commentary on the exhortation at the same moment presented, adding fifty per cent. to the public expenditure in this branch of it, was almost as extraordinary as the admonition itself. If economy and retrenchment were to be any thing more than mere names, he trusted that such a measure would not be sanctioned.

Mr. POLK replied, and further explained. If these sums were not granted, what had been expended must go to loss.

Mr. SELDEN advocated the item for the fortification on Throg's Neck; explained the exposed situation of the city of New York on the side of the Sound, and the sufficiency of that fortress to defend the pass. Frigates of a large size had passed Hurlgate; and it was the opinion of one of our most distinguished naval commanders that, at a favorable state of the tide, even a seventy-four might go through. Large sums had been spent to defend the other avenue to the city, but in vain, if this were left unprotected.

Mr. WAYNE, admitting the good intentions of Mr. McDuffie, corrected him in some of his facts. The sum appropriated last year had been over $800,000; that in this bill was a little under $900,000. He adverted to the sum provided for the fort in Boston Bay, and hoped it would not be suspended when in progress. What end could be answered by recommitting the bill, unless a blow was intended at some one of the works provided for? Hands and materials were collected, and great loss must accrue unless the works went on.

Mr. GORHAM explained the localities of Boston Bay, its inner and outer harbor, and the need of the fortress proposed.

Mr. HALL, of North Carolina, said he should vote for the recommitment; not, perhaps, precisely for the same reasons that some others did, but because he was really and thoroughly a retrenchment man; and, in saying this, he meant not the slightest reflection on any one. But gentlemen had spoken of retrenchment. He was willing to go with them, not only upon this bill—this particular case—but all others where it was proper. He would go with the gentleman from New York [Mr. Selden] to the Blue Book, as he had alluded to that as a proper object. Mr. H. said this was a very good ground to stand upon. It might not be critically correct to say a good ground on which to raise a superstructure of retrenchment, but it was a good ground to stand upon to carry into effect very large retrenchments. But he would tell the gentleman that it was very inadequate. It was entirely useless to expect any great or beneficial results from attempting to cut off a little here and a little there. He had learned, from long experience and observation, through a term of between fifteen and twenty years that he had been a member of the House, the utter futility of attempting to lop off the branches piecemeal; the only remedy was to go at once to the main body of the evil. Reduce the revenue; this was the only remedy. Sir, (said he,) I am willing to lop off the branches as I go along; but I am for

going to the source of the evil, to the body and soul of the mischief. And I repeat, that I am convinced, from what I have seen and experienced, that so long as we have a surplus revenue, we shall continue to scramble for and apply it to purposes many of them entirely valueless or mischievous. As to the bill now under consideration, he had said he should vote for the recommitment, because he believed that many (he would by no means say all) of the objects were entirely unnecessary.

Mr. HARPER, of Pennsylvania, defended the appropriation for Fort Delaware. He adverted with much earnestness to the defenceless state of the whole Delaware river, since the burning of the late fort and the decay of Fort Mifflin; and dwelt on the evil of leaving the city of Philadelphia liable to be laid in ashes by any enterprising foe.

Mr. BROWN said he was willing to give his vote for the bill under consideration, if the state of the revenue would admit such an expenditure of the public money without any serious embarrassment to the treasury. He would vote for the bill, not because a portion of the money was to be expended in the State of New York, which he had the honor in part to represent on this floor; nor would he vote for it because it contained an appropriation for the harbor of Boston, or the mouth of the Delaware; but he would do so because it was a part of our great system of public defence, provided and projected for the security and defence of the whole country. Before he did vote for the bill, however, he should be glad to have some information from honorable gentlemen upon the Committee of Ways and Means as to the probable state of the revenue. We had been admonished by the President in his annual message to be cautious of making unnecessary appropriations of the public money. Our revenue laws had undergone a very recent and very important change; and the effect of such a change upon the treasury was a subject of uncertainty, if not anxiety. He therefore thought that the suggestion which had fallen from the honorable gentleman from South Carolina [Mr. MCDUFFIE] entitled to the serious consideration of the House. If there was to be any considerable falling off in the receipts of the revenue for the coming year, he thought this very bill, above all others, making appropriations, should be drawn with reference to that deficiency; and before he was called upon to vote for its final passage, he hoped that the House would be put in possession of the views of the Committee of Ways and Means upon the subject of the revenue for the coming year.

Mr. E. EVERETT further advocated the defence of Boston Harbor. The inner basin was already defended, but not at the cost of the General Government. The United States had expended nothing in the defence of so important a point as Boston. As to the objection of Mr. MCDUFFIE, Mr. E. was in favor of arming all the fortresses, and had endeavored to increase the annual provision for that purpose, but without success. But their unarmed state was no good argument against erecting new works which were needed.

On motion of Mr. BRIGGS,

The House adjourned, before any question was taken on the bill.

THURSDAY, FEBRUARY 20.

DEATH OF MR. WIRT.

After the reading of the journal,

Mr. MASON, of Virginia, rose and said: Mr. Speaker, it has become my melancholy duty to advert to a recent dispensation which has deprived the bar and the country of one of the greatest ornaments of both: I allude to the death of William Wirt! The funeral ceremony takes place this day, and it is the wish of many members of this House to pay that tribute of respect to his memory which all feel to be due—the accompanying of his mortal remains to the tomb. It is not my intention to pronounce a eulogium—an unnecessary eulogium on the deceased; but I may be permitted to speak of his urbanity of manners, his fidelity to his friendship, his gentleness of disposition, his benevolence of heart, and of those eminent literary attainments which have shed so bright a lustre on his country.

It is due to the exalted merits, to the virtues, and to the purity of mind and heart of the lamented and illustrious dead that some signal mark of public respect should be awarded to his name. To us, in Virginia, where the prime of his life was passed, and where his example can have, as it has had, the most beneficial effects, the honor rendered to him will be the more peculiarly gratifying.

Mr. Speaker, I move that the House do now adjourn.

And the House adjourned.

FRIDAY, FEBRUARY 21.

When the SPEAKER had called the House to order—

Mr. ADAMS, of Massachusetts, addressed him, before the reading of the journal, as follows:

Mr. Speaker: A rule of this House directs that the Speaker shall examine and correct the journal before it is read. I therefore now rise, not to make a motion, nor to offer a resolution, but to ask the unanimous consent of this House to address to you a few words, with a view to an addition which I wish to be made to the journal, of the adjournment of the House yesterday.

The Speaker, I presume, would not feel himself authorized to make the addition in the journal which I propose, without the unanimous consent of the House; and I therefore now propose it before the reading of the journal.

I ask that, after the statement of the adjournment of the House, there be added to the journal words importing that it was to give the Speaker and members of the House an opportunity of attending the funeral obsequies of William Wirt.

At the adjournment of the House on Wednesday, I did not know what the arrangements were, or would be, for that mournful ceremony. Had I known them, I should have moved a postponed adjournment, which would have enabled us to join in the duty of paying the last tribute of respect to the remains of a man who was an ornament of his country and of human nature.

The customs of this and of the other House of Congress warrant the suspension of their daily labors in the public service, for attendance upon funeral rites, only in cases of the decease of their own members. To extend the usage farther might be attended with inconvenience as a precedent; nor should I have felt myself warranted in asking it upon any common occasion.

Mr. Wirt had never been a member of either House of Congress. But if his form in marble, or his portrait upon canvass, were placed within these walls, a suitable inscription for it would be that of the statue of Moliere in the hall of the French Academy—"Nothing was wanting to his glory; he was wanting to ours."

Mr. Wirt had never been a member of Congress; but for a period of twelve years, during two successive administrations of the National Government, he had been the official and confidential adviser, upon all questions of law, of the Presidents of the United States; and he had discharged the duties of that station entirely to the satisfaction of those officers and of the country. No member of this House needs to be reminded how important are the duties of the Attorney General of the United States, nor risk 1 contradiction in affirming that they were never more ably or more faithfully discharged than by Mr. Wirt.

If a mind stored with all the learning appropriate to the profession of the law, and decorated with all the elegance of classical literature—if a spirit imbued with the

sensibilities of a lofty patriotism, and chastened by the meditations of a profound philosophy—if a brilliant imagination, a discerning intellect, a sound judgment, an indefatigable capacity, and vigorous energy of application, vivified with an ease and rapidity of elocution, copious without redundance, and select without affectation—if all these, united with a sportive vein of humor, an inoffensive temper, and an angelic purity of heart—if all these, in their combination, are the qualities suitable for an Attorney General of the United States, in him they were all eminently combined.

But it is not my purpose to pronounce his eulogy. That pleasing task has been assigned to abler hands, and to a more suitable occasion. He will there be presented in other, though not less interesting lights. As the penetrating delineator of manners and character in the British Spy—as the biographer of Patrick Henry, dedicated to the young men of your native commonwealth—as the friend and delight of the social circle—as the husband and father in the bosom of a happy, but now most afflicted family—in all these characters I have known, admired, and loved him; and now, witnessing, from the very windows of this hall, the last act of piety and affection over his remains, I have felt as if this House could scarcely fulfil its high and honorable duties to the country which he had served, without some slight, be it but a transient, notice of his decease. The addition which I propose to the journal, of yesterday's adjournment, would be such a notice. It would give his name an honorable place on the recorded annals of his country, in a manner equally simple and expressive. I will only add that, while I feel it peculiarly incumbent upon me to make this proposal, I am sensible that it is not a fit subject for debate; and, if objected to, I desire you to consider it as withdrawn.

The CHAIR stated that the rule, in reference to the journal which had been read, referred to the duties of the Speaker when *out* of the chair, not *in* it. The Speaker had not felt himself warranted to insert any further record in the journal of yesterday than the simple fact of the adjournment: but if it was the pleasure of the House that the clause proposed should be added, the Chair would most cheerfully assent.

Mr. J. K. MANN, of Pennsylvania, objecting—

Mr. BLAIR, of South Carolina, inquired whether the pleasure of the House could be obstructed by the objection of a single member?

The CHAIR said that, if a motion should be made, a majority of the House could, of course, have their journal modified to suit their own pleasure.

Mr. ADAMS then observed, that he had hoped no objection would have been made; but as it seemed not to be sustained by the general sense of the House, he would renew his motion that the clause he had read be added to the journal of yesterday's proceedings.

The question being put, it was agreed to without a division, (by nearly a unanimous vote.)

PUBLIC DEPOSITES.

The House then resumed the consideration of the resolution moved by Mr. MARDIS, directing the attention of the Committee of Ways and Means to certain propositions concerning the deposite and custody of the public money; and Mr. M. continued his argument in support of his motion until the arrival of the hour of one o'clock; when the House passed to the orders of the day, and took up the bill for the relief of

SUSAN DECATUR.

This bill was, as heretofore whenever before the House, the subject of a protracted discussion.

Mr. PATTON, from the Committee on Naval Affairs, opened the case on behalf of Mrs. Decatur, and the other persons concerned, and went into a detail of the circumstances of the exploit, to reward which the bill was reported. Mr. P. then went into the consideration of a constitutional objection which had formerly been urged in opposition to the bill. He next explained and defended the disposition of the reward among the claimants; and closed with a warm and merited commendation of the valor and enterprise of Commodore Decatur.

Mr. GRAYSON said he hoped the bill would pass. Its object was to reward an action of the highest merit, to pay a debt unquestionably just. It was, indeed, not a little surprising that the settlement of a claim so strong as that for which the bill provides should have been solicited so long and so earnestly in vain. He was reminded that this had been the case by recollecting that the claim received many years ago the support of a gentleman, who then occupied the seat which he has the honor to hold, and who has been at all times distinguished for the generous ardor with which he embraced any cause which met his support, and for the talent and zeal with which he sustained it. Since that time, the case of the petitioners had been pressed upon Congress by gentlemen of the highest ability. It was sustained by the clearest testimony. It rested upon facts which make a part of our history. And yet, from some unfortunate difference of opinion on the details of the bill, the widows and children of the claimants have been again and again disappointed in their hopes.

He had said that the claim rested on facts which make a part of our history. He would not relate them. The gentleman who introduced the bill had done them ample justice. We must all agree with him that the action was one of the most heroic character—that the capture of the Philadelphia frigate, secured as she was supposed to be under the guns of the Tripolitan forts, in the midst of the Tripolitan fleet, by a handful of men, in a vessel no larger than a fishing boat, was an exploit not surpassed in the history of this or of any other country. It was one of those happy combinations of sagacity to plan, and courage to execute, and success in the execution, which can very rarely occur, because they require the coincidence of great good fortune with all that can be done by talent and resolution.

And was the glory of this achievement its only advantage? It was productive of the most substantial benefits; it hastened the termination of a troublesome and expensive war, carried on many thousand miles distant from home; it released from a dungeon the officers and crew of the Philadelphia; it relieved this nation from a disgraceful tribute to pirates. It did much more; it gave a permanent rank and influence to our navy and country among those barbarous and piratical hordes of the Mediterranean. Until that time, our flag was unknown among them; the star of our national banner had not yet risen in that region; the commerce of our country was indebted for protection to the courtesy of other nations. But, from that time forward, no ship was safer in those seas than the ships of the American merchant. They were guarded by the glory of this exploit. The very name of Decatur, like that of a more ancient warrior in those eastern countries, acquired the power to awe those rapacious and ferocious hordes into permanent peace.

We cannot easily estimate the good effects of this wholesome terror—the thousands which it saved to the commercial industry of this country—the hundreds of brave seamen whom it preserved from the chains and lash of barbarian taskmasters. Neither was its influence of transient duration. When, during the late war, the attention of this nation was occupied by a powerful enemy, the States of Barbary committed some depredations on our commerce. It became necessary, in 1816, to demand reparation, and to chastise the delinquents. It was enough that Commodore Decatur commanded the fleet to produce a speedy settlement of all difficulties. The salutary awe produced by the exploits for which we are now asking a tardy re-

ward remained yet undiminished in the minds of the Tripolitans.

Such, sir, was the glory, the immediate advantage, the permanent benefit resulting from the capture of the Philadelphia. And what is the objection to rewarding this action as others of a similar nature have been rewarded? By a somewhat singular fatality, the objection arises from circumstances which add to the merit of the exploit. In the midst of the most brilliant success, the brave men who obtained it did not forget their duty. The frigate might have been preserved: she might have been carried out of the harbor of Tripoli. But they had been ordered to destroy her, and she was burnt. If the Philadelphia had been preserved, according to the prize laws then existing, the captors would have been entitled to her value. She was not preserved, in consequence of the orders of the commanding officer of the squadron. The capture was completed; the ship was in the possession of Captain Decatur and his crew; the enemy were killed or driven into the sea, when she was virtually taken out of the possession of the captors by the command of the officer who represented this Government and nation. The ship's not being preserved proceeded not from the conquerors, but from the authority of this Government. It was in obedience to the command of this nation, delivered through the proper officer, that Decatur and his crew destroyed the trophy of their victory, and the certain guaranty of their reward. And shall we punish them for having done their duty? Shall we refuse to pay them for having obeyed their orders? Shall we place them in a worse condition for having set an example even more important to the character of our rising navy than the brilliant exploit which they had just achieved--an example of strict subordination and complete obedience to their commanding officer? Are we prepared to say that, having obeyed their orders and destroyed the Philadelphia, they shall lose the reward which they would have obtained had they disregarded their orders and preserved the ship?

But it may be said that the frigate could not have been preserved. If this was the case, it must have been owing to the intrinsic difficulties of the enterprise, to her situation under the guns of the castle of Tripoli, and within reach of the Tripolitan gunboats. And if we reject the claim now made, we shall establish the singular rule, that, exactly as the difficulty and danger of the enterprise increased, the chances of reward for success were diminished.

It was not in this spirit that Congress legislated during the late war. They passed laws not extending to cases similar to that of the Philadelphia, but beyond them. They paid for captured vessels destroyed, not at the command of a superior officer, but at the discretion of the conqueror. Every ship taken from the enemy has been paid for, whether destroyed or preserved. These were destroyed, as the captor judged it expedient; the Philadelphia, at the command of a superior officer. In all the conflicts of the late war, there was nearly an equality of force between our own vessels and those of the enemy. In the capture of the Philadelphia, there was an immense disparity of force. The nation has paid for the Java and Guerriere, taken and sunk by vessels of equal or superior force, with crews of four hundred men; and will they refuse to pay for the Philadelphia, captured and burnt by seventy men, in a vessel of sixty tons?

If we were called upon to select from our naval history (rich as that history is in gallant achievements) any one action which more than any other would deserve the rewards and honors due to brave men for services rendered to their country, there is not one which would deserve to be named in preference to the destruction of the Philadelphia frigate; and yet it is the only one which has not been rewarded.

Let this odious distinction be abolished; let this stain on the justice of the nation be wiped away. Many of the brave officers and crew are dead--among them, their gallant commander. A nobler spirit never cheered or animated the hearts of men in battle. They have bequeathed their rights to their widows and orphans. These are now waiting at your doors. They ask for your sympathy, your liberality, your justice. It is hoped they will not ask them in vain.

He would add nothing to the remarks made as to the distribution of the sum to be appropriated. It had been made by the committee, in conformity with the judgment of distinguished naval officers, and with what was believed to be the equity of the rule.

Mr. CRANE, though not opposed to the appropriation of the sum proposed, objected strongly to the proportions in which the money was to be shared. The bill assigned to the commander the lion's share. In such an expedition, the services of the men were of great value, and they ought to receive in analogy to the provisions of the prize law.

Mr. PARKER replied, and defended the bill. He insisted that the great glory of this exploit lay in the chivalry and enthusiasm of the officer who planned and conducted the expedition. The men, by this bill, would get twice what they would have been entitled to under the prize law, had the vessel been brought out.

Mr. CRANE replied; and

Mr. PARKER rejoined.

Mr. CHILTON then made a very animated speech, in opposition to the bill, and alluded to the grounds of debate on former occasions. He argued that Decatur had received the highest reward, in promotion, fame, and fortune; and that he never in his lifetime had thought of urging any such claim.

On motion of Mr. HAWES, the committee then rose, reported progress, and had leave to sit again.

Mr. WHITTLESEY, of Ohio, asked leave to make a motion for granting the use of the hall, on Tuesday evening next, to the Congressional Temperance Society.

Mr. HAWES objecting—

Mr. WHITTLESEY moved to suspend the rule; which was carried, ayes 98, noes 19; and the motion was then made, and agreed to.

Mr. THOMAS, of Louisiana, observed, that to-morrow was the 22d, a day when it was not usual for public bodies to sit. He therefore wished to move that the House, when it did adjourn, would adjourn to Monday next.

Objection being made, he moved for the suspension of the rule. It was suspended accordingly--ayes 114, noes 7; and thereupon the House adjourned over to Monday.

MONDAY, FEBRUARY 24.

MEMORIAL FROM BANGOR, MAINE.

Mr. PARKS presented the proceedings and a memorial adopted at a meeting of citizens of Bangor, in the State of Maine, praying that the charter of the Bank of the United States may be renewed, with modifications; or that another bank may be incorporated, which shall be the depository of the public money.

On presenting this memorial, Mr. P. addressed the Chair as follows:

Mr. Speaker: I am requested to present a memorial, report, and resolutions, adopted at a meeting convened, it is said, without distinction of party, in the town of Bangor, in Maine, and which memorial is signed by two hundred and eighty-eight inhabitants of said town, praying for a recharter of the present Bank of the United States; or that another, on similar principles, may be chartered.

Before, sir, passing this memorial to the Chair, there are a few observations which I feel myself called upon to make, not only on the subject-matter of the papers themselves, but as regards the relation in which I stand to the petitioners.

The town, sir, from which this memorial comes, has, for a number of years past, been progressing in a state

of flourishing prosperity, such as has seldom been equaled, never surpassed, in New England. It now contains, sir, six thousand people, all actively engaged in commercial pursuits, and in the various avocations incident thereto. It is from a town so circumstanced that this memorial, signed by two hundred and eighty-eight only of its citizens, comes.

It is professed, Mr. Speaker, that the meeting where this memorial was got up was called without distinction of party. It is no doubt true, sir, that it was so called; but it is not true that it was so attended. It was a political meeting, got up for political purposes, and attended by one political party only. I will not undertake to say, sir, that no man was there who ever gave a vote in favor of the administration. There are, sir, in every community where political parties run high, some few persons without any fixed opinions, who are always vacillating from one party to another, as the one or other may, to them, seem to preponderate in power and strength. That some such persons, who may have occasionally given a vote to the administration, were present and acting on that occasion, I do not deny. But, sir, I do deny that any one firm friend of the administration was present acting there. Sir, the attempt was made to give this meeting the appearance of being what it purports to be, "without distinction of party," by putting on to a committee three gentlemen, friends of the administration, whom I am glad to call such, and with whom I am always proud to act. I have before me one of the daily papers of that town, in which those gentlemen state that their names were made use of without their knowledge or consent; and they add, that "they regret that any of their fellow-citizens are disposed to countenance or approve of the course pursued by the United States Bank, in its unhallowed attempts to perpetuate its power by its oppression; and that they can never lend their aid, however feeble, to aggravate the public distress which that institution is attempting every where to produce."

So much, sir, with regard to its being without distinction of party.

Allow me now, sir, to call the attention of the House to some of the statements and admissions in the report and resolutions. In the first place, these petitioners say, and very truly so, that there has been no unusual pressure in Bangor; that there have been no failures, but such as might have happened in ordinary times. Sir, from the very nature of the business of Bangor, it is impossible there could have been any pressure of a very serious nature there. The principal of the business of that place is the lumber trade; the lumber is cut in the winter, brought down the river in the spring, manufactured, and sent to market during the summer. During the winter season, nature lays a very effectual embargo on the foreign commerce of that port, by closing the river for miles below with ice. The goods, therefore, which are wanted for the winter consumption are brought there in the fall; and no payments, to any amount, are either expected or promised to be made until the produce of their winter's work is ready to be shipped for market in the spring and summer. But these memorialists state further, that, although there has been no pressure as yet, they fear there may be. I am not, sir, entirely without apprehension of that event myself; but, sir, there are other causes to which, if such an event happens, I can ascribe it, as well as to the removal of the deposites, or to the deranged state of the currency. Until within a very few years, Mr. Speaker, the immense resources for trade and enterprise, of every description, which are to be found in the Penobscot section of Maine, appear to have been passed by unheeded and unknown. It appeared that, as if by magic, the veil which had hitherto concealed them from the eyes of men had suddenly been lifted, and as if all the advantages and opportunities for enterprise, which were so abundant, were, for the first time, made known. Wealth, population, enterprise of every character, flowed in upon us; every thing seemed, as if touched by Midas, to be turned to gold. This state of things has continued to the present hour; so that, instead of suffering, a state of actual prosperity has existed, such as I never saw before, and had never supposed to be capable of existing. In such a state of affairs, a population, composed principally of active, enterprising young men, would naturally, with new inducements daily opening before them, extend their operations to the full extent of their means and credit. No evil has yet resulted from this state of things; it has been supported by the ample resources which have been hourly developed; and, sir, the probability is, that those will still support it. But there is always danger lest some, in such a state of affairs, should overtrade; therefore, it is not impossible, although improbable, that some of the fears entertained by these memorialists may be well-grounded.

In the next place, sir, these memorialists go on to say, that even if there had been any pressure among them, they should not have known what cause to have assigned for it; whether it was the conduct of the bank, or the course of the President. The committee even say that that was a question upon which they differed so much, that they concluded to leave it as they found it. So, sir, with regard to the question whether the bank has forfeited its charter, whether it has fulfilled its duty to the country or not: all these questions, and others of a similar character, they conclude to leave undecided; and yet, Mr. Speaker, they ask this Congress to recharter a bank whose conduct, according to their own account of it, may well be considered a matter of doubt and suspicion.

There is one other matter here, Mr. Speaker, to which I wish to allude. In the papers, sir, which I am about to present, immediate action is asked for. The memorialists, sir, and the persons who attended that meeting, are most faithful and thorough-going party men; they live, sir, in a remote quarter of the Union, and we are now receiving from them the echo of the petition of the advocates of the bank on the floor of this House, at the commencement of the session, asking for action, action—no matter what it might be. Sir, had the persons who got up that meeting and this memorial known that the friends of the bank on this floor had changed their course of policy, and that they had from the beginning of the session voted against action, and for some time past ceased to ask for it, these same persons, sir, who have here asked for action would have begged for delay, investigation, debate, till doomsday; and in so doing would have acted with no more inconsistency than their friends upon this floor.

One subject more, Mr. Speaker, and I have done; and that, sir, is of so extraordinary a character, coming from the source it does, that I must ask leave of the House to read the resolution to which I refer. It is as follows:

"*Resolved*, That the custody and control of the public money was never intended by the constitution to be intrusted exclusively to the President of the United States; and when they considered this power in connexion with the extraordinary military power granted to that officer by Congress last session, slight memorials indeed seemed to remain, either in the people or in the States, of freedom, sovereignty, and independence."

And this resolution, Mr. Speaker, has been adopted by men who are consolidationists, who last year claimed the President as their President; the very men, sir, who defended and insisted upon exclusively justifying and supporting that very grant of power, as an act based upon the principles of the party to which they belong. Sir, my feeble voice was drowned among the shouts of triumph which they uttered. "*Redeunt saturnia regna*" was their cry then. But there has been, sir, a wonderful change of opinion in these people on this subject within a very

few months. I know not, sir, to what this remarkable alteration can be attributed but to the equally remarkable union that has evidently taken place in this House between the ultras of the North and those of the South, heretofore antipodes in principle; and that these my worthy constituents are willing to consummate the alliance by a total abandonment of all their own principles, and the adoption of those of nullification—as remarkable a countermarch of opinion, within three short months, as can be found in the annals of history! What advantage is to be gained by all this, beyond a more united opposition to the present administration, is beyond my power to perceive. Their creed to this moment has always been, that the General Government cannot have too much power, nor the States too little. This resolution, sir, is from the very men who opposed my election to a seat in this House, upon the alleged ground of my being a nullifier and an opponent of the bank. Sir, there was no subject upon which the opinions of the people of the district I have the honor to represent upon this floor were more decidedly formed than upon that of the Bank of the United States; as to nullification, they knew there was none of it in Maine. The result, sir, was my return to this House by a majority of nearly seventeen hundred votes. I allude to this, sir, simply as showing the opinions of the people of my district upon the subject of the bank. I am not vain enough, nor foolish enough, to suppose that that result was owing to any personal popularity; let my opinions on the subject of the bank have been but favorable to it, and I should have been defeated by a large majority, and very possibly larger than that by which I was elected. Sir, there are from fifteen to eighteen hundred voters in the town of Bangor; a majority of them were opposed to the administration; an active committee was appointed to obtain signatures to this memorial; they have presented here the names of only two hundred and eighty-eight persons. What must be the inference? I, sir, need not state it.

Sir, when I had the honor the other day to present the resolutions of the Legislature of the State of Maine, I avowed myself an advocate of State rights, and of the Virginia construction of the constitution. My colleague, [Mr. EVANS,] in replying to my observations, asked, in a very significant manner, what are the doctrines of Virginia now? Sir, it is not for me to answer for Virginia; but if, as he intimated, Virginia has forgotten or repudiated the doctrines of her Jeffersons and her Madisons, I thank God, sir, there are some States which have not forgotten them, but which still remember them, and believe them the only construction of the constitution which can preserve the rights and liberties of a free and happy people. In conclusion, Mr. Speaker, I shall merely move to refer these papers to the Committee of Ways and Means. I shall not move for their printing; they are, in my opinion, inconsistent and contradictory, and do no honor to the hand that penned them, the committee that reported them, the meeting that adopted them, or to the citizens who signed the memorial. If, however, my colleague, or any other, shall choose to move the printing, I shall make no objection, but, in that case, request that the names to the memorial be likewise printed.

Mr. REED, of Massachusetts, said he felt called upon to notice some of the remarks of the gentleman from Maine, [Mr. PARKS,] who had just sat down. That gentleman, in presenting a memorial of the inhabitants of the town of Bangor, had thought fit to deny that they suffer; to say the resolutions are not creditable to the memorialists; and, in his speech throughout, to treat the memorialists with derision and contempt.

I have but a word to say upon this part of his speech. I am among the oldest members of this House, and never, as far as I can recollect, have at any time, until within a few days, known any member of Congress to present a memorial, and then proceed to state that the facts alleged in the memorial were unfounded and untrue, and present the memorialists themselves in such a light as to show they are wholly undeserving the notice of this House.

Mr. Speaker, the course pursued by the gentleman from Maine, in commenting as he has done upon the memorial presented, is (with the exception of a few cases, occurring at the present session, on the same great subject) novel and unprecedented, and, as it appears to me, most extraordinary. But I leave this matter for the gentleman to settle with his own constituents—to them it more appropriately belongs.

But, sir, the gentleman has not confined himself to his constituents, but has made other remarks, of a more general character; some of which I have risen to notice. He stated that the memorial he presented called for action, and yet said "the friends of the memorialists here have voted against action of every kind." I will not affect to misunderstand this remark. We all know that by the friends of the memorialists here he intended to designate those gentlemen in this House who are opposed to the course of the Executive in removing the deposites, and the general warfare against the Bank of the United States—who believe those measures the principal cause of the present distress of the country.

Among others, sir, I have presented a memorial. It came from a beautiful town, three months ago highly distinguished, not only for industry and enterprise, but prosperity and wealth. As far as I have been able to learn, in New Bedford there has been but one opinion upon the subject. Her distress and suffering are so deep and manifest, that they are seen and felt, and known to all. And no man among them could be found so perverse and recreant as to question the fact.

A most sudden, unexpected, and unexampled reverse of fortune has fallen upon them. They have in three short months experienced a distressing change from prosperity to adversity. The fact is so. I know it; and, however painful it may be to me, I feel bound to state it to this House for their information. If gentlemen present memorials to this House, stating the distress of the people, and beseeching us to afford relief, and at the same time allow themselves to treat such memorials with derision, as the base and mean attempts of party men to gain power and ascendency, such a course tends to destroy the influence of all memorials; it tendency is to bring them all into contempt, and it becomes our duty to canvass and examine them with more than ordinary care. We are under the most solemn obligation to seek diligently to understand the real situation of the people in every part of our common country.

The portion of the country I have the honor to represent are severe sufferers at this time. I most conscientiously believe their distress has been caused by the removal of the deposites, and the indiscriminate and vindictive warfare with the Bank of the United States. And such is their conviction. Situated as I am, representing as I do a distressed and suffering people, whom I love and respect; and firmly believing, as I do, the cause of their suffering to be such as I have stated, I will not sit here quietly, and hear it represented that I vote against action of every kind. Sir, if I vote against action, it is such action as, in my judgment, is in no way calculated to afford relief. I have hoped, and still hope and believe, that information, debate, and deliberation will ultimately result in useful action. The action here has not contemplated the restoration of the deposites, or any change in the mistaken policy of the Executive, which has brought ruin to our doors. Such action is not even yet to be expected from this House.

Mr. Speaker, I shall not sit quiet and hear it represented that I am opposed to any action upon this subject—any legislation—any course of measures which I deem calculated to relieve the distresses of the people. Do I op-

pose measures which would afford them relief? God forbid! I am most anxious, and would labor here day and night, as long as man could labor, to relieve the distress of the country.

I trust, sir, this all-important subject will be considered more gravely, and, I will add, more candidly. The distress in the money market, as it is termed, naturally and almost necessarily commences in cities and on the seaboard; but it will not end where it begins. It will spread and extend far and wide, until it covers the whole face of the country. If there be some exceptions, the suffering will be general. I do believe, when the true situation of the people we represent is made known to us, and the evil so much complained of as the cause is understood, that this House will afford relief.

But the gentleman says that no Jackson men have signed the memorial (as I understood him.) And has it come to this? Is the President of the United States the President of the Jackson party only? Is this House under the control of such principles? I confess I have felt somewhat mortified at hearing memorials begin by stating "at a Jackson meeting," or "a meeting without distinction of parties;" as if such a meeting and such a memorial would receive more favor in the eyes of Congress. Has it come to this, that the free, independent citizens of the United States must declare that they are Jackson men to gain a favorable hearing in this House, and that, too, when they are pouring out their complaints, describing their distress, and praying their rulers to grant relief? I trust not. No, Mr. Speaker, party spirit has not yet sunk us to that state of miserable degradation that it has become necessary for American citizens to belong to any party to entitle them to the consideration and regard of their representatives on this floor.

The gentleman has informed us that the inhabitants of Bangor have not suffered, but are only alarmed; that they purchase their goods at Boston and other places on a credit, and that that credit will last until spring. Thus the gentleman has explained the reason that they have not suffered, or have suffered so little. But the spring is at hand—the pay day is near. Will the gentleman remember, and be so kind as to inform me sixty days hence whether or not the citizens of Bangor have escaped the general calamity? Does the gentleman flatter himself that he and his friends shall escape the evil? If so, he is mistaken, entirely mistaken.

I repeat that the sufferings of the people of the United States, now, in some measure, limited and confined to cities and the seaboard, will increase and spread far and wide to the remotest corner of the country; that the distress will increase as it extends, and continue so long as the cause remains; that I have full confidence that this House will afford relief when these facts are believed and the subject is understood.

Mr. EVANS said he felt called upon to submit a few remarks, and but a few, upon what had fallen from his honorable colleague [Mr. Parks] on the present occasion. His colleague had said that the report and resolutions which had been adopted at a public meeting of the citizens of Bangor, and which he has now presented to the House, would do no credit to the committee which reported, the meeting which adopted them, or the city from which they proceeded; and for this reason he has abstained from the usual motion to have them printed. Wholly dissenting from the opinion expressed by my colleague, I rise, sir, (said Mr. E.,) to make this motion. My honorable colleague has gone into an historical detail of the circumstances of his own election, and apprizes the House that he was returned here by a majority of 1,700; and he adds, if the election were now to occur, he doubts not that this majority would be considerably increased. How that would be, sir, I have no means of knowledge. When the proper period arrives, that prediction will be put to the test. The inference which my honorable colleague seems disposed to draw from these circumstances, past and anticipated, is, that the people of his district approve the course of policy which the Executive has pursued towards the Bank of the United States generally, and the removal of the public deposites particularly. If this be so, it is no good reason, in my humble apprehension, why the memorialists who now approach us should be treated with indignity. It has been said by others, on other occasions, here and elsewhere, that the elections of the last year, which occurred about the period of the removal of the deposites, fully sustained this act of the President. Now, sir, I have only to say, that the effect of this act—its disastrous consequences upon the business and currency of the country—had not then been experienced. The evil was hardly anticipated by any body, certainly not generally anticipated, to the great extent it has since reached. It was an experiment but then just commenced. In our own State the elections took place prior to the removal of the deposites. How, then, it can justly be said that the election of my colleague, or any elections made at or near the time of the removal of the deposites, gives any sanction to this act of the President, or shows the determination of the people, or any portion of the people, to sustain him in it, notwithstanding the distress and ruin it may produce, I do not readily perceive. My own conviction is, that the effects of that act of the President have been so disastrous and unexpected that many—very many—who were at first disposed to approve it as a party measure, have been taught, by bitter experience, and the gloomy prospect of the future, to regard it in its true light. When this great experiment shall have been fully tried, and all its results shall have been known and felt, it will be seen whether the people are prepared to sustain the Executive in his persevering adherence to it, and whether even the constituents of my colleague will be quite satisfied. However that may eventually be, the argument is in perfect keeping with the prevailing sentiments of the times. The President may do any thing and every thing, for he can do no wrong; and the justification uniformly is, the people will sustain him; the late elections show the popular will. The argument is, that whatever the President may do, the party are bound to sustain him, and they will sustain him. And whenever the people come here by petition for relief, the answer is ready, and my colleague has now given it to the present petitioners: "You are not the friends of the President—you want to embarrass his administration—you are the agents of the bank—your complaints are of no consequence." And this answer, sir, is to satisfy the free people of a free country, when they present themselves before the Government under which they live, and set forth their grievances and supplicate redress.

Why is it, sir, that the people of this country are to be thus scorned and taunted whenever they presume to approach our august presence? Have the people really become nothing? Where are we, sir, and in what age do we live, that the people of this country can thus be treated by their representatives?

But, sir, my honorable colleague has denied that any pressure or distress, at present, exists in Bangor. It is all prospective: and, if it be so, is not the anticipation of evil a fit subject for our consideration? Does it not furnish a proper occasion for the people to state their fears, and to pray that the evil may be averted? The nature of the business in that place, as stated in the memorial, is such, that the pressure would not be likely to be much felt at this period. My colleague has explained it, and I agree that the winter season does not ordinarily require a very large circulation of money. With the opening of the rivers in the spring, the active business usually commences; money will then be wanted, and largely wanted; and where is it to be procured? Sir, these memorialists

perceive, what must be evident to every mind, that, if there be a stagnation of business, a scarcity of money in the great markets to which their lumber is usually sent, the demand for that article will be greatly curtailed. The pressure for money to meet engagements now made will be inevitably felt, and seriously felt. I have received intelligence—not directly from Bangor, indeed, but from the vicinity, and from persons acquainted with the course of business there—that the prospects for the ensuing season are very unpromising. Contracts and orders for furnishing lumber have not been made or given to the same extent as usual, and, in some instances, have been countermanded. This may not be present distress; it is, however, a sad omen of future but near approaching embarrassment, which these memorialists are exceedingly anxious to avert: they see the approaching tempest, and they ask for shelter.

But, sir, as to the matter of these resolutions and this memorial, which my honorable colleague thinks so discreditable to the persons who have had an agency in framing and adopting them—as my colleague has not stated wherein the sentiments are so unworthy or unsound, as he has not pointed out their absurdity or their fallacy, I have no means of knowing in what point to defend them, if I deem them in that particular worthy of defence. I have but this moment run my eye hastily over them, and over the names attached to the memorial; and I confess, sir, I have not been able to discover any thing that the citizens of Bangor need be ashamed to avow; I see nothing which I deem indefensible on this floor. On the contrary, I think, from a hasty examination, that the sentiments which they convey are sound and honorable. I have not the pleasure of a very extensive acquaintance in the city of Bangor, and to most of the signers of the memorial I am, personally, a stranger. But I think I run no hazard of contradiction when I assert that the petitioners comprise by far the largest portion of the active business men of the place—of the men of intelligence and respectability. They are not men ignorant of the course of business upon which they undertake to speak; nor incapable of making known in suitable terms, and maintaining by suitable arguments, the opinions which they put forth. The citizens of Bangor generally, and those who composed the meeting which adopted these resolutions particularly, are as respectable, as intelligent, as public-spirited, as much entitled to the respect and consideration of this House, as the same number of individuals taken from any section of the Union whatever. That city, it has already been remarked, has increased in population with astonishing rapidity; emigration to it has been active from other sections of Maine, and from Massachusetts, and from New England generally. I believe, sir, these States are not very far behind in general intelligence and education, and the knowledge of what pertains to the interests of the country. And I believe, also, that those who have emigrated to Bangor have carried with them a fair proportion of the general intelligence of the community. I confess, sir, that I am astonished, that I am mortified—deeply mortified—that my colleague has accompanied the presentation of these papers with remarks calculated to do these memorialists so great injustice in the eyes of the House. I wish to rescue them, if I may, from the condition to which I am sensible his remarks would subject them, if permitted to go unanswered. Of the political sentiments of a very large majority of these memorialists I am entirely ignorant, and shall therefore say nothing; and I regret that my personal acquaintance is too limited to enable me to do each one of them that full justice which I am confident they deserve. Those with whom I have the honor to be personally acquainted, I can assure the House, are gentlemen of high and honorable character, of intelligence, of public and private worth; and I know they do not deserve the notice they have received at the hands of my colleague. But, says he, "they are devoted partisans;" they listened to the first intimations made in Congress, and, finding some of their leaders calling for "immediate action," they have echoed back the sound, and call also for "immediate action." He says, if we had intimated an intention to prolong the debate, they would have called out for prolonged debate. Now, sir, I am for immediate action as much as my colleague is; but what action do gentlemen propose? Do they not tell us that the experiment is to be fully tried?—that nothing is to be done until it has been tried? Do the Committee of Ways and Means propose "action?" No, sir. We know full well what their report will be. I venture to predict that it will be nothing more than a labored vindication of the reasons of the Secretary for the removal of the deposites—a studied justification of that act. That is all, sir: it will propose no "action." We shall be called on to do nothing but to approve the reasons. Is that "action?" Is that to be a remedy for the ills which now afflict the country?

The necessity for the debate which has been for some time carried on is to convince the committee and the House of the necessity of doing something—of making an effort to change the present condition of our affairs—of acting, and acting effectively. Now, sir, while we are urging upon you to do this, what is the answer? Why, we are told things are not to be changed—the present measures are to be continued—nothing is to be done to reverse the Executive decree—but, if you want action, stop the debate. And for what, I ask? Only to enable the committee to bring in a report justifying the act and the reasons of the Secretary; and that is the action, and the only action, we have any reason to expect the House will be called upon to make. Sir, that is not the "action" these memorialists call for; and our debate has been conducted, and must yet be carried on, to convince you that some other "action" is absolutely necessary to rescue the country from its present embarrassments. Passive acquiescence will not do.

As to the allegation that these memorialists are "devoted partisans"—following their leaders—I think I am quite safe in saying that, in this particular, they need not fear a comparison with those of the same city, who, my colleague says, refused to participate in these proceedings; nor with the 1,700 majority which elected him to a seat on this floor. I believe them as independent, and as capable of forming their own opinions, as any portion of the citizens of this country whatever. They have put on no man's collar.

What inference my colleague intended should be drawn from the language of one of the resolutions, to which he adverted, declaring that the meeting would not consider the question whether the bank had violated its charter or not, I was so unfortunate as not to understand. If the particular purpose was to convey an idea that the meeting inclined to the opinion that the charter had been violated, and that even those who were friendly to the bank could not justify its proceedings, the inference is unwarranted. I perceive, by reference to the resolution itself, that this question was very justly regarded as pertaining to a tribunal equally remote from popular or executive influence. It is wholly a question for the judicial tribunals; and the meeting, in giving their opinion that it ought to be decided there, have, in my judgment, very properly shown a disposition to submit to the laws of the country, and to protest against executive or legislative assumption of judicial powers. They wish not to discuss the question: they leave it where the law leaves it. I wish this example was more frequent in popular assemblies. We have been favored with not a few resolutions declaring that the bank had violated its charter—had transcended its powers—that it is unconstitutional; and, indeed, deciding all the great legal questions growing out of its charter, and its conduct under the charter.

Sir, many of these questions have been considered and decided by the various departments of this Government,

upon full and careful consideration, and after deep research and argument. They have occupied the attention of the greatest minds which this country has produced. The constitution and the laws of the country have provided tribunals for the ultimate decision of them. But all this will not do. The judicial tribunals cannot be trusted. Every popular assembly, large or small, which can be made to respond to the executive opinion, has gravely sent us its learned decision upon these great topics; and we have been sagely instructed, by resolution upon resolution, that the bank has forfeited its charter--has exceeded its powers; and, in a word, that all the charges brought against it by the Executive, and, perhaps, I may add which may be brought against it, are undeniably true. Sir, I commend the caution and propriety of the resolution which my colleague has referred to. I commend it, because it shows a disposition to submit to the laws--a disposition which I wish was more prevalent here and elsewhere.

With these observations, and in order to enable the House and the nation to judge whether these memorialists deserve the reproach which has been cast upon them, I move that the report, resolutions, and memorial be printed.

After some further observations by Mr. PARKS, the motion was agreed to.

MEMORIALS FROM BANKS IN CONNECTICUT.

Mr. HUNTINGTON, of Connecticut, presented a resolution adopted by the board of directors of the Bank of Hartford, in the State of Connecticut, in favor of a recharter of the Bank of the United States, and of a restoration of the deposite of the public money to said bank.

Mr. H. presented a similar resolution of the board of the Phœnix Bank of Hartford, Connecticut.

Mr. H. also presented a memorial of the several banks in the city of Norwich, in the State of Connecticut, in favor of rechartering the Bank of the United States, and of restoring to that bank the deposites of the public funds.

In offering these resolutions, Mr. H. said he held in his hand resolutions of the respective boards of directors of the Phœnix and Hartford Banks in Connecticut, on the subject of the present unexampled distress and embarrassment existing in the country, and which he asked leave to present to the House. These banks had large and solid capitals, (each, he believed, exceeding a million of dollars,) in which the State was interested as a proprietor, where moneys of the State, of the school fund, and of many religious societies were invested; they were located in the city of Hartford, where there has been for many years a branch of the Bank of the United States, and were under the direction of intelligent business men, whose information and practical knowledge enabled them to form a correct judgment of the causes of the existing distress, and the remedy for it. He could assure the House that these gentlemen were of the highest respectability, and their opinions entitled to great consideration. In the resolutions of one of these banks, it is represented that, in the opinion of the directors, the restoration of the public deposites to the Bank of the United States would be the occasion of most essential relief from the pecuniary scarcity and distress now existing in the country, and that the rechartering of the same bank, with suitable modifications of its powers, would be found the most effectual means of re-establishing commercial credit and confidence. In the resolutions of the other, the board express the opinion that it would contribute to the relief of the mercantile and manufacturing interests of the community to restore the deposite of the public moneys to the Bank of the United States, from which it has been taken by the Secretary of the Treasury; and that the renewal of the charter of that bank, with suitable restrictions of the powers now vested in it, or, if that may not be, the establishment of a new national bank on similar principles, is indispensable to the convenience of the Government and of the merchants, and useful to the interests of all, in the preservation of a sound money currency, and of a salutary restraint on the local banks of our country.

Emanating, as these opinions did, from men who know and feel the value of a sound currency in every transaction of business, and every employment of labor; who witness the blighting effects of a stagnation of business, and the deranged state of the circulating medium, the embarrassments of trade, and the limited demand for labor; and coming from men of high and honorable standing in the community, of practical knowledge and experience, and having no other interests to subserve than such as were common to their fellow-citizens throughout the whole country, they were entitled to the most respectful consideration. Mr. H. said they did not appear to belong to that class of political economists who desire a State bank note currency to the exclusion of every other, nor to that other class who believe it is wise and practicable to try the experiment of a metallic medium. They seemed desirous that the old path, which had led to individual and national prosperity, should be regained and pursued; and were anxious that Congress should retrieve the injurious consequences which had resulted from a departure from it. In these views, Mr. H. said, he entirely concurred, and that it afforded him no inconsiderable gratification to be enabled to present to the House the opinions of practical honorable men, for whose intelligence and respectability he could so fully vouch; and he trusted they would not fail to have their due weight with those to whom they were now expressed.

Mr. H. said he also presented to the House the memorial of all the banks in the city of Norwich, Connecticut, (four in number,) signed by their respective presidents, which states that they are deeply impressed with the present deranged circumstances of the commercial and banking interests of the country, as connected with the enterprise and industry of all classes of society; more especially when contrasted with the general prosperity heretofore existing. That they have inquired with solicitude into the existing causes, and are convinced that the embarrassments have arisen from the altered relations of our Government to the Bank of the United States, which have deranged the currency and impaired the confidence of the community; the result of which has been, and is now daily operating in the suspension and failure of many individuals, and commercial and manufacturing establishments. The memorialists state that they approach this House and the Senate with confidence, as the guardians of the rights and privileges of all classes and portions of our beloved country, and with a respectful but earnest request that Congress would interpose its power to meet the wide-spreading evil.

Mr. H. said he was acquainted with, he believed, all the gentlemen who compose the direction of those different banks, and could say of them, as he had already said of the directors of the other institutions, to whose resolutions he had referred, that they were highly respectable, intelligent, practical business men, and sincere, disinterested, and honest in the expression of the opinions contained in their memorial. The corporations of which they were the officers were located in a flourishing and growing city, situated at the head of navigation on one of the principal rivers in the State, with a population commercial, mechanical, and extensively manufacturing; who had begun to feel deeply the distress which commenced in our large cities, and which threatened to involve many in bankruptcy and ruin. The gentlemen connected with these institutions witnessed the difficulties and embarrassments attending the successful pursuit of honest industry and enterprise, the failure of merchants and manufacturers, the derangement of the currency, and the loss of public confidence; and they use language dictated by a convic-

tion of its truth when they state that the distress now so prevalent should be met, by continuing to the people the great and necessary advantages and facilities appertaining to the existence of a national bank, either by the renewal of the charter of the present institution, or in some similar arrangement that shall forthwith restore those wonted accommodations, so vitally important to a healthy condition of our financial and social interests and concerns. Mr. H. said that the rules of the House precluded him from enlarging upon the topics presented in this memorial and these resolutions. He had stated what they contained, and the high and honorable standing of those on whose behalf they were presented, and the respectful consideration which was due to their representations; and, having discharged this (to him) grateful duty, he would move that they be printed, and referred to the Committee of Ways and Means, where other memorials of a similar character had been sent.

PROCEEDINGS AT NEW HAVEN.

Mr. FOOT presented the proceedings of a meeting of a large number of the citizens of New Haven, in the State of Connecticut, held on the 13th of February instant, in favor of rechartering the Bank of the United States, and of restoring to that bank the deposite of the public funds.

In offering these proceedings, Mr. F. said the chairman of this meeting was one of the oldest and most respectable merchants in that place. He was the son of a tried patriot of the Revolution, who signed the declaration of independence—a distinguished member of the old Congress—his name was Roger Sherman!

This paper (said Mr. F.) contains the names of about seven hundred of the active business men of that beautiful and flourishing city, with their several occupations. The resolutions were passed at a public meeting by only three dissenting votes; they have been signed on full deliberation, and, I believe, express the views and feelings of at least two-thirds of the qualified voters. These men reside in my vicinity, and many of them were my associates in commercial pursuits for many years, and their intelligence cannot be questioned. As the fact of the existence of great distress in the country is no longer denied, after being proved by some forty thousand witnesses on this floor, he should say nothing on that subject.

Mr. F. said his colleagues and himself had already presented petitions from their constituents, praying relief! they have now sent us, not petitions, but resolutions! in language not to be misunderstood and not to be disregarded. In the preamble to the resolutions, they refer to the time and circumstances of the country when this bank was chartered; the causes which induced the passage of the act for chartering the bank; its severe losses in the attempt to restore a sound and healthy currency, equal to gold and silver; its ultimate success, and its beneficial effects upon the interests of the country. These men do not consider this bank as a "monster," whose power is so dangerous; for they have only felt its benefits. They are not terrified at this cry of "monopoly," or "moneyed aristocracy!" They recollect how difficult it was to obtain subscription to its stock; they know that, without the subscription of Stephen Girard of Philadelphia, and some individuals in New York, who assumed the balance of the stock, this charter, which was voluntarily offered by Congress—not on the application from moneyed men, or the capitalists of the country, but emanating from the wants of the Government—came very near, and would have been, a total failure. They are willing to trust the use of this power of doing good, as they use the power of the elements or of steam, for the benefit of man—as an agent or servant, not as a master! They declare "that the present embarrassment and distress are to be attributed to the hostile attitude of the Executive towards the Bank of the United States, and that no adequate relief can be given but by a speedy restoration of the deposites, and a recharter of the bank." He moved their reference to the Committee of Ways and Means, and that they be printed.

MEMORIAL OF BERKS COUNTY, PA.

Mr. MUHLENBERG presented a memorial of farmers, mechanics, manufacturers, and others, citizens of the county of Berks, in the State of Pennsylvania, praying that the deposites of the public money may be restored to the Bank of the United States.

Mr. M. said, in presenting this paper, he wished to be indulged with some remarks, and he promised those who had petitions to present that they should be very brief. He represented a district composed of the single county of Berks, with a population of 60,000 souls. The 1,850 signers to the memorial were a part of that population, and but a small part of his constituents. He deemed it proper for a representative to present any petition from any part of his constituents, whether he concurred with their views or not. In the present instance, he differed *toto cœlo* from the memorialists, and he believed that a large part of the citizens of the county coincided with him in his views. He believed that the restitution of the deposites would lead to the recharter of the Bank of the United States, to which result he would undertake to say that two-thirds of his constituents were opposed. What change of opinion would be produced by the continuance of the present pressure and derangement of currency, he was not prepared to say, for he was neither a prophet nor the son of a prophet. Time and experience would show. These men were a minority of his constituents; but they were a respectable minority. He observed among the names many of the highest respectability, whose opinions were entitled to great respect. But the great mass of the signers had always been opposed to the present administration; with how much effect, the result of the election had shown. Another portion of the signers were friendly to the President and his administration until the President signed the bank veto message. Another portion were still warmly attached to the President, but differed with him in relation to the policy of a bank. His duty compelled him to add, that by some persons he had been requested to say that many were induced to add their names to this memorial by statements and coloring which were unfounded in truth. Without expressing an opinion as to the expediency of removing the deposites, he must say that he was opposed to their restoration at the present time, because it must have the effect to produce the recharter of the present bank. The one measure would necessarily lead to the other. If he thought that the opinions of his constituents differed from his own, he would not say that he would conform his views to their opinions; no—an opinion deliberately formed, with reference to the interests of the whole people, he would not compromise. But, sir, (said Mr. M.,) I would instantly resign my seat, and give my constituents an opportunity to elect an individual who would represent their sentiments. But he believed that a large majority of his constituents coincided with him in opinion on this subject. He was sustained in this belief by two large meetings held in the same county, one of them consisting of 800 citizens, with the proceedings of which he had not thought proper to trouble the House. As a mark of respect to the memorialists, and to show for what purpose the memorial was circulated, and what object it was covertly and insidiously made to subserve, he would ask that the memorial be read.

After the memorial was read,

Mr. MCKENNAN said he wished to ask of his colleague [Mr. MUHLENBERG] whether he had understood him correctly, when he supposed him to say that the per-

sons who had signed that memorial had some covert and insidious object to answer by their proceeding?

Mr. MUHLENBERG denied that he had used such language.

Mr. McKENNAN said that his object was merely to meet and resist an attack which he supposed was made upon gentlemen, with some of whom he had the pleasure of an acquaintance, and as to whose character for integrity, intelligence, and worth, he would feel it his duty to bear testimony, whenever or wherever attacked; but, as his colleague had disavowed the use of the language which he supposed he had used, he was called upon to say nothing more on the subject.

Mr. BINNEY asked to be informed by the Speaker whether the memorial presented at the Clerk's table was exclusively in the English language, or whether a counterpart, in German, formed part of the memorial; and, upon being informed that the memorial presented was altogether in the English language, he said, that as several of the petitioners understood German better than English, and some, perhaps, did not understand English at all, he was induced to ask the member from Pennsylvania who presented the memorial, whether, when it was given to him to present to the House, the memorial was not in both languages?

Mr. MUHLENBERG replied that there were two copies of the memorial—one in English, and the other in German; which last, for convenience, had been detached.

Mr. BINNEY would further ask, whether it was so detached by the gentleman who presented it?

Mr. MUHLENBERG: Certainly.

Mr. WATMOUGH rose and said, that he was happy that his friend and colleague from Washington county had put to the honorable gentleman from Pennsylvania the question, which so naturally occurred to him on hearing what had fallen from his colleague who had just presented the memorial from the citizens of Berks. He was equally happy that his colleague from Berks had so promptly replied, and repudiated the idea supposed to have been conveyed, and which struck him (Mr. W.) with so much pain. There was, however, yet one part of the remarks of the gentleman who had presented the memorial to which no answer had been given, and which appeared to him to be infinitely the most objectionable of all that had been so strangely uttered. Mr. W. desired to be informed whether his colleague, in the concluding remarks of his speech ——

The SPEAKER here interposed, and said it was not in order to propose interrogatories to members.

Mr. WATMOUGH persisted, and said he wished to be informed correctly, whether his colleague did mean to say that the subscriptions to the memorial had been obtained by improper and dishonorable means. The honorable gentleman evidently conveyed this idea; and said further, that the doctrines expressed in the body of the memorial were such as could alone have come from a certain quarter, to which the people were not accustomed to look, and upon which they could not be induced to rely.

Mr. Speaker, (said Mr. W.,) as a Pennsylvanian, feeling deeply the importance and dignity of my native State, and resolved, at all hazards, and upon all occasions, to stand by and protect her from insult or insinuation, from what quarter soever they may come—on the present occasion, a proper regard to my own constituents, as well as to the highly respectable individuals whose names were appended to the memorial, induces me to reiterate the request made by my honorable colleague who spoke first. Sir, (said Mr. W.,) I know full well the honesty and integrity of the people of Pennsylvania. No State in the Union has been more highly distinguished for the sound policy of her administration, and none more for the fixed and settled purpose with which she has carried that policy out. The opinions of her people, it is true, are not hastily formed, nor are they hastily abandoned; and, however a certain set of politicians, to suit their own selfish purposes, may undertake to asperse, misrepresent, or mislead them, yet he felt convinced that, when they should once be made to understand—when the light of truth should once penetrate, and the great questions, of paramount importance to them, which now agitated the whole Union, should be presented to their strong and discriminating minds, they would not be prevented from coming to a just and proper decision by any such intimation as the honorable gentleman had thought proper to make. No, sir, (said Mr. W.,) let the light of truth once shine upon them, and they will not stop to ask whether it has come from the Philadelphia school; nor will they permit any one to insinuate that it has sprung from a corrupt or degrading source. They know too well what is due to their own dignity as freemen. Sir, the day of retribution is at hand, when those who have ventured so long to tamper with the honesty and best interests of an upright people will be taught a lesson they will not shortly forget. In conclusion, Mr. W. remarked, that he had propounded the question, and felt assured that his colleague would answer it, with the candor and manhood which formed part of his character.

Mr. MUHLENBERG: If my honorable friend will take care of his own district, I will take care of mine. I am responsible to my own constituents for my course here, and forbid any interference of the kind. I have spoken respectfully of my constituents. In using the term "covert," I intended to convey the idea that signers to the memorial were obtained with a view to the recharter of the bank; whereas there was not one word in the memorial about the recharter of the bank. If the question was put to his constituents, whether they were in favor of General Jackson, two-thirds of them would say—yes; and if they were asked whether they were in favor of a recharter of the bank, two-thirds of them would say—no.

Mr. McKENNAN said: My colleague now admits that he used one of the offensive terms which I had attributed to him, notwithstanding his previous disavowal. He admits that he attributed to the memorialists a covert design; and I have to regret that his memory and mine differ as to his having used the term "insidious" in the same connexion. But, I ask, how is he justified in alleging that an attempt was made to mislead and deceive the people; and that the object was really to effect a recharter of the bank, under the cover of a pretence to procure a restoration of the public deposites? Where is his evidence? There is not a word about the recharter on the face of the memorial; and he would undertake to say, that many of the gentlemen who had signed the paper would spurn the suggestion that they had attempted any deception.

Mr. MUHLENBERG rose to explain, and said that he had no doubt that many men whose names were on this paper would spurn the suggestion that they had attempted to make a false impression, or had practised any deception; but that there were some underlings, who would not be so particular about their conduct. He said he would like to know how many of the names subscribed to the memorial were known to his colleague?

Mr. McKENNAN resumed, and said: I will answer the inquiry by propounding another to my colleague. I will ask him to name the underlings, to whom he undertakes to attribute the charge of fraud and deception. It is due to the House, and due to the persons implicated. A course of this kind will enable his constituents to judge of the correctness of the imputation, and, if unjust, would afford the persons so seriously implicated an opportunity of acquitting themselves of so grave a charge. He said it was not for him to interfere between his col-

league and his constituents, as to the nature or binding influence of their instructions; but he wished to vindicate the character of respectable individuals from an unjust imputation. He must, however, be permitted to say to his colleague, and to the House, that a memorial signed by upwards of eighteen hundred persons, scattered over a congressional district, and their signatures obtained in a very short time, was entitled to serious consideration. He would submit to his colleague whether, under the circumstances, it was not a full, and loud, and powerful voice of his constituents; and, as such, ought to be respected?

The SPEAKER asked whether the gentleman from Pennsylvania intended to embrace the names in the motion to print.

Mr. MUHLENBERG said he did not.

The memorial was then ordered to be printed.

Mr. WATMOUGH moved the printing of the names appended to the memorial.

Mr. BINNEY said this motion was connected with the inquiry previously made by him, as to the memorial in the German language. As many of the names would be found in the German character, he wished to have the German original before the House, as an answer to the suggestion, whenever and wherever it might be made, that the memorial was submitted to the subscribers in a language which they did not understand. Since the allegation of insidious and covert designs had been made, the production of the German memorial had become essential to protect the petitioners, or some of them, from misrepresentations, designed or undesigned, that they did not understand the paper which they had set their names to. He said that, while up, he would avail himself of the occasion to say that he did not admit the theory of the gentleman who presented the memorial--that he had such a property in his constituents as to warrant him in saying (as in substance he had said) to his friend from another district in the same State, [Mr. WATMOUGH,] that he should mind his own business, instead of interfering with the district of the gentleman who presented the memorial. He did not admit the theory; but, on the contrary, when a body of most respectable petitioners were subjected to the remarks which the House had heard, he should at all times assert the right to interfere for their protection, whether they belonged to his own district or not. Several of the petitioners he knew as among the most respectable inhabitants of Berks, itself one of the most important counties in Pennsylvania; and he also knew that they were as much above the employment as they were above the influence of underlings for insidious and covert designs of any kind. Unless the German original was annexed to the English memorial, the printing of German names might become the occasion of misrepresentation.

Mr. MUHLENBERG rose only to explain the circumstances in connexion with the separation from the memorial of the German translation. The original memorial, as brought to him, was written in English and German. It was so much mutilated, that he handed it to the person from whom he received it, to make a new copy for presentation to the House. It was not proposed to him, nor did he think it necessary, to present also the German copy. He had no objection to the presentation of the German copy. If gentlemen wished it, they could have it.

Mr. MERCER said that the memorial directed to be presented was written in two languages; and, therefore, when the German portion of it was withheld, the House was not put in possession of the whole memorial.

Mr. BINNEY would simply request the gentleman to hand the German copy to the Clerk.

Mr. WAYNE said, if it could be supposed that a single individual who had signed the memorial would not have signed it if the German copy had not been appended, it was a sufficient reason for presenting the German copy with the other.

Mr. MUHLENBERG had no objection to it, and should comply with the request. He also stated that he had no objection to the printing of the names.

Mr. WATMOUGH demanded the yeas and nays on his motion, and they were ordered.

Mr. TURRILL objected to printing names of this, or any similar memorial. It was time to put a stop to this kind of operation. We had already printed half the names in Philadelphia, at the public expense. What was the object? Not to enlighten the members of this House in regard to the question: any one who wished to see what weight was attached to the names could go and read them in the Clerk's office, without drawing any money from the treasury. In the first place, the bank gets up its panic meetings, and then they come and ask us to pay the expense of printing and circulating their proceedings, memorials, and even the signatures. He could see no possible benefit to result from printing the names. If gentlemen who advocate the printing would give a reason for it, he would withdraw his objection.

Mr. MILLER was indifferent whether the names were printed or not; but he was at a loss to imagine why this system of catechising members was introduced. His colleague had stated, expressly, that the memorialists were many of them highly respectable men. The effect that the memorial was intended to have could be seen by any one. He believed, himself, that it was impossible to draw a distinction between the question of a restoration of the deposites and the recharter of the bank. Who could doubt that the restoration would produce a recharter? And he had understood his colleague, [Mr. BINNEY,] with his accustomed frankness, to avow the opinion that, unless the bank were rechartered, the restoration of the deposites would be of no avail. In regard to the duplicate memorials we were contending about, they were both the same, and it was of no consequence which was presented to the House.

Mr. McKENNAN said, as he was referred to by his colleague, [Mr. MILLER,] who had thought proper to come up to the defence of the gentleman who had presented the memorial, he begged leave to submit a few observations in reply. He says that my honorable colleague had borne his testimony to the respectability of the memorialists, and had treated his constituents with perfect fairness. I wish to call the attention of the House to the language of my colleague on the presentation of the memorial. It is true that he stated that the memorial was signed by upwards of one thousand eight hundred persons, many of whom were respectable—some of them persons who had belonged to the Jackson party, but who had seceded since the veto upon the bank bill; and some of them were still adhering members of the party, who differed from the administration on this particular measure. But, at the same time, he undertook to impute to those persons, in whose favor he had thus testified, a covert and insidious motive. This, in my view, sir, is giving a character of his constituents with a vengeance, and one for which, I venture to say, they will not thank him. I feel it my duty, on behalf of many of these memorialists, to pronounce the imputation an aspersion on their character, and to call upon both my colleagues to produce the proof upon which the charge is attempted to be supported. But my colleague on my left [Mr. MILLER] puts it to me and the House to say, whether all do not believe that, if a restoration of the deposites should be effected, the recharter of the bank must necessarily follow. For myself, sir, I will undertake to answer that there is no necessary connexion. Gentlemen may, in order to justify themselves before their constituents for supporting a high-handed, unjustifiable, and destructive measure, use their efforts to connect it with a

question of the recharter of the Bank of the United States, and thus cover themselves under the prejudice which is supposed to exist among the people on that subject. But they have no justification in fact for doing so. After the passage of the bill for the recharter of the bank, which was vetoed—and, as I believe, most unjustifiably vetoed—by the President, I took it for granted, and the nation took it for granted, that the bank must die; and the only hope was, that it would have been permitted to expire in peace. It would have so expired in a short time, if the measure of the Treasury had not been adopted, which has produced so much excitement and so much distress; and which measure, I feel constrained by a sense of duty to say, is most inexpedient and unjust, and has been, and will be, most ruinous in its consequences. The plighted faith of the Government has been violated; and it is the duty of every member of this House to vote for the redemption of that faith, without any regard to the course which he may hereafter feel it his duty to adopt on the subject of the recharter of the institution, which has been so unfortunate as to fall under the displeasure of the Executive.

Mr. BINNEY said he would ask to say a few words in reply to the gentleman from Pennsylvania near him, [Mr. Miller.] He felt himself under the necessity of rejecting the praise which that gentleman had awarded him for frankly avowing that, unless the bank was rechartered, the restoration of the deposites would be of no avail. He had stated no such proposition. On the contrary, in his remarks to the House on a former occasion, he had taken some pains to be so understood as to express no sentiment of the kind. He had then said that, if the bank was not to be rechartered, nor another bank to be chartered, nor any control devised to prevent the currency from running into inextricable confusion, he considered the question of time, and a short respite by the present return of the deposites, as of but little importance; and this was not the remark which the gentleman had attributed to him. As to the part which he had taken in the small catechism to which the gentleman had alluded, he would say that, if it tended to show what was the duty of a representative, as the graver work of that name was intended to show the whole duty of man, it would not be without its use. The gentleman had asserted the right of a member, to whom a memorial was delivered for presentation, to detach a part of it, and to present the residue only, if he thought it to be of the same effect. He could not agree with the gentleman. The duty was, to present it as it was given to him, if he presented it at all; and no better illustration could occur than in the present case, in which the separation of the German counterpart might give color to the remarks which had been made to the House. In ordinary cases, he should consider it unnecessary to print the names; but the principle stated by his friend from Pennsylvania [Mr. McKennan] he apprehended to be correct: that, where artifice or fraud was imputed in obtaining signatures, it was proper to print the names at length, that the fraud or the calumny might be exposed. For this reason, he had moved, on a former day, to print the names annexed to the memorial from the city and county of Philadelphia, and should vote for the present motion.

Mr. SUTHERLAND said it was rather strange so much should have been made upon so small a matter. His colleague did throw out an idea that there was something insidious, owing to some misapprehension in the signers, in the manner by which some names were withdrawn from this petition. Generally speaking, he wished gentlemen to consider the propriety of having names printed to the memorials as calculated to do little good, except to benefit the public printer. Although there are many persons who signed this and other memorials from Pennsylvania, they were the steady friends of the administration, but who thought that in this matter a mistake or error had been committed by General Jackson, for whom they did not claim absolute infallibility, or that he was more than man. He wished that the names would be printed, that it could be hereafter seen they would be found again, as they had always been, ardently supporting the principles of the republican party.

Mr. McKENNAN said the friends of the administration had reason to congratulate themselves on the accession of a new member to their ranks, and to thank his colleague from Philadelphia [Mr. Sutherland] for the eulogy he had pronounced upon the President; that this was language which to him was new, and was such as he was not accustomed to use in the last Congress. The fact which he stated exhibited strongly the propriety of printing the names of the memorialists. If there were persons who supported the present administration generally, who dared to come out and avow their decided disapprobation of this disastrous measure, they ought to be known; they deserve credit for their independence and patriotism, and their names ought to be spread before the public. He trusted their example would be followed by all others who prefer the good of their country to the idolatry of a man. Another reason why the names ought to be published was, to afford the House an opportunity of ascertaining whether the memorialists were citizens and taxable inhabitants; and, of course, of determining whether any weight was to be attached to their representations or not. And in order to illustrate the force of this reason, he would state a fact in relation to a petition which had been presented here some time since from the city of Pittsburg, highly approbating the conduct of the Executive, and urging Congress not to direct a restoration of the deposites. It had about 336 signatures, purporting to be from citizens of Pittsburg; and the House would be surprised to learn that, on a comparison of the names with the tax list, it was found that 133 only were taxable inhabitants, leaving 200 of those petitioners who were either boys or strangers, or could have little interest in either the currency or the prosperity of the country.

There was still another reason why the names should be published, to be found in the allegation that some of the memorialists had been imposed on. If this were the fact, the fraud and artifice ought to be detected, and the signatures ought to be laid before the people of Berks county, so as to lead to that detection. He hoped the publication would be made.

Mr. MUHLENBERG said there was some misapprehension as to what had fallen from him. He had not objected to the printing of the names of the memorialists. He, however, would state that he held a letter in his hand, signed by nineteen persons, whose signatures were affixed to this memorial, in which they expressly state that they had been induced to sign it from some misconception of its purport, and they had authorized him to state so to the House.

Mr. WATMOUGH, understanding all objection to the printing, on the part of his colleague, was withdrawn, was by no means desirous to occupy, unnecessarily, the time of the House; and, on the understanding, therefore, that no objection would be made, he withdrew his call for the yeas and nays.

[Subsequently, Mr. W. observing that an objection was about to be raised to the printing, resumed his call for the yeas and nays, and they were ordered.]

Mr. MANN, of New York, wished to know whether the printing was to be in Dutch, that there might be no cheatery.

The SPEAKER said he had announced his intention of having the memorial printed in the Dutch.

After a few observations by Mr. FELDER and Mr. MERCER,

Mr. TURRILL would oppose, if he stood alone, the printing of all such petitions. It was surprising to him to hear such an unnecessary expense advocated. There

was, among others, a petition already printed on this subject, with sixty-two pages of names, at a considerable expense. These petitions, he believed, were got up originally by the bank, and those who procured the signatures were paid for their trouble out of Mr. Biddle's breeches pocket. He felt that it was time for the House to take a stand, and save the treasury from this expense which was sought to be thrown upon it. It was possible that many of those who signed the petitions from the large cities were stimulated by the assurance that their names would appear in a printed book.

Mr. H. EVERETT did not think the member from New York [Mr. TURRILL] warranted in taking for granted that all the memorials presented on account of distress were got up by the bank; and he desired to know if it was the design of gentlemen, by making such statements, to forestal public opinion, and thus prevent them coming forward to testify their deep sense of that distress? If such denunciations were made, it must have the effect of deterring, in futute, any petitions being sent. He hoped that the representatives would not consider themselves so much the representatives of any particular district as of the whole people; and that, when petitions should be presented, they would be treated by members in a respectful manner. They should look to considerations affecting the general good, and ought to be above those of party.

Mr. BURGES was astonished at the opposition given to the printing of the names to memorials on the ground of expense, and he advocated it as necessary to establish, beyond question, whether the distress which now agitated the country was real or pretended—was got up by the people themselves, or by the influence, as charged, of the bank.

Mr. LANE believed that the statements they had heard, that these memorials about distress were got up by the bank, were justly founded. They had been known to originate almost at the doors of the bank, and only from those places directly under its influence. There was no voice of distress from Indiana or Illinois.

Mr. EWING corroborated the statement that there was no distress felt in Indiana; and he maintained that there was a general feeling that the people should have some benefit from the profits derived by the bank; that they thought these profits should not be monopolized by any institution which properly belonged to themselves. As other memorials had been printed, he would vote for the printing of this, both in German and English.*

Mr. CROCKETT rose and said: Sir, as I am the only person from Tennessee in this House who is opposed to the administration, I hope I may get a few words in—that I may say what are my own notions on these matters. Sir, I think the member from New York [Mr. TURRILL] who has just spoke, has been a little testy in his objections; he talks much about this, as if it was a great matter. Sir, are we to stick at such trifles as a few dollars, in printing a matter so important? It seems, sir, to me to be something like loading a twenty-four pounder to shoot a flea. Sir, is it not so? We are spending three or four thousand dollars in discussing the printing of a matter that perhaps, after all, will not be twenty dollars cost. But, sir, this is retrenchment; but it is the old rule for retrenching. I love, sir, to see the petitioners come here, and, my life on it, sir, they will come—ay, and from Indiana—for all that we hear to the contrary; and, from my own State, every day my letters tell me they wish this question settled. They know very well in my district the character of the man who, when he takes any thing into his head, will carry it into effect. They know how I should act in this bank business, for I told them, before I was elected, how I should vote—that I would recharter the bank and restore the deposites. Sir, I get letters every day, from all parts, which tell me these acts are disapprobated. The question is, now, whether we shall continue to live and do well under the old and happy state of things, or have a despot. Sir, the people have a right to tell their grievances, and, sir, I tell you they must not be refused.

Mr. ASHLEY, of Missouri, said that he could not undertake to state, with any degree of precision, how the people of Missouri were divided on the important question of the removal of the deposites, nor could he account for not having received memorials from his constituents on that subject. Perhaps the people of Missouri have come to the conclusion that memorials, petitions, or prayers of any kind touching this subject, would avail nothing; that, should they be favorably disposed of by Congress, they might be disregarded in another quarter. Mr. A. thought the people of Missouri as deeply interested in this measure as those of any other portion of the Union. The State had been, a few years ago, literally inundated with local bank paper, when every thing in relation to the currency of the country was confusion and distrust. On the introduction of the paper of the Bank of the United States, this unsound and fraudulent currency (local bank paper) gradually diminished, and, at length, entirely disappeared. Since that time up to the present, every thing

---

*HOUSE OF REPRESENTATIVES,
February 27, 1834.

Messrs. GALES & SEATON:

Gentlemen: I am sorry to be required to correct every notice taken in reports of what has heretofore fallen from me since I have occupied a seat, or, by silence, suffer the most obnoxious misrepresentations to go forth to the world. This is the case more particularly in a perversion of my sentiments expressed on the 24th instant, as republished, from the Globe of yesterday, in the Intelligencer of this morning. It may arise from the position of my seat, that I have not been distinctly heard by the reporters; but what is not heard should not be reported without inquiry. And I find my consciousness confirmed by every member I have consulted, that, when I followed my colleague on the occasion adverted to, I did not corroborate his statements, but, on the contrary, felt myself called upon, (and so stated,) as Indiana had been referred to in a way to impress a wrong belief of no dissatisfaction or apprehended distress existing there, because remonstrances were not obtruded upon Congress, to avow that many letters had reached me, manifesting great dissatisfaction and fear of approaching pressure; that the want of a safe and sufficient circulating medium is felt, and that the effect of recent measures, touching the deposites and the United States Bank, could not be experienced until the produce of the last season be sent to market, which will be in the month of March; that it was known I was the advocate of a national bank, to be constituted upon principles very different from those of the existing corporation; that the people did not confer power for the benefit of a few, and had reason to believe, when their authority was not exercised for the benefit of all, it was abused; that, inasmuch as corporation banks belong to a few, the authority of this Government, founded upon the equal rights and equal privileges of the people, should not be conferred upon such institutions, nor would the freemen of the country rest satisfied that power thus conferred would not be abused to all eternity; that I viewed a combination of State banks yet more dangerous and much more subject to abuse, for they are unconstitutional monopolies, and beyond the reach of the power of this House; that I could not sanction such places of deposite, except temporarily, until a proper substitute can be organized; that, although the opinions of the President are reported to be fixed, yet that fact, situated as matters now stand, is not to control the action of the representatives of the people; it leads to his own accumulation of power, and I should give to Cæsar only what of right he is entitled to; the control of the purse the people deposited with Congress, and in Congress this power must be kept; that, however desirous I felt to agree with the President, I would not be tempted to abandon the rights and interests of the people and the union of these States, which a uniform and safe currency is essential to promote; that the people must have the control, &c., &c.

I need add nothing more, as I here give you enough to show to the world what is known to every member of the House, that I have been entirely misrepresented in the report published.

Respectfully, your obedient servant,

JNO. EWING.

in relation to the currency of the country had moved on smoothly; but he feared, from present appearances, this state of things would not long exist.

Mr. LANE made some explanations in reply to his colleague, [Mr. EWING.]

The question was then taken on the motion to print the names signed to the memorial, and decided in the affirmative—Yeas 111, nays 91.

MEMORIAL FROM CHESTER, PA.

Mr. POTTS presented a memorial of inhabitants of the county of Chester, in the State of Pennsylvania, praying that the deposite of the public money may be restored to the Bank of the United States.

On presenting this memorial, Mr. P. said that he had presented six memorials from citizens of Pennsylvania, his immediate constituents, of a character similar to many others presented to the House.

The memorialists represented that a most severe pressure existed in the moneyed concerns of the community; that public confidence was greatly impaired; and that the currency of the country was becoming daily more and more unsettled and deranged. They represented that hundreds of their fellow-citizens, whose business was dependant on a regular market, public confidence, and the usual accommodations incident to mercantile and commercial pursuits, were on the verge of ruin; that they were excited to inquiry as to the cause and the remedy for a state of things so alarming, and so destructive of the best interests of the country; and that they felt themselves bound to declare that, in their opinions, the distress and difficulties experienced in the moneyed concerns of the community were fairly ascribable to the removal of the public deposites from the Bank of the United States. They, therefore, called upon Congress, whose province they believed it to be, to provide the remedy; to place the currency on the same sound foundation in which it was known to stand on the 1st of September last. That, whilst they expressed their doubts of any measure short of the restoration of the public moneys to the Bank of the United States having the desired effect, they, at the same time, declared themselves impressed with the deepest conviction, and fullest assurance, that, by the adoption of that measure, public confidence would be restored, the currency be redeemed from its debased and vitiated state, the distress that now prevails would be relieved, and the ruin that now threatens be averted.

Mr. P. said that he fully concurred in opinion with the memorialists as to the cause, the extent, and the remedy for the existing evils; that he believed that, by the removal of the public treasure from its proper and legitimate depository—an act by which public confidence had been deeply shaken, and credit, the active, vivifying principle of trade and business, had perished—a blow had been struck, heart deep, at the prosperity of the country; that, with them, he too agreed that it was peculiarly the province of Congress to place the currency upon a sure and stable foundation; but that that subject would be left to be regulated by the Legislative Department of the Government, he confessed he entertained many and strong doubts. He would, however, forbear further comment, and move that the memorial be referred to the Committee of Ways and Means.

After the reception of sundry other memorials, the House adjourned.

TUESDAY, FEBRUARY 25.

After the reading of the journal,

Mr. ADAMS, of Massachusetts, asked the unanimous consent of the House to make a motion; (such consent being requisite, under the present arrangement of the rules of the House, to enable any member to make a motion.) Objection being made to this request,

Mr. ADAMS moved to suspend the rules for the purpose of enabling him to submit a motion; (the assent of two-thirds of the House is necessary to the suspension of a rule;) on this motion the division was, ayes 88, noes 52. So the motion was not carried.

[The reporter is enabled to state that the resolution which Mr. ADAMS was not allowed to move was in the following words:

"*Resolved*, That the Secretary of the Treasury be directed to report to this House a statement of all the sums denominated, in the Treasury accounts, unavailable funds; specifically designating the several banks or individuals indebted to the Treasury therefor; the time when each debt first became due; the time when failure of payment thereof first occurred; the security, if any, which the public have for payment thereof at any time; and the prospect of such eventual payment."]

FORTIFICATIONS.

The House then resumed the consideration of the bill making appropriations for certain fortifications of the United States.

The question being on the motion of Mr. McDUFFIE to recommit the bill to the Committee of the Whole on the state of the Union—

Mr. McDUFFIE explained that his only wish was to recommit the bill in order to have its provisions more fully investigated; he asked for the yeas and nays, which were ordered.

Mr. POLK reminded the House of the fact that there were four works introduced into the bill for which small appropriations had been previously made. One of these forts was in Boston harbor, another at New Orleans, a third for the defence of Pensacola, and the other at Throg's Neck, New York. The Secretary of War deemed it necessary that these works should be completed. The aggregate appropriation was about sixty-six thousand dollars beyond that of last year.

Mr. WILDE said that the fact of these appropriations being for the benefit of the great commercial ports would secure their passage. He adverted to the project for a defence of the seacoast by General Bernard, and to the classification and estimated expense of the various works. The armament of these fortifications would consume a great amount of money, would require much time, and would render necessary a large augmentation of the military force. To show this, he referred to information communicated to Mr. Hamilton, of South Carolina, when he was chairman of the Military Committee of the House. He stated a few other facts to show the importance of a full examination.

Mr. CAMBRELENG said he thought that a less amount could not properly be appropriated. He said that the evil which existed did not grow out of the appropriations for the navy and the army, but out of the expenditures beyond these objects.

Mr. PINCKNEY said that he desired the recommitment of the bill, and, if it were not recommitted, that he should be compelled to vote against the bill. He was not opposed to fortifications, but the annual appropriations had increased until they had reached an amount which he thought too large, in a moment of profound peace, and when economy ought to be an object of attention and pursuit. In the present state of our finances, we could not afford to make extravagant appropriations. The President had recommended to Congress to avoid such appropriations.

The CHAIR called the gentleman to order, as going into a range of debate which the question did not permit.

Mr. PINCKNEY then stated that his object was to move an amendment. He remarked that there was a fort in Charleston harbor called Fort Moultrie, of which the Carolinians had been proud, and for which they had never

INDEX TO THE DEBATES IN THE SENATE.

Adams (Massachusetts) memorial, complaining of the injurious effects of the measures of the Government, 1424.

Adams county (Pennsylvania) memorial, in relation to the removal of the deposites, 1725.

Addison county (Vermont) resolutions on deposites, 1594.

Adjournment of Congress proposed by the House of Representatives, 1833; consideration postponed, 1880; proposition agreed to, 1917; subject again discussed, and resolution laid on the table, 2077.

Albany memorial, complaining of the removal of the deposites, 1177.

Albany memorial, contra, 1226.

American State Papers, a resolution authorizing the purchase of thirteen copies, agreed to, 1725.

Appropriation bill taken up, 331; amended and passed, 333.

a conference on ditto proposed by the House, and agreed to, 337; report of the committee, 336, 341.

Appropriation bill for the army, from the House, reported with two amendments, which were agreed to, and the bill passed, 1718.

Appropriation, general, bill, taken up, 2021, 2030; ordered to a third reading, and passed, 2076.

Appropriations, (*See Indian.*)

Augusta (Georgia) memorial, asking a restoration of the deposites, 1167.

Augusta (Maine) memorial, against the removal of the deposites, 1838.

Bailey, Mountjoy, a bill for the relief of, taken up, 1835; rejected, 1838.

Baltimore, memorial of sundry merchants of, on embarrassments in the money market, referred, 716.

proceedings of a public meeting, 1584.

Baltimore and Washington railroad, a bill to aid in the construction of, taken up, 1751; bill passed, 1761.

Bank of the United States, resolution introduced by Mr. Clay, calling on the Secretary of the Treasury for certain statements, 24; called up for consideration, 29; amended and agreed to.

resolutions by Mr. Clay, calling on the Secretary of the Treasury for certain documents in relation to the banks, 44; agreed to, 53.

report made by the Secretary of the Treasury, in answer to the above call, 94; ordered to be printed.

a bill for rechartering the bank. Mr. Webster asked leave to introduce a bill for this purpose, 984—the question on granting leave discussed at length. Subject resumed, 1057; motion laid on the table, 1145.

Bank memorials, report showing the number of signers, 2036.

Bath (Maine) memorial, complaining of the distresses of country, 1243; referred.

Beaver (Pennsylvania) memorial, on the distresses of the country, 1171; referred, 1177.

Blair, James, (South Carolina,) his death announced, and orders entered into for his funeral, 1240.

Boston memorial, in relation to the removal of the deposites, 978; referred, 983.

report on the above memorial, 2125.

in relation to gold coin, 1596.

Boston memorial, against rechartering the Bank of the United States, 1712.

Bouldin, Thomas Tyler, his death announced, and the usual resolutions for his funeral, mourning, &c., 538.

Bridgeport (Connecticut) memorial, on the subject of the deposites, 1005; referred.

Brooklyn memorial, on the distressing state of the currency, 942; referred.

Buckner, Mr., notice of his decease, and the usual motion of mourning by Mr. Benton, 11.

Burlington (Vermont) memorial, on the removal of the deposites, 855; referred, 862.

Centre county (Pennsylvania) memorials, on the present state of public affairs, 1251, 1583.

Chambersburg (Pennsylvania) proceedings of a meeting in relation to the distresses of the country, 1107.

Chaplain, Rev. Mr. Hatch elected, 27.

Cherokee memorial, complaining of the oppressions of Georgia, 1772.

Chesapeake and Ohio canal, a resolution introduced from the Legislature of Maryland in its favor, 1205.

Chittenden (Vermont) memorial, against the removal of the deposites, 1240.

Claim of Elizabeth Robinson, a bill for the relief of, taken up, 1746; passed, 1751.

Claims for lost property in the war with Great Britain, a bill for, laid on the table, 2071.

Columbia county (Ohio) memorial, sustaining the Executive, 1733.

Columbia (Pennsylvania) proceedings of a whig meeting, 1761.

Coins, a memorial from the banks of New York respecting gold and silver coin, 1805.

Committees, appointment of, by the Senate, took up; a resolution introduced by Mr. Sprague, 20; called up for consideration, 27, and agreed to; election postponed, 41; committees elected, 42.

Congress, a bill for an earlier meeting of, introduced, 1896; laid on the table, 1917.

Congress, a bill for rebuilding the frigate of this name taken up and passed, 2127.

Connecticut, sundry petitions and resolutions in relation to the distresses of the country, 656.

banks, the memorial of, on the deranged state of the currency, 808.

Constitution, Mr. Benton introduced a resolution to amend it, 20.

Mr. Bibb also introduced a resolution to amend it, 29.

Mr. Kent also introduced a resolution to amend it, 58.

Mr. Bibb's amendment taken up, 1813, and referred to a committee.

Mr. Benton's proposition referred to same committee, 1879.

Culpeper (Virginia) memorial, against Executive proceedings in relation to the Bank of the United States, 1188.

Cumberland road, a bill appropriating money for a continuation of it, 1142; rejected on motion to engross, 1239. The vote of rejection being reconsidered, the bill was recommitted, 1240; again considered, 1716; ordered to a third reading, 1717; passed, 1718.

Delaware, a memorial respecting the public deposites, 750.
Dennis, Littleton Purnell, a member from Maryland, his death announced, and orders taken for his funeral, 1316.
Deposite banks, resolutions submitted by Mr. Southard, 1614; agreed to.
resolution instructing the Committee of Finance to sit during the recess, to investigate the condition of the banks, agreed to, 2125.
Deposites, (*See Government deposites.*)
District code. On motion of Mr. Chambers, the report of the joint committee of last session, on a system of criminal laws, was referred to the Committee on the District of Columbia, 96.
Door-keeper, assistant, Stephen Haight appointed, 19.
Duties on lead, a bill concerning, taken up, 2022.

Edgecomb county (North Carolina) proceedings of a public meeting, 1538.
Election of President and Vice President, (*See President.*)
Ellsworth, Chief Justice, a bill to procure a marble bust of him, to be placed in the Capitol, passed, 825.
Essex county (New Jersey) memorials, on the deranged state of the currency, 809.
Exiles from Poland, a bill granting them certain lands, ordered to be engrossed, 1721; passed, 1724.

Faneuil Hall resolutions friendly to the administration, 1244.
Fife, James, a Creek Indian, a bill for his relief, passed, 2002.
Finances; instructions proposed to be given to the committee on this subject, 445; laid on the table, 448.
resolution instructing the committee to inquire into the effect of the present state of commercial affairs on the revenue, 492.
Florida canals, a bill for making them, taken up, and laid on the table, 1907.
Force bill; Mr. Calhoun gave notice that he would introduce, on a certain day, a bill for the repeal of this act, 18.
a bill for repealing the force bill introduced, 20; taken up, 1266; referred to the Judiciary Committee, 1287.
Foreign presents; a resolution, offered by Mr. Poindexter, calling on the President for a schedule of the several articles received by ministers, &c., at foreign courts, 199.
a report from the Department of State in answer to the above call, 329, which was referred to the Committee on Foreign Relations.
Foreign silver coins, a bill to regulate them, 2019; passed, 2020.
Fortifications, a bill making appropriations for, was taken up, amended, and passed, 2124.
Frederick county (Maryland) against the removal of the deposites, 1814.
France, report of commissioners to carry into effect the late treaty with, read, and ordered to be printed.
French spoliations prior to 1800; Mr. Webster reported the bill on this subject, with sundry amendments, and made the order of a distant day, 141; called up, 2000, 2024, 2033; postponed till next session, 2040.
Fulton (Ohio) memorial, in favor of the Senate's having joint authority with the President in the appointment and removal of officers, 1918.

Gold and silver currency, a resolution respecting, for the appointment of a joint committee, 1205.
Gold coins, a bill to regulate them, taken up and passed, 2122.
Gold coins, a bill to regulate the circulation of foreign gold coins in the United States, was passed, 2122.
Government deposites, a report from the Secretary of the Treasury concerning their removal, 12, (*See the Appendix for the report.*)
report called up for consideration, 25; postponed to Monday next. Again taken up, 45; again postponed. Subject resumed, 50.
resolution, offered by Mr. Clay, calling on the President to inform the Senate whether a paper purporting to have been read by him to the heads of Departments, respecting the deposites, be genuine or not, 27; called up for consideration, 30; agreed to, 37.
President's message in answer to the above, (*See President's Message.*)
resolutions declaring that the President, in dismissing the Secretary of the Treasury because he declined removing the deposites, and appointing his successor to effect that object, had exercised a power not granted to him by the constitution, &c., 58.
memorial presented on the subject, 141.
report of the Committee of Finance on the Secretary of the Treasury's report on the removal of the deposites, 467; made the special order of a certain day, and six thousand copies ordered to be printed, 483; subject taken up, 892; resolutions agreed to, 1182.
joint resolution proposing a restoration of the deposites, offered by Mr. Clay, 1813, 1817; read first time, and ordered to a second reading; passed, 1896.
a bill to regulate the public deposites in the State banks, taken up and laid on the table, 2127.

Hallowell, Maine, memorial against the removal of deposites, 1559.
Hanover, Pennsylvania, proceedings of a meeting against the removal of the deposites, 1480.
Hanover, Indiana, a bill granting lands to the college, laid on the table, 1834.
Harbor bill, a bill for making improvements of certain harbors, and clearing out certain rivers, considered, 2081; ordered to be read a third time, and passed, 2083.
Hardware, a bill concerning the duties on, the amendments concurred in, 2124, and passed.
Harrisburg, Pennsylvania, memorial against the Executive proceedings in relation to the bank, 1860.
Harrodsburg, Kentucky, memorial, 2019.
Hudson river, the bill to appropriate $70,000 for the improvement of the navigation of this river was considered and passed, 2126.
Huntingdon county, Pennsylvania, proceedings of a public meeting, 1529.

Indian appropriations, a bill for making, passed to its third reading, 2074.
Indian intercourse, a bill to regulate it, amended and passed, 2125.
Indiana memorials, remonstrating against the measures of the Executive, 1805.
Interest to States for advances, a bill providing for the final settlement of, 1910; recommitted, 2007.

Jefferson county, Virginia, memorial for relief from embarrassments, 1782.
Johnston, Mr., notice of his death, and the usual motion for mourning, by Mr. Clay, 11.

Kenawha, Virginia, memorial complaining of embarrassments, 2019.

Kentucky resolutions, in relation to the removal of the deposites, 605; referred, 606.
Kent county, Delaware, memorial praying for the restoration of the deposites, 1454.
Rhode Island, memorial on the currency of the country, 2029.
proceedings of a public meeting, 2069.

Land Bill, (*See Veto.*)
Mr. Clay gave notice that he would, on a certain day, introduce a new bill for the distribution of the proceeds of the public lands, 18.
bill for distributing proceeds of land, introduced, 24.
Land; on motion of Mr. Benton, a graduation of the price of public lands was ordered to be printed, 39.
a resolution, moved by Mr. Poindexter, calling on the Commissioner of the General Land Office for sundry particulars in relation to the public land, 44.
sundry resolutions introduced by the same gentleman, directing the Land Committee to inquire into alleged fraudulent sales of public lands, 754; agreed to, 824.
resolution calling on the Secretary of War for the name of the agent or agents who located the reservations granted to individual Choctaw Indians, 775; agreed to.
report of the Committee on Public Lands on the bill to appropriate the proceeds of the lands, and on the reasons assigned by the President for returning the bill, 1599.
a bill to provide for the legal adjudication and settlement of the claims to land therein mentioned, ordered to be engrossed, 1722.
evidence of fraud in the sale of, 2042, 2068.
a resolution giving to the Committee on Public Lands authority to issue commissions to take testimony during the recess, was taken up and agreed to, 2128.
Lafayette, General, a resolution providing for a joint committee to determine what token of respect should be adopted in relation to his decease, 2054.
Mr. Webster's report on the subject, 2071; resolution adopted, 2075.
Lake Champlain; a resolution proposed by Mr. Swift, for the improvement of this lake, agreed to, 336.
Lancaster county (Pennsylvania) memorial, complaining of pecuniary distress, 825.
Lead, duties on, (*See Duties.*)
Lexington (Kentucky) memorial, respecting the distress of the country, 1170.
Licking county (Ohio) memorial, praying for the restoration of the deposites, 1728.
Light-houses; a bill reported, making appropriations for building light-houses, &c., 2122; laid on the table, 2123; reconsidered, 2123; laid on the table, 2124; amended and passed, 2127.
Louisville (Kentucky) memorial, on the distresses of the community, 719.
Lynn (Massachusetts) memorial, on removal of deposites, 1113.
Lyme (Connecticut) memorial, condemning the removal of the deposites, 1992.

Maine, petitions in relation to the distress of the country, 616.
memorials, 942, 1287.
Marine corps, a bill for their better organization, read a second and third time, and passed, 1833.
Mariners' common schools, a memorial praying for aid in supporting them, 1812.
Maryland; memorials from four banks of that State, 1056.
Maryland, Union Bank of, a resolution respecting, introduced, 1141; agreed to, 1206.
Massachusetts resolutions, in relation to removal of deposites, 836.
Mercer, Pennsylvania, proceedings of a meeting against the removal of the deposites, &c., 1917.
Michigan, the Territory of, a bill authorizing the people to form a separate State Government, a motion to take it up immediately for consideration; bill laid on the table, 1724.
Mobile memorial, complaining of a check given to their prosperity, 1206.
Montgomery county (Pennsylvania) memorial, complaining of the distresses of the country, 1803.
Muncy (Pennsylvania) memorials, in relation to the public distress, 1187.
Muskingum county (Ohio) memorial, praying for the abolition of slavery in the District of Columbia, 1260.
Navy; Mr. Webster reported a bill making appropriations for the naval service for 1834, without amendment, 291.
New Bedford (Massachusetts) memorial, from the several banks, on the distresses of the country, 745, 1607; referred.
Newcastle county (Delaware) memorial, sustaining the administration in the removal of the deposites, 1729.
New Hampshire memorials, complaining of the distress of the country, 1538.
resolutions, sustaining the Executive, 2057, 2066.
New Jersey resolutions, in relation to the removal of the deposites, 526.
memorials, in relation to the existing public distress, 614.
resolutions, and memorial from Cumberland county, on the same subject, 679.
petitions, respecting the currency, 862.
five memorials on ditto, 1049.
memorials, 1261, 1726.
resolutions and memorial, in favor of administration, 1425.
proceedings of two different meetings, 1434.
New Orleans memorial, complaining of the distress of the times, 1007; referred, 1019.
New York resolutions, in relation to the removal of the deposites, 397; after debate, laid on the table, 416; referred to the Committee on Finance, 492.
memorial, on the condition of the finances of the country, 464; referred to the Committee on Finance, 466.
memorial from the clerks, &c., of New York, 1048.
memorial from Troy and Schenectady, 1310.
Pennsylvania, and Michigan memorials, 1722.
memorials, opposed to the measures of the Executive, 1780.
Nelson county (Kentucky) memorial, opposed to the removal of the deposites, 1732.
Norfolk memorial, on the embarrassments of the currency, 749; referred.
North Carolina resolutions, in relation to the removal of the deposites, 529.
memorial from thence, on the distressed condition of the country, 681.
memorials, from Wilkesborough and Halifax, 1140.
another memorial from Wilkes, 1205.

Ohio memorials, complaining of pecuniary embarrassments, 1290.
a bill establishing the northern boundary of, 1781; taken up, 1899; ordered to be engrossed, 1906.

Ohio memorials, approving the course of the Executive, 2065.
Ontario county (New York) memorial, complaining of the effects of recent measures of Government, 1475.
Order, questions of, 13, 14, 29, 485, 525, 970, 1115, 1387, 1420, 1606, 2066, 2067.

Pennsylvania petitions, in relation to the removal of the deposites, 607; laid on the table, 612.
memorials, on the same subject, 717, 1581.
and New York memorials, complaining of the measures of the Executive, 1782.
and South Carolina memorials, ditto, 1954.
and Kentucky memorials, 2027.
Pension fund; see message of the President on this subject, 462; report of the Judiciary Committee on the subject, 573; 6,000 copies ordered to be printed.
bill making appropriations for the payment of revolutionary and other pensioners for the year 1834; read second and third time, and passed, 715.
agency, report of the Judiciary Committee on the subject, taken up, 1729, 1735.
roll, a resolution respecting the, taken up, 1824; laid on the table, 1833; agreed to, 1899.
Pensions to French seamen, a bill for that purpose, 2041; ordered to third reading, and passed, 2075.
a resolution offered by Mr. Preston, relative to the mode of printing the pension information called for by him, passed 2127.
Petersburg memorial, on the removal of the deposites, 876; referred, 892.
memorial, approving ditto, referred, 1112.
Petitioners, an order for ascertaining the number of, for or against the removal of the deposites, 1302; adopted, 1305.
Philadelphia resolutions, remonstrating against the removal of the deposites, 802; referred.
mechanics' memorial, on the present state of the country, 826; referred, 832. Another memorial, 1006; referred.
memorial, 958; referred, 959.
memorial from silversmiths, &c., referred, 1141.
memorial of young men, 1145; referred, 1156.
Pitts, Seth, memorial of, a soldier of the Revolution, 1914.
Polish exiles, a bill reported for their relief, (*See Exiles from Poland.*) bill taken up, 2124; passed, 2127.
Portsmouth (New Hampshire) memorial, in relation to the removal of the deposites, 566.
Post Office; a resolution of Mr. Grundy, calling on the Postmaster General for sundry statements, 47.
a resolution of the same gentleman, calling on the Postmaster General for a report of money paid by that Department since July, 1828, for services rendered prior to that date, &c., agreed to, 807.
reports on the, read and discussed, 1914.
affairs, 2075; resolution appointing a committee to act in the recess, passed, 2076.
Portage county (Ohio) memorial, complaining of the public distress, 2063.
Potter, Elisha R., a resolution submitted for his compensation, 2020; agreed to, 2037.
Potomac bridge, a bill making appropriations for, modified, and ordered to be engrossed for a third reading, passed, 2127.
President's annual message received, 12.
message, in answer to a call upon him to state whether a certain document was signed by him, 37; ordered to be laid on the table, 39.
President's message, in relation to a refusal of the Bank of the United States to give up the books, &c., in relation to the pension fund, 462; referred to the Judiciary Committee, 464.
his protest against the resolutions of the Senate in relation to the deposites, 1317.
his explanatory message, 1393.
and Vice President, election of, Mr. Bibb's resolution, 1954.
resolution moved by Mr. Benton to strike out of the journals the resolution passed on the 20th of March, relating to the conduct of the President in relation to the removal of the deposites, 2128.
Prince George's county (Maryland) memorial, complaining of the removal of the deposites, 1365.
Printing old journals, a proposition for, 1305.
Pittsburg, Pennsylvania, proceedings of its citizens, 1761.
Privateer Roger, a bill for the relief of the owners and crew of, negatived, 1906.
Providence (Rhode Island) memorial, in relation to the removal of the deposites, 569.
Public printing; a resolution to repeal one passed in May, 1830, directing the Secretary of the Senate to contract with the printer of the House for documents printed by order of the House, 810.
Public distress; Mr. Clay moved that the Committee of Finance inquire into the expediency of affording temporary relief to the community, by prolonging the payment of revenue bonds, 223; after discussion, the resolution and a proposed amendment were laid on the table, 233.
Public buildings, a bill making appropriations for, read a third time, 2124.
officers, (*See Removal of.*)

Report on deposites; Mr. Wilkins moved to print 5,000 copies of the Secretary of the Treasury's second report, 199.
Removal of public officers; four resolutions, introduced by Mr. Clay, on the subject, 834; made the order of the day for the first Monday in April, 836.
Restoration of deposites, (*See Government Deposites.*)
Restriction of Executive power.
Revenue; a resolution to inquire into the expediency of extending the time for the payment of revenue bonds, 492.
statements from the Secretary of the Treasury, 2007.
Rhode Island election, contested, 2, 12.
committee of reference appointed, 19.
report of the committee on the subject, 804.
a counter report presented, laid on the table, 1230; taken up, 1252; and ordered to be printed, 1257; again considered, and agreed to, 1813.
memorials, respecting pecuniary embarrassments, 1108; referred, 1112.
memorials, respecting pecuniary embarrassments, 1456, referred, 1717.
resolutions, remonstrating against the measures of the Executive in relation to the Bank of the United States, 1910.
Robinson, Elizabeth, (*See Claim of.*)
Ross county (Ohio) memorial, on the subject of the currency, 1597.
Rule of the Senate proposed to be amended, 1288.

Salem memorial, on the state of public affairs, 1258.
proceedings on ditto, 1315.
Schuylkill county, a memorial on the distress of the country, 748.
Scott county (Kentucky) memorial, against the claims recently asserted by the Executive power, 1896.

Secretary of the Senate, Walter Lowrie appointed, 19.
Senators, list of, 1.
Sergeant-at-arms, J. Shackford appointed, 19.
Shaler, William, a bill granting to him a pension, 2001; ordered to be engrossed.
Shenandoah county (Virginia) resolutions, 960.
Shepherd, Moses, a bill for relief of his representatives, 2023; ordered to a third reading.
Slavery in the District of Columbia, petitions presented against it, 198, 1260.
Spencer, Oliver M., a bill for relief of, rejected, 1919.
Steamboat accidents; a resolution offered by Mr. Webster, instructing the Committee on Naval Affairs to inquire into the expediency of passing a law for preventing, as far as may be, accidents in steam vessels employed in commerce, 54; agreed to, 57.
Stirling's, Lord, heirs, a bill for the relief of, ordered to be engrossed, 2000.

Tarborough (North Carolina) memorial, approving of the measures of the administration, 1259.
Tariff; Mr. Frelinghuysen offered a resolution calling on the Secretary of the Treasury for the construction put on the tariff of last session, 200; agreed to 201.
Secretary of the Treasury's report on ditto, 202; which was ordered to lie on the table.
Tolland county (Connecticut) memorial, 2024.
Tompkins county (New York) memorial, against the removal of the deposites, 1993.
Toulon accident, a message from the President, 2035. (*See Pensions to French seamen.*)
Treasury, Secretary of, his annual report received, 44.
suits; a bill introduced to repeal the act for the better organization of the Treasury, passed in 1820, 45.
Mr. Webster's resolution calling on the Secretary for monthly returns of the Bank of the United States, from August, 1833, to February, 1834, 747.
Mr. Poindexter's call on the Secretary for copy of any order or Treasury draft for the removal of public money from the Planters' Bank at Natchez, 747; agreed to, 750.
his report, responsive to Mr. Clay's resolution, in relation to the Union Bank of Maryland, 1242; ordered to be printed.
call upon him for the names of the agents employed to transact the business of the Treasury with the deposite banks, 1260.
call for the amount of proceeds of the sale of public lands, and the number of acres sold in 1833, &c., 1538.
Troy (New York) memorial, from the citizens, on account of the evils experienced from the removal of the deposites, 681; referred.
Union county, Pennsylvania, memorial on the distresses of the country, 1453.
Utica, New York, memorial on the distresses of the country, 1527.
Van Horne, Ralph, his petition as a mail contractor, 1953.
Vermont resolutions on the removal of the deposites, 958.
memorial, 1289, 1594.
Veto on the land bill, the President's message announcing it, 14, (*See Appendix for the Message.*)
Vice President, *pro tem.*, Mr. Poindexter elected, 2122; his address.
Virginia memorial and resolutions in relation to the removal of the deposites, 604.
resolutions adopted by the Legislature, in relation to the deposites, 636.
memorial, 943.
Virginia, resolutions of the young men of Richmond and Manchester, 1527.
scrip; resolution calling on Treasury Department for the amount issued, 2021.
land warrants; a bill to appropriate land to satisfy them, considered and laid on the table, 2127.
Volunteers and militia; a bill granting compensation to such as had lost horses, &c. in the war with Black Hawk, 1896.

Wake county, North Carolina, proceedings of a public meeting approving of the removal of the deposites, 1762.
Washington city, a bill for the benefit of, taken up, 2078; considered and passed, 2079.
Washington county, Ohio, memorial complaining of the effects produced by the removal of the deposites, 1811.
Watervliet, New York, memorial in relation to public distress, 1188; referred.
Westchester resolutions on the subject of removing the deposites, 803.
West Indies, trade with, a resolution introduced by Mr. Sprague, calling on the Secretary of the Treasury for the amount of trade between the United States and the West Indies, 139; resolution agreed to, 140. Report was received as a whole, but Mr. Shepley moved a resolution for the information in detail, 333; agreed to, 336.
report on the call made by the last resolution, 373.
Wheeling, a memorial on the embarrassments of the currency, 749.
Wilmington, Delaware, proceedings in relation to the protest of the President, 1735.
Windham county, Connecticut, memorial complaining of stagnation of business, 2065.
Wisconsin, a bill for establishing the Territorial Government of, taken up and laid on the table, 1906.

Yeas and nays on committing the subject of the Rhode Island election to a special committee, 11.
on excusing the President pro tem. from voting on the question of the Senate's appointing its own committees, 29.
on resolution calling on the President to know whether a certain document was signed by him, 37.
on Mr. Benton's amendment to Mr. Clay's resolutions in relation to the deposites, 143.
on printing three thousand copies of the report of the Judiciary Committee in relation to the pension fund and the Bank of the United States, 574.
on postponing a question in relation to the public printing, 811.
on an amendment to one of Mr. Poindexter's resolutions in relation to public lands, 824.
on receiving the York county memorial, 978.
on laying on the table the motion asking leave to introduce a bill for rechartering Bank United States, 1145.
on agreeing to the resolutions of the Committee of Finance in relation to the removal of the deposites, 1187.
on engrossing the Cumberland road bill, 1239.
on passage of the bill authorizing the Governors of the several States to transmit certain documents free of postage, 1258.
on indefinitely postponing a bill for the relief of John McCartney, 1288.
on laying on the table the bill authorizing the relinquishment of the sixteenth sections of public lands for the use of schools, 1316.
on an appeal from the decision of the Chair on a point of order, 1450.

Yeas and nays on motions in relation to the President's protest, 1614, 1661, 1662.
on agreeing to four resolutions against the protest, 1711.
on engrossing the Cumberland road bill, 1717.
on the bill providing for the legal adjudication and settlement of claims to certain lands, 1722.
on the bill granting a donation of lands to Polish patriots, 1724.
on laying on the table the bill to authorize the people of the Territories of Michigan and Arkansas to form themselves into State Governments, 1724.
on the resolution for purchasing thirteen copies of American State Papers, 1725.
on the bill for the relief of Elizabeth Robinson, 1751.
on the Baltimore and Washington railroad bill, 1761.
on Cherokee memorial, 1776, 1780.
on pension agency, 1811.
on report on Rhode Island election, 1813.
on postponing resolutions for restoring the deposites, 1823.
on relief of Mountjoy Bailey, 1833.
on the restoration of the deposites, 1846, 1858, 1879, 1880, 1895.
on proposition for adjournment of the session, 1880.
on bill for the better regulation of the marine corps, 1880.
for establishing the northern boundary of Ohio, 1905.
for the final settlement of the claims of States for interest on advances to the United States during the late war, 1910.
for relief of Oliver Spencer, 1919.
on Post Office reports, 1997.
on recommitting the bill allowing interest to States for advances, 2007.
on resolution compensating E. R. Potter, 2038.
Yeas and nays on postponing till next session the bill to provide for French spoliations prior to 1800, 2040.
on amendment of the general appropriation bill, 2053, 2055.
on New Hampshire resolutions, 2067.
on resolution for appointing a committee on Post Office affairs, to sit in the recess, 2076.
on laying on the table a resolution on Indian affairs, founded on the petition of John Ross and others, 2076.
on a motion to take up the bill authorizing a relinquishment of the sixteenth sections granted for the use of schools, &c., 2078.
on taking up the bill providing for the admission of the Territory of Arkansas into the Union, 2078.
on the bill for the benefit of the city of Washington, 2079.
on agreeing to the first resolution reported by the Post Office Committee, 2120.
on the engrossment of the bill to regulate the gold coins of the United States, 2122.
on several questions on the light-house bill, and finally on laying it on the table, 2123, 2124.
on a resolution instructing the Committee on Finance to sit during the recess, to investigate the condition of the deposite banks, 2125.
on the bill for improving Hudson river, 2126.
on the bill appropriating land to satisfy Virginia land warrants, 2127.
on an amendment to a resolution authorizing the Committee on Public Lands to sit in the recess, 2128.
York county, Pennsylvania, memorial on the deposites, 960; receipt of it refused, 978.
again presented, 1115; motion not to receive the memorial laid on the table, 1117.
resolutions, 1728.
and other places, memorial condemning the course of the President in relation to the removal of the deposites, &c., 2080.

INDEX TO THE NAMES

OF THE SPEAKERS IN THE DEBATES IN THE SENATE, ALPHABETICALLY ARRANGED.

Bell, Mr., New Hampshire, the memorial from his State in relation to the removal of the deposites, 566, 568.
public lands, 821.
memorials from New Hampshire, 1538.
relief of Mountjoy Bailey, 1835, 1836, 1837.
pension roll, 1899.
New Hampshire resolutions, 2062, 2067.
Benton, Mr., on the Rhode Island election, 9.
the veto on the land bill, 15, 16, 17.
the Government deposites, 26, 31, 50, 97.
steam vessel accidents, 56, 57.
public distress, 229, 259.
North Carolina resolutions, 529.
rechartering Bank United States, 1073.
Culpeper memorial, 1191.
Faneuil Hall resolutions, 1244, 1249.
Rhode Island Senator, 1257.
President's protest, 1347, 1387, 1389, 1690.
memorial from Boston, 1712, 1716.
Pennsylvania and New York memorials, 1793.
Benton, Mr., on Indiana memorials, 1809.
restoration of deposites, 1819, 1844, 1848, 1858. 1889.
amendment to the constitution, 1843, 1955, 1956.
revenue statements, 2007.
relief of representatives of Moses Shepherd, 2023.
French spoliations prior to 1800, 2039.
general appropriation bill, 2055.
New Hampshire resolutions, 2063, 2066.
harbor bill, 2082.
Post Office resolutions, 2120.
on striking out of the Journal the resolution censuring the President for the removal of the deposites.
Bibb, Mr., on the Rhode Island election, 8.
Senate's appointing its own committees, 21, 23, 24.
amendment to the constitution, 29, 1813, 1843, 1954.
Government deposites, 35.
General Post Office, 49.
North Carolina resolutions, 533.

Bibb, Mr., on Kentucky resolutions, 605.
Pennsylvania petitions, 610.
public printing, 833.
Cumberland road, 1235.
Faneuil Hall resolutions, 1247.
printing old journals of Congress, 1309.
President's protest, 1388, 1488.
President's explanatory message, 1403.
Nelson county memorial, 1732.
Baltimore and Washington railroad, 1757.
Cherokee memorial, 1773, 1780.
marine corps, 1833.
relief of the owners of the privateer Roger, 1906.
Post Office reports, 1977.
Harrodsburg memorial, 2019.
relief of representatives of Moses Shepherd, 2024.
French spoliations prior to 1800, 2039.
pensions to French seamen, 2042.
general appropriation bill, 2052, 2053, 2054.
Black, Mr., on extending the payment of revenue bonds, 512.
the President's protest, 1434.
public lands, 1601.
relief of Mountjoy Bailey, 1835.
relief of representatives of Moses Shepherd, 2023.
frauds in sale of lands, 2043.
harbor bill, 2081.
Brown, Mr., on public distress, 224, 229.
removal of deposites, 471, 472.
North Carolina resolutions 529, 530, 535, 550, 564.
North Carolina memorial, 693, 699.
New Jersey petitions, 863, 866.
Virginia memorial, 946, 948.
memorial of young men of Philadelphia, 1150.
Tarborough memorial, 1259.
Hanover, Pennsylvania, memorial, 1486.
Baltimore proceedings, 1592.
proceedings of Wake county meeting, 1767.
Raleigh memorial, 1769, 1771.
restoration of the deposites, 1834.
Harrisburg memorial, 1874.
Post Office reports, 1988.
Calhoun, Mr., on the Senate's appointing its own committees, 28.
Government deposites, 35, 206, 297, 299, 300.
repeal of the force bill, 57, 1266.
rechartering Bank of the United States, 1057.
President's explanatory message, 1396, 1403.
President's protest, 1420, 1421, 1422, 1434, 1640, 1650.
public lands, 1606.
Elizabeth Robinson's claim, 1747, 1751.
foreign silver coins, 2020.
duties on lead, 2022, 2024.
French spoliations prior to 1800, 2036, 2039.
general appropriation bill, 2053, 2056.
lost property during the late war, 2071.
improvement of the Hudson river, 2126.
light-house bill, 2127.
Chambers, Mr., on Rhode Island election, 4, 11, 806.
Senate's appointing its own committees, 22, 42.
District code, 96.
Slavery in the District, 198.
public distress, 229, 716.
New York resolutions, 410.
giving instructions to Committee of Finance, 447.
removal of deposites, 467, 469, 471.
extending the payment of revenue bonds, 520.
Maine petitions, 627, 633, 634, 651, 654, 655.
North Carolina memorial, 701, 702.
Louisville memorial, 727.
public printing, 810, 811.
Massachusetts resolutions, 849, 853.
Chambers, Mr., on President's protest, 1433.
New Jersey memorials, 1442, 1841.
Huntingdon county proceedings, 1530, 1533.
proceedings of a public meeting at Baltimore, 1584, 1587.
proceedings of a public meeting at Wilmington, 1741, 1742, 1743.
Elizabeth Robinson's claim, 1746.
Baltimore and Washington railroad bill, 1751, 1752, 1753, 1759.
Frederick county, Maryland, memorial, 1814.
pension roll, 1824, 1826, 1831, 1833.
marine corps, 1834.
Relief of Mountjoy Bailey, 1835, 1836.
allowing interest to States for advances, 2006.
revenue statements, 2015.
French spoliations prior to 1800, 2038, 2039.
pensions to French seamen, 2042.
general appropriation bill, 2045, 2050, 2057, 2063, 2064.
Indian appropriation bill, 2074.
the bill for the benefit of Washington, 2078, 2079.
Pennsylvania memorials, 2080.
harbor bill, 2081.
Potomac bridge, 2127.
Clay, Mr., on Rhode Island election, 2, 3, 6, 13, 14, 19, 805, 806.
the veto of the land bill, 14, 15, 17.
Senate's appointing its own committees, 22, 27.
Government deposites, 25, 27, 30, 34, 36, 51, 57, 58, 94, 95, 466, 477, 485, 492, 1172, 1813.
condition of the United States Bank, 29, 37.
election of committees, 40, 42.
General Post Office, 47.
the construction of the new tariff, 203, 204, 205.
public distress, 223, 225, 228.
giving instructions to the Committee of Finance, 445, 446, 448.
pension fund, 462, 463.
extending the payment of revenue bonds, 493, 525, 612.
North Carolina resolutions, 545, 554, 565.
Pennsylvania memorials, 718.
Louisville memorial, 719, 722, 727, 739.
Troy memorial, 746.
Philadelphia resolutions, 802.
public lands, 818, 822, 1599, 1602, 1606.
Philadelphia mechanics' memorial, 829.
public printing, 834.
removal of public officers, 834.
Burlington memorial, 860, 862.
York county memorial, 969, 115, 116.
memorial of clerks, &c. of New York, 1048.
resolution respecting the Union Bank of Maryland, 1140.
Lexington memorial, 1170.
Cumberland road, 1238.
Rhode Island Senator, 1253, 1256.
repeal of the force bill, 1281.
ascertaining the number of petitioners on the subject of removing the deposites, 1302.
Schenectady and Troy memorials, 1310.
President's explanatory message, 1403.
President's protest, 1433, 1454, 1564, 1633.
New Jersey memorials, 1436, 1447, 1450, 1843.
Hanover, Pennsylvania, proceedings of a public meeting, 1480, 1484.
Huntingdon county, Pennsylvania, proceedings of a public meeting, 1530.
call on the Secretary of the Treasury for the amount of sales of public lands in 1833, &c., 1538.
memorial from Centre county, Pennsylvania, 1583.

Clay, Mr., on Baltimore proceedings, 1589, 1591.
Adams county, Pennsylvania, memorial, 1726.
Columbiana county, Pennsylvania, memorial, 1733.
Wilmington proceedings, 1743, 1744.
Elizabeth Robinson's claim, 1751.
Cherokee memorial, 1773.
Pennsylvania and New York memorials, 1782, 1787, 1803.
Montgomery memorial, 1803.
restoration of the deposites, 1813, 1817, 1834, 1843, 1844, 1848, 1859.
marine corps, 1833.
Harrisburg memorial, 1871, 1872, 1879.
Scott county memorial, 1896.
relief of Lord Stirling's heirs, 2000.
duties on lead, 2022.
Pennsylvania and Kentucky memorials, 2027.
Toulon accident, 2035.
the number of signers of bank memorials, 2036.
French spoliations prior to 1800, 2039.
general appropriation bill, 2040, 2052.
frauds in sale of lands, 2044.
New Hampshire resolutions, 2066.
harbor bill, 2081, 2083.
Post Office resolutions, 2113.
striking out of the journal the resolution censuring the President for the removal of the deposites.
Clayton, Mr., report of the Judiciary Committee in relation to the pension fund and the Bank United States, 573.
Pennsylvania memorials, 718, 1141.
Louisville memorial, 740, 744, 745.
Delaware memorial.
Rhode Island election, 806.
public lands, 813, 815, 816, 820.
New Jersey petitions, 865, 868.
Culpeper memorial, 1196.
Cumberland road, 1231, 1232.
Centre county memorials, 1252.
Rhode Island Senator, 1254, 1257.
amending a rule of the Senate, 1289.
President's protest, 1387, 1389, 1613.
President's explanatory message, 1396, 1401.
Kent county memorial, 1454.
pension agency, 1729, 1735.
Newcastle county memorial, 1732.
Wilmington proceedings, 1742, 1743, 1746.
Elizabeth Robinson's claim, 1747, 1749, 1750.
Baltimore and Washington railroad bill, 1756, 1757.
Cherokee memorial, 1772, 1773, 1775, 1778.
New Jersey memorials, 1840, 1841, 1842, 1843.
restoration of the deposites, 1859.
bill for establishing the northern boundary of Ohio, 1899.
report on the Post Office, 1942, 1947, 1969, 1985, 2108.
compensation to E. R. Potter, 2037.
general appropriation bill, 2053, 2063, 2064.
New Hampshire resolutions, 2067.
harbor bill, 2081.
Ewing, Mr., on the Rhode Island election, 8.
removal of the deposites, 301.
Louisville memorial, 728, 735.
Virginia memorial, 950, 957.
Cumberland road, 1142, 1143, 1231, 1232, 1239.
Culpeper memorial, 1203.
Albany memorial, 1219.
Ohio memorials, 1290, 1300.
President's explanatory message, 1395.
President's protest, 1404.
memorial from Ross county, 1597.
memorial from New Bedford, 1609.
Ewing, Mr., on memorial from Boston, 1714.
memorial from Licking county, Ohio, 1728.
memorial from Columbiana county, 1733, 1734.
Ohio memorials, 1781.
New Jersey memorials, 1842.
report on the Post Office, 1914, 1915, 1916, 1935, [1982.
Fulton memorial, 1918.
Van Horne's petition, 1953.
granting Wm. Shaler a pension, 2001.
foreign silver coins, 2020.
general appropriation bill, 2053.
Portage county memorial, 2063.
Post Office resolutions, 2083, 2086.
Forsyth, Mr., on the Senate's appointing its own committees, 28.
Government deposites, 30, 31, 33, 35, 53, 58, 95, 338, 339, 342, 467, 470, 471, 475, 1156.
General Post Office, 49.
force bill, 57.
construction of the new tariff, 203, 204, 205.
public distress, 225, 227, 228.
appropriation bill, 332.
North Carolina resolutions, 539, 543, 559, 565.
printing an extra number of the report in relation to the pension fund, 573.
Pennsylvania petitions, 608.
Maine petitions, 623, 626, 633, 646, 653.
North Carolina memorial, 700.
Louisville memorial, 737, 743.
public printing, 810, 811, 834.
Massachusetts resolutions, 841, 853, 855.
New Jersey petitions, 868, 870, 872, 874, 1439, 1440, 1442, 1445, 1447, 1449.
Petersburg memorial, 884.
Virginia memorial, 948, 955.
New Orleans memorial, 1017.
Petersburg memorial, 1112.
respecting Union Bank of Maryland, 1141.
memorial of young men of Philadelphia, 1152.
Rhode Island Senator, 1256, 1257.
repeal of the force bill, 1284.
President's explanatory message, 1394, 1396, 1398.
President's protest, 1420, 1421, 1422, 1434, 1650.
Ontario county, (N. Y.) memorial, 1477, 1478,
Hanover county, (Pa.) memorial, 1480. [1479.
proceedings at Baltimore, 1593.
public lands, 1599, 1600, 1604.
New Bedford memorial, 1607, 1608.
the Wilmington proceedings, 1741, 1742, 1743, 1745.
Cherokee memorial, 1772, 1773, 1775, 1777, 1779.
memorials from Pennsylvania and New York, 1788, 1800, 1801, 1802, 1803.
marine corps, 1833.
New Jersey memorials, 1842.
Harrisburg memorial, 1866, 1870, 1872, 1877.
restoration of the deposites, 1880.
pension roll, 1898, 1899.
Post Office report, 1916, 1917, 1949, 1979, 1982, 1984, 1985.
relief of representatives of Moses Shepherd, 2023.
French spoliations prior to 1800, 2024, 2033.
the number of signers of bank memorials, 2036.
general appropriation bill, 2041, 2044.
frauds in sale of lands, 2043, 2044, 2050, 2052.
death of General Lafayette, 2054.
Indian appropriations, 2072, 2074.
Frelinghuysen, Mr., on the Rhode Island election, 7.
public distress, 339.
removal of deposites, 448.
Essex county memorials, 809.
public lands, 816, 818.
New Jersey petitions, 862, 870, 1425.

Frelinghuysen, Mr., on Cumberland road, 1142, 1143, 1231.
the President's protest, 1345.
New Jersey memorials, 1726.
York county, Pa. resolutions, 1728.
Columbiana county memorial, 1733, 1734.
Cherokee memorial, 1774, 1776.
pension roll, 1824, 1826.
relief of Mountjoy Bailey, 1836.
restoration of the deposites, 1858, 1859.
relief of Lord Stirling's heirs, 1999.
duties on lead, 2022.
general appropriation bill, 2046.
Indian appropriation bill, 2071, 2072, 2073, 2074.
Indian intercourse, 2125, 2127.
Grundy, Mr., on the Senate's appointing its own committees, 20, 27, 28.
call made on the President in relation to the genuineness of a certain paper, 38.
election of committees, 39, 41.
General Post Office, 47, 807.
New York resolutions, 416.
removal of deposites, 416, 470.
pension fund, 463.
Philadelphia resolutions, 803.
public lands, 814, 815, 818, 819.
Culpeper memorial, 1194, 1195, 1201.
President's protest, 1547.
Baltimore proceedings, 1586, 1589, 1592.
Baltimore and Washington railroad bill, 1752, 1754.
Post Office report, 1915, 1916, 1947, 1953, 1959,
Post Office resolutions, 2103. [1996.
Hendricks, Mr., on the Cumberland road, 1141, 1142, 1143, 1230, 1231, 1233.
President's protest, 1612, 1613.
Baltimore and Washington railroad bill, 1751, 1753, 1754.
Cherokee memorial, 1776.
Indiana memorials, 1805, 1809, 1810.
Relief of the representatives of Moses Shepherd, 2023.
general appropriation bill, 2044.
Hill, Mr., on the New Hampshire memorial, 566.
removal of the deposites, 756.
Post Office reports, 1961.
allowing interest to States for advances, 2003.
general appropriation bill, 2046, 2052.
New Hampshire resolutions, 2057, 2066, 2067.
Kane, Mr., on Rhode Island election, 5.
Government deposites, 36.
the appropriation bill, 332.
extending the payment of revenue bonds, 494.
Maine petitions, 655.
York county memorial, 974.
Cumberland road, 1232, 1239.
Rhode Island Senator, 1254.
President's protest, 1462.
Wilmington proceedings, 1743, 1744.
pension agency, 1746, 1811.
granting Wm. Shaler a pension, 2002.
Kent, Mr., on resolution to amend the constitution, 58.
on the Maryland memorials, 1056.
resolution in favor of Chesapeake and Ohio canal, 1205.
the death of Mr. Dennis announced, 1316.
memorial of Prince George's, 1365.
Baltimore and Washington railroad bill, 1760.
King, Mr., of Alabama, on Rhode Island elections, 2, 4, 5, 13, 806.
Senate's appointing its own committees, 21, 42.
Government deposites, 36, 485.
public distress, 231.
the appropriation bill, 333.
King, Mr., of Alabama, on giving instructions to Committee of Finance, 446.
printing an extra number of the report in relation to the pension fund, 573.
Pennsylvania petitions, 607, 609.
public lands, 816, 820, 824, 1602.
York county memorial, 976, 1116.
Cumberland road, 1143, 1238.
Rhode Island Senator, 1254.
ascertaining the number of the petitioners on the deposite question, 1304.
President's protest, 1360, 1613.
President's explanatory message, 1395.
his note, explanatory of a decision in the chair, 1450.
relief of Mountjoy Bailey, 1834.
restoration of the deposites, 1881.
bill for making Florida canals, 1907.
frauds in the sale of public land, 2043.
general appropriation bill, 2052.
lost property during late war, 2071.
King, Mr., of Georgia, on extending the payment of revenue bonds, 513.
the Massachusetts resolutions, 844.
Petersburg memorial, 889.
Augusta memorial, 1167.
printing old journals, 1305.
Baltimore and Washington railroad bill, 1757.
Relief of Lord Stirling's heirs, 1999.
general appropriation bill, 2046, 2052.
Knight, Mr., on the Rhode Island election, 19.
the report in relation to Narraganset bay, 330.
West India trade, 335, 375.
memorial from Rhode Island, 569, 1717.
President's protest, 1613.
Post Office reports, 1985.
Kent county memorial, 2029.
general appropriation bill, 2044.
Post Office resolutions, 2083.
Leigh, Mr., on the Petersburg memorial, 876, 886.
Virginia memorial, 946.
rechartering the Bank of the United States, 996, 1041.
Culpeper memorial, 1188, 1195.
President's protest, 1365, 1373, 1423.
Ontario memorial, 1479.
Jefferson county memorial, 1782.
Pennsylvania and New York memorials, 1801, 1802, 1803.
marine corps, 1834.
relief of Mountjoy Bailey, 1837, 1838.
bill for establishing the northern boundary of Ohio, 1905.
proposed amendment of the constitution, 1955, 1957.
Post Office reports, 1970, 1981.
Lord Stirling's heirs, 1999.
Kenawha memorial, 2019.
relief of the representatives of Moses Shepherd, 2023.
general appropriation bill, 2053.
Linn, Mr., on the harbor bill, 2083.
McKean, Mr., on the removal of the deposites, 444, 1187.
public distress, 527.
Pennsylvania petitions, 607, 608.
Pennsylvania memorials, 717.
Philadelphia resolutions, 802, 803.
Westchester resolutions, 804.
Lancaster county memorial, 825.
Philadelphia memorial, 958, 1581.
York county memorial, 961.
Centre county memorial, 1251, 1252.

McKean, Mr., on Hanover county memorial, 1485.
on the Baltimore proceedings, 1593.
Harrisburg memorial, 1860.
restoration of the deposites, 1895.
memorials from Pennsylvania and South Carolina, 1954.
Tolland county memorial, 2024.
Mangum, Mr., on the Rhode Island election, 9.
General Post Office, 47, 1986.
removal of the deposites, 472.
extending the payment of revenue bonds, 525.
North Carolina resolutions, 529, 536.
Pennsylvania petitions, 609.
North Carolina memorial, 681, 697.
public printing, 810, 833.
memorials from Wilkesborough and Halifax, 1140, 1205.
Tarborough memorial, 1259.
Ohio memorials, 1300.
Wake county meeting, 1767.
Raleigh memorial, 1768.
general appropriation bill, 2050, 2051.
Moore, Mr., on the veto to the land bill, 15, 18.
removal of the deposites, 1185.
public lands, 1600.
Eliz. Robinson's claim, 1750, 1751.
relief of Mountjoy Bailey, 1835.
Morris, Mr., on public lands, 812, 813, 819, 823.
the Ohio memorials, 1295, 2065.
Columbiana county memorial, 1733, 1734.

Naudain, Mr., on the Newcastle county memorial, 1729.
Wilmington proceedings, 1735.
Elizabeth Robinson's claim, 1746.

Poindexter, Mr., on Rhode Island election, 2, 9, 10, 19, 804, 806.
the veto of the land bill, 15.
Senate's appointing its own committees, 24, 42.
Government deposites, 32, 466.
public distress, 233, 252, 379, 434.
West India trade, 335.
public lands, 342, 754, 811, 812, 813, 814, 815, 816, 819, 1600, 1602.
giving instructions to Committee of Finance, 445, 446, 447.
extending the payment of revenue bonds, 496.
Pennsylvania petitions, 610.
call on the Secretary of the Treasury for copy of a certain Treasury draft, 747, 749.
York county memorial, 962, 976, 1117.
Cumberland road, 1143, 1231, 1233.
Rhode Island Senator, 1255, 1256, 1257.
repeal of the force bill, 1285.
amending a rule of the Senate, 1289.
ascertaining the number of petitioners on the deposite question, 1305.
printing old journals, 1305, 1308, 1311.
President's protest, 1336, 1388, 1420, 1421, 1432, 1452, 1613, 1614, 1655, 1711.
President's explanatory message, 1594, 1595.
Polish exiles, 1541.
Baltimore proceedings, 1593.
Columbiana county memorial, 1733, 1734.
Wilmington proceedings, 1744, 1745.
Elizabeth Robinson's claim, 1751.
marine corps, 1833.
New Jersey memorials, 1843.
Relief of the representatives of M. Shepherd, 2024.
French spoliations prior to 1800, 2038.
frauds in the sale of lands, 2042, 2043, 2044, 2068, 2069.
general appropriation bill, 2050, 2055, 2064.

Poindexter, Mr., on New Hampshire resolutions, 2066.
bill for the benefit of Washington, 2079.
Porter, Mr., on the removal of the deposites, 470.
North Carolina memorial, 702.
public lands, 820, 1601.
New Orleans memorial, 1018.
Huntingdon county proceedings, 1535.
relief of Lord Stirling's heirs, 1999.
general appropriation bill, 2031.
frauds in the sale of lands, 2043.
Prentiss, Mr., on the Burlington memorial, 855.
Vermont resolutions, 958.
Vermont memorial, 1289, 1594.
granting William Shaler a pension, 2001.
Preston, Mr., on slavery in the District of Columbia, 198, 199.
the construction of the new tariff, 205.
public distress, 231.
removal of the deposites, 337, 339.
North Carolina resolutions, 560.
public lands, 817, 820, 1600, 1605.
Virginia memorial, 950.
York county memorial, 965, 966, 968, 1116.
Cumberland road, 1142, 1234, 1238.
memorial of young men of Philadelphia, 1147, 1154.
death of his colleague (Mr. James Blair) announced, 1240.
call on the Secretary of the Treasury for names of certain agents, 1260.
on printing the old journals, 1305.
President's explanatory message, 1394.
President's protest, 1422, 1636.
New Jersey memorials, 1440.
Wilmington proceedings, 1744.
Elizabeth Robinson's claim, 1748, 1749.
Baltimore and Washington Railroad bill, 1754.
pension roll, 1824, 1831, 1897, 1898, 1899.
memorials from Pennsylvania and South Carolina, 1954.
allowing interest to States for advances, 2006.
duties on lead, 2023.
general appropriation bill, 2030, 2050, 2051, 2054, 2063.
harbor bill, 2082.

Rives, Mr., on the removal of the deposites, 259, 298, 360, 301.
announced the death of Mr. Bouldin, his colleague, 538.
resolutions of the Virginia Legislature, 636.
Robbins, Mr., on a report in relation to Narraganset bay, 330.
memorial from Rhode Island, 570, 1108, 1456.
bill providing a marble bust of Chief Justice Ellsworth, 825.
Rhode Island resolutions, 1910.
general appropriation bill, 2064.
Kent county proceedings, 2069.
Robinson, Mr., on granting compensation to volunteers on the frontier, 1896.
the Post Office resolutions, 2116.

Shepley, Mr., on slavery in the District of Columbia, 198.
public distress, 225.
the deposite question, 233, 442, 444.
West India trade, 334, 335, 375.
Maine petitions, 618, 632.
public land, 813, 819, 821, 823, 1606.
Maine memorial, 1287.
Elizabeth Robinson's claim, 1747.
Augusta memorial, 1839.
restoration of the deposites, 1851.
relief of the owners of the privateer Roger, 1906.

Shepley, Mr., on memorial of Seth Pitts, 1913.
Post Office report, 1933.
relief of the representatives of Moses Shepherd, 2023.
Silsbee, Mr., on public distress, 226, 297.
the West India trade, 376.
extending the payment of revenue bonds, 511, 522.
Massachusetts resolutions, 836.
Salem memorial, 1258.
Salem proceedings, 1315.
New Bedford memorial, 1607, 1610.
general appropriation bill, 2031, 2041.
harbor bill, 2081.
light-house bill, 2027.
Smith, Mr., on the Pennsylvania petitions, 609.
petitions and resolutions from Connecticut, 656.
public lands, 820.
Elizabeth Robinson's claim, 1746.
Baltimore and Washington railroad, 1761.
relief of Mountjoy Bailey, 1837.
relief of Lord Stirling's heirs, 1999.
Tolland county memorial, 2024.
improvement of the Hudson river, 2126.
Southard, Mr., on the deposite question, 142, 143, 485, [486.
New Jersey resolutions, 525.
New Jersey memorials, 614, 1049, 1261, 1426, 1434, 1839, 1840.
memorial of young men of Philadelphia, 1145.
Cumberland road, 1236, 1238.
Rhode Island Senator, 1255.
printing old journals, 1305.
President's protest, 1356.
marine corps, 1833, 1834.
bill for making certain Florida canals, 1907.
Post Office report, 1916, 1917, 1919, 1973.
general appropriation bill, 2040, 2045, 2063.
pensions to French seamen, 2042.
bill for the benefit of Washington, 2079.
appointing a committee to sit in the recess to investigate the condition of the deposite banks, 2125.
Sprague, Mr., on the Rhode Island election, 13, 806.
his resolution to restore to the Senate the appointment of its committees, 20, 28.
call on the Secretary of the Treasury for information respecting the West India trade, 139; on the report, 373, 375.
on slavery in the District of Columbia, 198.
public distress, 228.
removal of the deposites, 389, 443, 480.
Pennsylvania petitions, 608.
petitions from Maine, 616, 620, 623, 627, 632.
public lands, 820.
New Jersey petitions, 870, 873, 875.
Maine memorials, 942.
Bath memorials, 1243.
Rhode Island Senator, 1257.
President's protest, 1340, 1365.
Hallowell memorial, 1559.
New Bedford memorial, 1609, 1611.
Augusta memorial, 1838, 1839.
Post Office report, 1916, 1985, 1992.
relief of Lord Stirling's heirs, 2000.
French spoliations prior to 1800, 2038, 2040.
Indian appropriations, 2072, 2073.
harbor bill, 2083.
Swift, Mr., on the navigation of Lake Champlain, 336.
Burlington memorial, 858.
New Jersey petitions, 866.

Tallmadge, Mr., on New York resolutions, 412.
the removal of the deposites, 492, 892.
Louisville memorial, 722, 724, 737.
French spoliations prior to 1800, 2039.
Tipton, Mr., on General Post Office, 59.
the bill for authorizing the people of Michigan Territory to form a separate State Government, 1719.
Cherokee memorial, 1776.
compensation of volunteers on the frontier, 1896.
bill establishing the northern boundary of Ohio, 1899.
for establishing the Territorial Government of Wisconsin, 1906.
for making Florida canals, 1907.
Indian appropriations, 2073.
admitting the Territory of Arkansas, 2078.
harbor bill.
Virginia land warrants, 2126.
Tomlinson, Mr., presented a memorial from Lyme, 1997.
a bill granting a pension to William Shaler, 2001.
Windham county memorial, 2065.
for the benefit of Washington, 2079.
improvement of Hudson river, 2126.
Tyler, Mr., on Treasury suits, 45.
the removal of the deposites, 468, 472, 663.
the Virginia memorial and resolutions, 604, 943, 946.
resolutions of the Virginia Legislature, 636.
memorials from Norfolk and Wheeling, 749.
Shenandoah county resolutions, 960.
Culpeper memorial, 1188, 1195.
Cumberland road, 1233.
proceedings of a meeting of young men of Richmond and Manchester, 1527.
Pennsylvania and New York memorials, 1792.
relief of Mountjoy Bailey, 1837.
relief of the owners of the privateer Roger, 1906.
proposed amendment of the constitution, 1957.
relief of the representatives of Moses Shepherd, 2023.
French spoliations prior to 1800, 2038, 2040.
bill for the benefit of Washington, 2079.
Virginia land warrants, 2126.

Vice President, on the York county memorial, 965, 970, 1115.

Waggaman, Mr., on the New Orleans memorial, 1007.
Toulon accident, 2035.
Webster, Mr., on the Government deposites, 33, 35, 466, 467, 474, 482, 485.
election of committees, 40.
accidents in steam vessels, 54, 57.
public distress, 259, 291, 338, 379, 528.
appropriation bill, 331, 333, 336, 341.
New York resolutions, 405, 435.
giving instructions to Committee of Finance, 445, 446.
New York memorial on the finances of the country, 464.
extending the payment of revenue bonds, 523.
North Carolina resolutions, 540, 556.
Maine petitions, 636, 639, 648.
pension bill, 715.
Louisville memorial, 742.
New Bedford memorial, 745.
Lancaster county (Pennsylvania) memorial, 825.
Philadelphia mechanics' memorial, 826.
Massachusetts resolutions, 838, 842, 853, 855.
Brooklyn memorial, 942.
York county memorial, 961, 965, 1116.
Boston memorial, 978.
rechartering the Bank of the United States, 984, 1036, 1144.
proceedings of a meeting at Chambersburg, 1107.
Lynn memorial, 1113.
Albany memorial, 1177, 1423.

Webster, Mr., Muncy memorial, 1187.
President's explanatory message, 1397, 1400.
President's protest, 1421, 1613, 1660, 1663.
Union county (Pennsylvania) memorial, 1453.
Ontario county (New York) memorial, 1475, 1478, 1479.
Utica (New York) memorial, 1527.
Huntingdon (New York) memorial, 1533.
Pennsylvania memorial, 1582.
Boston memorial on gold coin, 1596.
memorial from Ross county, Ohio, 1599.
New Bedford memorial, 1607.
New York, Pennsylvania, and Michigan memorials, 1722.
Elizabeth Robinson's claim, 1749, 1750.
Columbia, Pennsylvania, proceedings, 1761.
Raleigh memorial, 1769.
Cherokee memorial, 1778, 1779.
New York memorial, 1780.
New York and Pennsylvania memorials, 1788, 1790, 1801.
gold and silver coins, 1805.
pension roll, 1825.
Harrisburg memorial, 1860, 1870, 1877.
proceedings of Mercer, 1917.
Rhode Island election, 1918.
Post Office reports, 1951, 1953.
Tompkins county memorial, 1998.
foreign silver coins, 2019, 2020.
general appropriation bill, 2021, 2030, 2031, 2041, 2044, 2053, 2064.
French spoliations prior to 1800, 2038, 2039, 2050.
death of General Lafayette, 2054, 2071, 2074.
New Hampshire resolutions, 2063.
bill for the benefit of Washington, 2079.
Post Office resolutions, 2118, 2120.
Boston memorial, 2125.
improvement of the Hudson river, 2126.
deposite bill, 2127.
White, Mr., on rechartering the Bank of the U. S., 1117.
Elizabeth Robinson's claim, 1746, 1747.
relief of Mountjoy Bailey, 1836, 1837.
general appropriation bill, 2064.
Indian appropriation bill, 2072, 2074.
Wilkins, Mr., on public distress, 376.
removal of deposites, 444, 469, 472, 481, 483, 485, 486, 574.
extending the payment of revenue bonds, 508.
North Carolina resolutions, 565.
resolutions from Pittsburg, 615.
York county memorial, 960, 966.
Cumberland road, 1142, 1143, 1144, 1231, 1238.
Beaver memorial, 1171.
Huntingdon county proceedings, 1529, 1534.
Hanover county proceedings, 1542.
Pittsburg proceedings, 1761.
Post Office reports, 1996.
general appropriation bill, 2041, 2051, 2065.
Wright, Mr., of New York, on Rhode Island election, 7, 12, 14, 19, 804, 807, 1918.
Senate's appointing its own committees, 22.
New York resolutions, 397.
giving instructions to Committee of Finance, 445, 446.
pension fund, 463.
New York memorial on the finances of the country, 464, 466.
removal of the deposites, 479, 1156.
extending the payment of revenue bonds, 523.
North Carolina resolutions, 553.
Louisville memorial, 731, 736.
Troy memorial, 747.
public lands, 821, 822.
public printing, 832, 833.
Burlington memorial, 861.
Brooklyn proceedings, 957.
rechartering the Bank of the United States, 1019.
Albany memorial, 1184, 1207, 1228.
Rhode Island Senator, 1252, 1256, 1257.
ascertaining the number of petitioners on the deposite question, 1302.
President's protest, 1615.
pension agency, 1729.
Pennsylvania and New York memorials, 1786, 1787.
gold and silver coins, 1805.
pension roll, 1827, 1831.
Post Office reports, 1993.
compensation of Mr. Potter, 2020.

INDEX TO THE DEBATES IN THE HOUSE OF REPRESENTATIVES.

Adams county, Pennsylvania, memorial opposed to the re-charter of the bank, 3532.
New York, memorial respecting the deposites and currency, 4036.
Addison county, Vermont, memorial on the subject of the deposites and currency, 3948.
Adjournment of Congress, resolution fixing a day for it, 3537; taken up, 3817; and negatived.
resolutions fixing the 16th of June for adjournment, 4041; debated, but no decision; agreed to, 4079; amended fixing the 30th of June as the day of adjournment, 4430.
Alabama and the Executive of the United States; a resolution instructing the Committee on Indian Affairs to inquire into the provisions of treaty of March, 1832, with the Creeks, whether they be inconsistent with the sovereign right of said State, 2301.
Albany, New York, memorial against the course of the administration, 3526.
Alexandria, a bill for the benefit of, 4794; passed, 4796.
Appropriations; a bill making appropriation, in part, for the Government for 1834; ordered to be engrossed, 2246, 2494.
the Speaker's statement in relation to the bill, 2683; passed, 2685.
naval appropriation bill, considered and ordered to be engrossed, 2365; passed, 2397.
Indian appropriation bill, considered, 2501, 4067; ordered to be engrossed, 4080; passed.
general, the bill taken up, 3543, 3651; passed, 4024.
Armory in Kentucky; a resolution instructing the Committee on Military Affairs to inquire into the expediency of erecting one, 2549.
Army commissariat; a bill to render permanent the present mode of supplying the army, &c., 2753.
Army appropriation bill, 2954; passed, 3001.
Augusta, Georgia, memorial praying that the former relations between the United States and the Bank of the United States may be restored, 2894.

Baltimore and Washington railroad, a bill further to continue in force an act to authorize the extension, construction, and use of a lateral branch of, 2500; passed.
Baltimore, memorial of the merchants on the deposites, 2729.
memorials approving of the course of the administration, 2840.
a bill making appropriations for building a marine hospital at, 4797; passed.
Bank of the United States, a memorial from the Government directors respecting it, 2181.
memorial from the president of the bank, 2207.
a history of, a resolution for furnishing each member with a copy, 2549.
and pension agency, a message from the President on the subject, 2615.
committee appointed to look into the affairs of the bank, 3516.
a bill proposed to modify and extend the act incorporating the bank, 3779.
report of the committee appointed to examine the affairs of the bank, 4240.
resolutions proposed as a substitute for those reported by a majority of the committee of investigation, 4321, 4257; concurred in, and thirty thousand copies ordered to be printed, 4274.
Banks of deposite, a resolution calling for copies of their charters, &c., 3271.
Banks of District of Columbia, resolution proposing a committee to investigate their situation, 3749.
Bangor, Maine, memorial praying that the charter of United States Bank may be renewed, 2762.
Bath, Maine, memorial complaining of stagnation of business, 3327.
Bell, John, elected Speaker in the place of Mr. Stevenson, resigned, 4373; his address on the occasion.
Bells; a bill to remit duty on bells presented to the Roman Catholic Church at St. Louis, Mo., 4801; passed.
Bellefonte, Centre county, Pennsylvania, proceedings of a public meeting, 3537.
Berks county, Pennsylvania, memorial praying that the deposites may be restored, 2774.
memorial against rechartering the bank, 3531.
and Lancaster county, Pennsylvania, memorials on pecuniary distress, 3129.
Blair, General James, from South Carolina, his death announced, 3328.
Blair and Pinckney, Messrs., a difference between them settled, 3137.
Books, a resolution proposing to furnish the new members with certain books of reference heretofore furnished to old members, 2561; called up, 3001; agreed to, 3009.
Bouldin, Mr. T. T., from Virginia, notice of his death, &c. 2705.
J., elected in the place of his late brother, took his seat, 3271.
Brandenburg, Kentucky, memorial against the removal of the deposites, 3839.
Burlington, Vermont, memorial on the derangement of the currency, 3952.

Chaplain, Rev. Mr. Stockton elected, 2166.
Chester, Pennsylvania, memorial for the restoring of the deposites, 2783, 3532.
Cincinnati, memorial on the removal of the deposites, 2539.
Chesapeake and Ohio canal, memorial of the Baltimore and Ohio railroad, 2701.
Claims for buildings burnt by the enemy during the war; a resolution instructing the Committee of Claims to inquire into the expediency of providing for such by law, 3081; agreed to.
Clark county, Kentucky, memorial on the subject of the deposites, 4199.
Clerk, Walter S. Franklin elected, 2137.
Clinton county, Ohio, memorial touching the scarcity of money, 3840.
Committees of the House, order for appointing them, 2160.
standing, announced, 2160.
Commutation pension bill, (*See Pensions.*)
Congress, a bill to provide for rebuilding the frigate of that name, 4795; passed 4796.
Connecticut memorial on the currency, &c., 2724.
banks, in favor of a recharter of the Bank United States, 2771.
Copy-rights, (*See Patents.*)
Creek Indians in Alabama; a resolution to inquire into the provisions of the treaty of March, 1832, 2707; laid on the table, 2708.
Cumberland road, a bill making appropriations for continuing it, 4080; ordered to be engrossed, 4537.
Cumberland county, Pennsylvania, memorial on the deranged state of the currency, 3128.

Decatur, Susan, a bill for the relief of, 2759; taken up, 3684.
Delaware county, Pennsylvania, memorial praying for the restoration of deposites, 3538.
Delaware, Kent county, memorial complaining of the removal of public deposites, 3648.
Dennis, Littleton Purnell, from Maryland, his death announced, 3650.
Deposite bank bill reported, 3752; passed 4760.
Deposites, (*See Government.*)
Doorkeepers, Overton Carr and William Hunter appointed, 2138.
Duties on sculpture, a bill for remitting duties on certain articles of, 3128; rejected.

Elliot's Debates, a resolution directing three hundred copies to be procured, 2375; agreed to, 2376.
Explosions by steam, a bill authorizing the Secretary of the Treasury to make experiments to prevent, 4797; passed, 4798.

Five per cent. stock, (*See Sinking Fund.*)
Fletcher, Noah, his memorial stating his case to the House, 2290; laid on the table, 2375.
Florida and Arkansas land claims, a bill for the adjustment of, passed, 4793.
Fobes, Abraham, a bill for his relief, 2298; passed.
Foot, Samuel A., resigns his seat, 4043.
Foreign silver coins, a bill to regulate their value, 2548; passed.
Fortifications, a bill making appropriations for certain, 2755; passed, 4789.
France, claims on; a bill to carry into effect the convention with France, 3971.
Franklin county (Pennsylvania) memorial, praying for the restoration of the deposites, 2693, 3130.
Franklin county (Massachusetts) memorial, complaining of the removal of the deposites, 4258.
Frigate and schooner, a bill to purchase the frames of, 4795; passed, 4796.

Gardiner (Maine) memorial, complaining of the scarcity of money, 3640; discussed, 3715.
Garland, Mr., from Louisiana, appeared, was qualified, and took his seat, 3821.
Genesee (New York) memorial, praying relief from present embarrassments, 3953.
Georgia claims, a bill for the payment of, 4789.
Gloucester (Virginia) memorial, on the currency, 4186.
Gold coin bill, a bill regulating the value of certain gold coins, 4498; passed, 4673.

Government deposites, on the removal of, 2170.
report on the removal of them, 2868.
resolution directing deposites to be made in the Bank of the United States, 3676.
bill directing deposites to be made in certain local banks, 4600; passed, 4760.

Hallowell (Maine) memorial, against the unauthorized interference of the Executive with the currency, 4257.
Harbor bill, 4081; passed, 4796.
Harrison county (Ohio) memorial, praying for the restoration of the deposites, 3555.
Havana and Porto Rico, a bill to equalize the discriminating duties on American vessels in, 4798; passed.
Hudson river, a bill for the improvement of, 4795; passed, 4796.

Indian appropriation bill, (*See Appropriation.*)
Indian liabilities, a resolution calling on the Secretary of War to report a statement of the liabilities of the United States to Indians under existing treaties, 2551.
annuity bill, 4068; passed, 4071.
affairs; a report, with three bills, viz: to provide for the organization of the department of Indian affairs, to regulate trade and intercourse with them, and to provide for the establishment of the Western Territory, for their security and protection, &c., 4200; passed, 4797.
Iron for railroads, a bill to allow it to be imported duty free, 4787.

Jefferson, Thomas, a bronze statue of him proposed to be presented, 3136.
a resolution respecting do., 4787; agreed to.
Jones county (Mississippi) memorial, sustaining the course of the Executive, 4252.
Judges, Territorial, a bill making increased appropriation for their salaries, 4566; passed.

Kalb, Baron de, a petition from the heirs of, 4263.
Kentucky, 14 instead of 13 members present, 2130.
contested election in the 5th congressional district brought before the House, 2139.
resolutions respecting the removal of the deposites, 2733.
election; resolution on the disputed election of Letcher and Moore, 3967.
counter report on do., 4007.
resolutions on the subject, 4200.

Lafayette, General, his death announced, and a joint committee appointed to report what token of respect will be proper on the occasion, the report of the committee, 4760, 4642.
Lands, public, a bill to reduce and graduate the price of, 2245.
laid on the table 4522,
on the Wabash, a motion to refer the schedule of them to the committee on the subject, 2542,
a bill making grants of, to disbanded officers and others, for services during the late war, 3082.
a bill relinquishing the reversionary interest of the United States in an Indian reservation, 3559; passed.
Land claims, (*See Florida and Arkansas.*)
Lead mines; a bill to authorize the President to cause the lead mines in Illinois and Michigan to be sold, 4388; passed.
Lexington (Kentucky) memorial, against the removal of the deposites, 3534.
Light-house bill, 4789; passed, 4802.
Locomotive steam engines imported, duty to be remitted, 4788; passed, 4798.

Louisville (Kentucky) memorials, complaining of pecuniary distress, 2896, 3838.
Lowell (Massachusetts) memorial, against the recharter of the bank, 3638.
Lycoming county (Pennsylvania) memorial, against the removal of the deposites, 3531.
in favor of rechartering Bank U. States, 4174.

Madison, (Indiana) proceedings, in relation to the embarrassed state of the country, 2896.
Madison county (Kentucky) memorial, in favor of restoring the deposites, 4198.
Maine resolutions in relation to the removal of the deposites, 2570.
Marine hospitals, a bill for erecting, 4788; passed.
Maryland, proceedings of the 5th congressional district, 3642.
Massachusetts resolutions, leave asked to introduce them, 2970, 3009.
memorial of 3d congressional district, 3933.
Members, list of, 2139.
Mifflin county (Pennsylvania) memorial, against the experiment made on the currency of the country, 4039.
Military Academy at West Point, a bill making appropriations for, 4483; passed, 4498.
Military land-warrants, a bill to extend the time for issuing, 4797; passed.
Mills, R., a resolution for compensating him for his services as architect in designing and carrying into effect the alterations in the Hall of Representatives, 2701.

National currency; a resolution of Mr. Ewing, directing the Committee of Ways and Means to inquire into the expediency of authorizing a national currency of 35 millions, 2220.
a proposition respecting, leave to offer it refused, 3538.
Natchez memorial, condemning the removal of the deposites, 3309.
Navy regulations; a proposition for printing additional copies of rules and regulations for the navy, 4006; agreed to.
report on the bill for equalizing the pay of officers of the navy, 4138.
Naval service; a bill authorizing transfers of appropriation in the naval service, 4795; passed, 4796.
Nelson, General, his claim for services during the Revolution referred to a select committee, 2377.
New Bedford resolutions on the removal of the deposites, 2539.
memorial praying for a change in the policy of the Government, 2897.
New York memorial, from merchants, complaining of the deranged currency, 2551;
memorials on the present condition of the country, 2690.
New York and New Jersey boundary line; a bill reported, giving the assent of Congress to a treaty entered into between the two States, 4336; passed, 4793.
New Haven, proceedings of a meeting of the citizens in favor of rechartering Bank United States, 2773.
New Jersey and Rhode Island memorials for the restoration of the deposites, 3327.
proceedings of Hunterdon and Somerset counties, 3643.
New Orleans memorial on the shock given to public credit, 3841.
Newcastle (Delaware) memorial, praying that the deposites may be restored, 2836.
Norfolk (Virginia) memorial, in favor of restoring the deposites, 4242.

North Carolina, Burke country, memorial against removal of deposites, 3649.
memorials from the Tarborough district, 3821.
Northumberland county (Pennsylvania) memorial, approving of the administration, 3531.

Ohio boundary; a bill to settle the northern boundary of Ohio, 4436; passed.
Oneida county, New York, memorial against the unwise interference of the Government with the currency, 3959.
Onondaga county, New York, memorial on the disturbed currency, 3955.
Ontario county, New York, memorial against the removal of deposites, 4150.
Order, questions of, 2494, 2496, 2497, 2498, 2543, 2557, 2583, 2597, 2616, 2617, 2619, 2620, 2728, 2735, 2784, 2785, 2868, 2976, 3001, 3472, 3517, 3538, 3752, 3753, 3760, 3761, 3764, 3765, 4034, 4055, 4135, 4136, 4139, 4273, 4274, 4276, 4435, 4446, 4447, 4455.
Owens, Hardeman, a resolution in relation to the case of, 2709; agreed to, 2734.

Patents and copy-rights, a bill respecting, 4793; passed.
Paterson, New Jersey, memorial in relation to the United States Bank, 3136.
Pennsylvania memorials, in favor of continuing the United States Bank, 2831.
Pennsylvania avenue, a bill to complete the improvement of, 4794; passed.
Pension list, a resolution proposing to extend the provisions of the act of 1832, 2244, 2492; passed, 2702.
Pensions, a bill granting pensions to certain persons therein named, on its third reading, 2538; passed.
a bill giving to the Secretary of War all authority in regard to paying pensioners, 2702; passed.
to French seamen, a bill granting, 4704; passed.
Philadelphia memorials, from the merchants, &c., for the restoration of the deposites, 2697.
memorial from the cordwainers, 2725.
memorials from working men, 2835.
memorials from sundry mechanics, 3132.
memorials from the councils, 3528.
Pittsburg, Pennsylvania, memorial praying for restoration of the deposites, 2693.
Polish exiles, a memorial for the relief of, 3748.
Portland resolutions, 3014.
Portsmouth, New Hampshire, memorial complaining of the distress of the times, 2715.
Post Office; a resolution calling on the Postmaster General for an account of clerks, &c. employed in his Department, 3815.
Potomac bridge, a bill authorizing its construction, 4412; passed, 4795.
Pre-emption rights, a bill to revive the act of 1830, 4169; passed, 4480.
President's annual message received, 2138, (*See Appendix.*)
messages from, 2166.
message from, 2168.
resolutions on the annual message offered, 2168.
message, in relation to presents from foreign Powers, 2317.
message, respecting the bridge across the Potomac, 2318.
message, respecting foreign coins, 3328.
message with a convention with the King of the two Sicilies, 4071.
message with treaty with Emporor of Russia, 4071.
message with a convention with Spain, 4222.
message with Count Rochambeau's and the heirs of Baron de Kalb's petitions, 4263.
Prince George's county, Maryland, memorial for restoration of deposites, 3533.
Providence, Rhode Island, memorial approving of the course of administration, 3641.
Public Treasury; resolutions declaring that all moneys not appropriated are under the order and direction of Congress, &c., 3678; agreed to, 4430.
Public buildings, a bill making appropriations for, 4795; passed, 4796.

Railroads and canals; a bill to authorize the construction of railroads and canals through lands of the United States, 3082.
Railroad, (*See Baltimore and Washington.*)
Reduction of revenue, a resolution to instruct the Committee of Ways and Means to inquire into its expediency, 2825; the House refused to consider it.
Remuneration for lost property in the late war, a bill for that purpose, 3692; passed.
Resignation of Mr. Speaker Stevenson, 4335; his address on leaving the chair, 4368.
Revolutionary claims, a bill providing for their settlement, reported, 2551; passed.
Rhode Island memorials, complaining of the derangement of the currency, 2717, 3327.
resolutions on do., 4504, 3517.
Richmond memorial, from merchants and others, 2734.
Rochambeau, Marquis of, his petition, 4263.
Rockingham and Shenandoah, Virginia, memorials against the restoration of the deposites, 3533.
Rules, the old ones adopted for the present, 2138.
motion to amend the rules, 2161; negatived, 2184.

Salaries of officers, a resolution proposing to equalize the salaries of, 3680; agreed to.
Salem, Massachusetts, memorial praying for redress of grievances, 3645.
Sandy creek, (on Lake Ontario,) a memorial praying for the construction of a harbor, &c., 2293.
Sandy and Beaver canal, a proposition for a grant of land to aid in its construction, 2924.
Savannah, Georgia, memorial against the measures of the administration, 3650, 3836, 4150.
Sergeant-at-arms, Thomas Beverly Randolph elected, 2138.
Seneca Falls, New York, memorial against the ruinous measures of the administration, 3952.
Shelby county, Kentucky, memorial deprecating the removal of the deposites, 3532.
Silver coinage, a bill regulating the value of foreign silver coins, 3846; passed, 4279.
Singleton, Mr., from South Carolina, his death announced, 2166.
Sinking fund; a resolution of Mr. Selden, instructing the Committee of Ways and Means to report a bill authorizing the Commissioners of the Sinking Fund to redeem the five per cent. stocks of the United States, &c., 2294; taken up, 2366, adopted, 2368.
Slavery in the District of Columbia, memorials from Connecticut on this subject, 3539.
Southwark and Moyamensing resolutions praying for restoration of the deposites, 2727.
Spain and the United States, a bill to carry into effect the convention between, 4795; passed, 4796.
Spanish West India trade, a bill relating to the trade of, 4522; passed, 4798.
Speaker, Andrew Stevenson elected, 2136; his address.
John Bell elected, after several ballots, 4371.
Specie tender; a bill making certain foreign silver coins a legal tender, 3905; laid over, 3912.
Springfield, Massachusetts, memorial complaining of the distressed situation of the country, 3637.

State banks, a memorial from, on the state of the currency, 2246.
Steam engine, a bill authorizing the Secretary of the Navy to have experiments made on, read third time and passed, 4798.
Stevenson, Mr. Speaker's, resignation, (*See Resignation,*) 4335.
Stevenson, the Hon. Andrew, thanks of the House returned to him as Speaker of the House, 4798.

Taunton river, a memorial praying for the removal of obstructions in it, 2292.
Territorial bills, in relation to Michigan, Florida, and Arkansas, 4381; passed.
Transylvania University, a petition for land, 2168.
Troy, New York, memorial approving of the course of the adminstration, 3521.

Union county, Pennsylvania, memorial praying Congress to devise measures to restore prosperity to the country, 3642.
United States Treasury Bank, a proposition for authorizing an issue of $15,000,000 in Treasury notes, 4481; motion negatived.

Vermont memorials remonstrating against removal of deposites, 3517.
Virginia resolutions against the removal of the deposites, 2840.

War, remuneration for lost property, (*See Remuneration.*)
Warehousing system, a memorial from the merchants of New York, 2713.
Warren county, Ohio, memorial praying for the restoration of the deposites, 3535.
Washington and Athens counties, Ohio, memorials on the distressed state of the country, 4249.
Washington, a bill for the benefit of the city of, 4397; passed, 4793.
Insurance Company, a bill to incorporate it, 4412; passed.
a bill making appropriations for the public buildings and grounds, 4413.
Washington's manuscripts, a bill to enable the Secretary of State to purchase the books and papers of General Washington, 4781; passed, 4796.
a portrait of, additional payment for it to Mr. Vanderlyn, 4787.
Wayne county, Indiana, memorial for the restoration of the deposites, 4499.
West Point Military Institution, a resolution instructing the Committee on Military Affairs to inquire into the expediency of abolishing it, 2549.
the bill making appropriation for the academy, passed, 4790.
Wheeling memorial complaining of the pressure of the times, 2894.
Windham, Vermont, memorial on the embarrassments of the currency, 3943.
Wirt, Mr., his death announced, 2757.
Woodstock, Vermont, resolutions on the removal of the deposites, 3021.
Worcester, Massachusetts, memorial in relation to the distresses of the country, 3017.

Yeas and nays, on laying on the table the memorial of the Government, 2182.
removal of deposites, 2184, 2206.
case of Noah Fletcher, 2375.
appropriation bill, 2500, 2560.
West Point Military Academy, 2549.
referring the memorial of the New York merchants, 2610.
referring the memorial on pension agency, 2627.
the resolution for extending the pension laws, 2702.
a resolution respecting the Creek Indians, in Alabama, 2708.
questions relating to the removal of the deposites, 2738.
considering a resolution for the reduction of the revenue, 2825.
the previous question on the deposite resolutions, 3473.
deposite resolutions, 3474 to 3477.
general appropriation bill, 3551.
suspending the rules of the House, 3679, 3682, 3683.
resolution for equalizing salaries, 3681.
amendment to the general appropriation bill, 4007, 4016, 4021.
Oneida county, New York, memorial, 4036.
question fixing the adjournment of the session, 4079, 4334.
questions on the disputed election between Messrs. Letcher and Moore, 4364, 4365, 4366, 4367, 4368.
resolutions in relation to the public treasure, 4430.
resolutions in relation to the public deposites, 4468, 4469.
the passage of the deposite bill, 4760.
York, Pennsylvania, resolutions approving the course of the administration, 3136.
memorial praying for a restoration of the deposites, 3533, 4186.
proceedings against the removal of the deposites, &c., 4038.
Yorktown monument, a memorial in favor of erecting one, in conformity with a resolution of Congress in 1781, 4040.

INDEX TO THE NAMES OF THE SPEAKERS

IN THE HOUSE OF REPRESENTATIVES, ALPHABETICALLY ARRANGED.

Adams, Mr., (Massachusetts,) on the rules of the House, 2221.
appropriation bill, 2493, 2498, 2543, 2545, 2553.
extension of the pension laws, 2614.
removal of the deposites, 2628, 2736, 2737, 2971. 3477.
Adams, Mr., on pension laws, 2702.
the warehousing system, 2713, 2715.
on correcting the Journal, 2733.
on making an addition to Journal, 2758.
moved for leave to offer a resolution calling on the Secretary of the Treasury for an account of all

Adams, Mr., (Massachusetts) on the sums denominated "unavailable fund," 2784.
the Massachusetts resolutions, 2970, 2971, 3009.
army appropriation bill, 2989, 2993.
resolution for the purchase of books, 3001.
resolution calling for copies of bank charters, 3271, 3303.
general appropriation bill, 3543, 3546, 3574, 3575, 3755, 3757, 3758, 3761, 3762, 3771, 3775, 3777, 3849, 3871, 3882, 3883, 3904, 3913, 3920, 3926, 4021, 4402, 4403, 4406, 4407, 4457, 4459.
deposite bank bill, 3752.
convention with France, 3974.
navy regulations, 4006.
Indian annuity bill, 4070.
resolutions proposed as a substitute for those reported by a majority of the committee of investigation, 4320.
adjournment, 4331.
New York and New Jersey boundary line, 4336.
Kentucky disputed election, 4378, 4380, 4451, 4456.
lead mines bill, 4389.
Military Academy, 4483.
Cumberland road bill, 4520, 4535.
harbor bill, 4562, 4563.
death of General Lafayette, 4642.
gold coin bill, 4673.
fortification bill, 4706.
Indian bills, 4763.
Western Indian Territory bill, 4768.
Creek treaty bill, 4779.
Allan, Mr., (Kentucky) on the disputed election in that State, 2131, 2139, 2147.
removal of the deposites, 2184, 2960, 3259, 3329.
extending the pension act, 2245, 2702.
Lexington memorial, 3534.
appropriation bill, 3587, 3670, 3675, 3758.
adjournment, 4075.
Clark county memorial, 4199.
Kentucky election, 4363, 4375, 4457.
Allen, Mr., (Virginia) on the pension laws, 2425.
Allen, Mr., (Vermont) on Vermont memorials, 3517.
Burlington memorial, 3951.
commutation pension bill, 4049.
Allen, Mr., (Ohio) on the Ohio boundary bill, 4436.
Anthony, Mr., (Pennsylvania) on the Northumberland memorial, 3531.
Lycoming memorial, 2531, 4174.
adjournment, 4330.
Kentucky disputed election, 4449, 4457.
Archer, Mr., (Virginia) on the contested Kentucky election, 2150.
resolutions on President's message, 2168.
appropriation bill, 2545.
removal of deposites, 2628.
notice of the death of Mr. Bouldin, his colleague, 2705.
general appropriation bill, 3563, 3756, 3870, 3875, 3895, 3915, 3920, 3933.
convention with France, 3971, 3974, 3975.
Cumberland road bill, 4506.
harbor bill, 4561, 4563.
gold coin bill, 4673.
pensions to French seamen, 4704.
Western Indian Territory bill, 4775.
bill for purchasing General Washington's manuscripts, 4781.
Ashley, Mr., (Missouri) on Berks county memorial, 2782.
the deposite question, 2962.
the military appropriation bill, 2985, 2999, 3000.
general appropriation bill, 3849, 3869.
Indian appropriation bill, 4068, 4070, 4080.
Ashley, Mr., on harbor bill, 4137, 4140, 4143, 4144, 4544, 4569, 4694, 4695.
Territorial bills, 4386.
lead mines bill, 4388, 4389.
pre-emption rights, 4479.
Indian affairs, 4566, 4763.
Banks, Mr., (Pennsylvania) on the disputed election of Letcher and Moore, 3967.
Mifflin county memorial, 4039.
Kentucky election, 4201, 4202, 4335, 4374, 4379, 4380, 4431, 4432.
Barringer, Mr., (North Carolina) on the appropriation bill, 2496.
Bank United States and pension agency, 2616.
the fortification bill, 2755.
resolution for purchasing books, 3003.
general appropriation bill, 3574, 3653, 3654, 4002.
convention with France, 3972.
printing bank reports, 4266.
Kentucky election, 4380.
Barnitz, Mr., (Pennsylvania) on the York resolutions and memorial, 3136, 3533.
York proceedings, 4038.
York memorial, 4186, 4242.
Bates, Mr., (Massachusetts) on the general appropriation bill, 3598, 3756.
Springfield memorial, 3637.
general appropriation bill, 3994, 4022.
Indian annuity bill, 4068, 4069.
adjournment, 4325.
Baylies, Mr., (Massachusetts) on the improvement of Taunton river, 2292.
memorial of the New York merchants, 2605.
the deposite question, 2962.
commutation pension bill, 3439.
Beale, Mr., (Virginia) on the Rockingham and Shenandoah memorials, 3533.
Beaty, Mr., (Kentucky) on the harbor bill, 4138, 4564, 4682, 4685, 4687, 4693, 4694, 4702.
Kentucky election, 4375.
public deposites, 4405, 4458.
Cumberland road bill, 4505.
Beardsley, Mr., (New York) on the contested Kentucky election, 2147, 2158, 2159.
removal of the deposites, 2189, 2431.
pension agency, 2625.
the case of Hardeman Owens, 2713, 2734.
Indian appropriation bill, 2807.
general appropriation bill, 3590, 3673, 3675, 3898, 4020.
District banks, 3750.
Oneida memorial, 4025.
adjournment, 4332.
Kentucky election, 4364.
Cumberland road bill, 4513, 4515, 4530, 4535, 4536.
harbor bill, 4554, 4557, 4601, 4681, 4690.
fortification bill, 4591.
Bell, Mr., (Tennessee) on the appropriation bill, 2497, 3850.
pension agency, 2627.
adjournment, 4070.
New York and New Jersey boundary line, 4336.
Binney, Mr., (Pennsylvania) on the removal of the deposites, 2173, 2320.
memorial of the president of the bank, 2207.
memorial of State banks, 2246.
memorial of the Philadelphia Board of Trade, 2299.
United States Bank and pension agency, 2621.
Philadelphia memorials, 2697, 3132, 3528.
Berks county memorial, 2775, 2779.
Pennsylvania memorials, 2832.
appropriation bill, 3566, 3573, 3580, 3767, 3895.
Union county memorial, 3642.
deposite bank bill, 3753.
harbor bill, 4145.

Binney, Mr., on Kentucky disputed election, 4240, 4451, gold coin bill, 4498, 4662, 4673. [4802.
Blair, Mr., (South Carolina) on extending the pension act, 2245.
the army commissariat bill, 2754.
Boon, Mr., (Indiana) on resolution for an adjournment, 3537.
general appropriation bill, 3770, 4002.
resolution for adjournment, 4041, 4071, 4074.
adjournment, 4321.
harbor bill, 4682.
Bouldin, Mr., (Virginia) on extending the pension act, appropriation bill, 2496. [2245.
removal of deposites, 2704.
Briggs, Mr., (Massachusetts) on the general appropriation bill, 3771, 3850.
Kentucky election, 4202, 4378.
printing bank reports, 4264.
harbor bill, 4602.
Brown, Mr., (New York) on the West Point Military Institution, 2549.
fortification bill, 2757.
commutation pension bill, 2918.
army appropriation bill, 2991.
resolution for purchase of books, 3005.
general appropriation bill, 3550, 3570, 4012.
adjournment, 4078.
Military Academy, 4496.
Cumberland road bill, 4523.
Bull, Mr., (Missouri) on the Territorial bills, 4385, 4386.
Burd, Mr., (Pennsylvania) on extending the pension act, 2244.
the deposite question, 2968.
general appropriation bill, 3756, 4002.
adjournment, 4070, 4325.
Burges, Mr., (Rhode Island) on extending the pension laws, 2404.
the Rhode Island memorials, 2717, 2718, 2720, 2724.
deposite question, 2735, 2757, 2958, 2965, 3159, 3517.
Berks county memorial, 2781.
New Jersey and Rhode Island memorials, 3327.
appropriation bill, 3543, 3585.
deposite bank bill, 3753, 3754, 4136.
specie tender bill, 3905, 3907.
convention with France, 3972.
adjournment, 4074, 4324, 4329.
printing bank reports, 4271.
Kentucky disputed election, 4434.
Rhode Island resolutions, 4504, 4676.
Cumberland road bill, 4526.
harbor bill, 4554, 4557.
Bynum, Mr., (North Carolina) on the deposite question, 2736, 2966.
general appropriation bill, 3773, 3997, 4017.
printing bank reports, 4274.
harbor bill, 4572, 4693.
Cage, Mr., (Mississippi) on the army appropriation bill, 2981.
Natchez memorial, 3319.
general appropriation bill, 3653.
Oneida memorial, 4034, 4035.
Cambreleng, Mr., (New York) on Government deposites, 2172.
the sinking fund, 2296.
removal of deposites, 2377, 4403.
on New York memorials, 2690.
the warehousing system, 2713, 2714, 2715.
fortification bill, 2784, 4707.
Indian appropriation bill, 2807.
army appropriation bill, 2991, 2992.
general appropriation bill, 3549, 3574, 3654, 4004, 4011.
Cambreleng, Mr., on memorial for relief of Polish exiles, specie tender bill, 3906. [3748.
adjournment, 4073, 4076, 4326.
Cumberland road bill, 4526.
Carmichael, Mr., (Maryland) on the Prince George memorial, 3533.
Carr, Mr., (Indiana) on proceedings at Madison, 2896.
compensation for lost property in the late war, 3655.
harbor bill, 4148, 4701.
Chambers, Mr., (Pennsylvania) on the extension of the pension laws, 2646.
memorial from Franklin county, 2693,
Potomac bridge bill, 2813.
Franklin county memorial, 3130.
appropriation bill, 3564.
Adams county memorial, 4036.
adjournment, 4323.
Cumberland road bill, 4512.
Chilton, Mr., (Kentucky) on the contested election in that State, 2141.
removal of the deposites, 2170, 2735, 2736, 2957.
Bank of the United States, 2208.
extending the pension act, 2244, 2245.
case of Noah Fletcher, 2373.
United States Bank and pension agency, 2620.
bill in favor of Susan Decatur, 2762, 3818.
Sandy and Beaver canal, 2927.
army appropriation bill, 2955.
resolution for purchasing books, 3005.
Rhode Island memorials, 3517.
general appropriation bill, 3547, 3574, 3575, 3599, 3657, 3755, 3801, 3901, 3998.
Brandenburg memorial, 3839.
adjournment, 4075, 4328.
bill for the benefit of Washington, 4412.
Kentucky disputed election, 4455.
Cumberland road bill, 4527.
harbor bill, 4696.
deposite bill, 4759.
Choate, Mr., (Massachusetts) on the public deposites, 3272.
Clark, Mr., (New York) on the Seneca Falls memorial, 3952.
Clay, Mr., (Alabama) on resolutions on the President's message, 2168, 2169,
on reducing the price of public lands, 2245.
case of Noah Fletcher, 2370.
Elliot's Debates, 2376.
appropriation bill, 2500.
Bank United States and pension agency, 2618.
the case of Hardeman Owens, 2712, 2713, 2734.
removal of the deposites, 2868, 3138.
Sandy and Beaver canal, 2924.
Territorial bills, 4382.
pre-emption rights, 4470, 4836.
public land bill, 4522.
harbor bill, 4685, 4686.
Clayton, Mr., (Georgia) on the removal of the deposites, 2177, 2194, 2900.
appropriation bill, 2553, 4009, 4013.
military appropriation bill, 2986.
on equalizing salaries of officers, 3680.
Oneida memorial, 4035.
Kentucky disputed election, 4213, 4449, 4453, 4454, 4455, 4456, 4457.
adjournment, 4327.
pre-emption rights, 4476.
harbor bill, 4690.
Clowney, Mr., (South Carolina) on the public deposites, gold coin bill, 4644. [2787.
Connor, Mr., (North Carolina) on the army appropriation bill, 2989.
general appropriation bill, 3586, 3799, 4022, 4024.
Corwin, Mr., (Ohio) on the public deposites, 3439, 3602.

Corwin, Mr., on Warren county memorial, 3535.
Clinton county memorial, 3840.
Coulter, Mr., (Pennsylvania) on the Indian appropriation bill, 2805, 2807.
resolutions from Limebrook, 2835.
deposite question, 2978, 4404.
silver coinage bill, 3847.
general appropriation bill, 3889, 3904.
specie tender bill, 3909.
harbor bill, 4683.
deposite bill, 4710.
Cramer, Mr., (New York) on the commutation pension bill, 3443, 3539.
Crane, Mr., (Ohio) on the bill in favor of Susan Decatur, 2762.
commutation pension bill, 4043.
Crockett, Mr., (Tennessee) on the extension of the pension laws, 2614.
Berks county memorial, 2782.
army appropriation bill, 2955.
general appropriation bill, 3549, 3573.
harbor bill, 4138, 4701.
adjournment, 4327.
public deposites, 4467.
fortification bill, 4586, 4588.
Darlington, Mr., (Pennsylvania) on the Delaware county memorial, 3538.
Davis, Mr., (South Carolina) on the general appropriation bill, 3874, 3878, 3892, 3895, 3904, 3933, 4016.
Indian annuity bill, 4482.
Cumberland road bill, 4505, 4513.
fortification bill, 4585.
Davis, Mr., (Kentucky) on the Kentucky election, 4304.
Davis, Mr., (Massachusetts) on the Kentucky contested election, 2159.
removal of the deposites, 2204.
case of Noah Fletcher, 2290, 2298, 2368.
general appropriation bill, 4020.
Denny, Mr., (Pennsylvania) on the removal of the deposites, 2195.
extension of the pension laws, 2545.
pension agency, 2627.
memorial from Pittsburg, 2693.
appropriation bill, 3587, 3674.
specie tender bill, 3912.
harbor bill, 4140, 4141.
Dickerson, Mr., (New Jersey) on the Paterson memorial, 3136.
Kentucky contested election, 4432.
Cumberland road bill, 4521.
Dickinson, Mr., (Tennessee) on extending the pension laws, 2400.
Military Academy, 4483, 4497.
Indian affairs, 4566.
harbor bill, 4688.
Dickson, Mr., (New York) on the public deposites, 2957.
appropriation bill, 3552.
Ontario memorial, 4150.
Kentucky election, 4201.
Duncan, Mr., (Illinois) on the army appropriation bill, 2986.
compensation for lost property in late war, 3635.
Territorial bills, 4386, 4387.
lead mines bill, 4388, 4389.
pre-emption rights, 4474.
Cumberland road bill, 4528.
deposite bill, 4710, 4745.
Dunlap, Mr., (Tennessee) on the fortification bill, 4586.
Ellsworth, Mr., (Connecticut) on the contested Kentucky elections, 2147.
Elliot's Debates, 2376.
slavery in the District, 2539.
Ellsworth, Mr., on the public deposites, 2956, 3259.
printing bank reports, 4265, 4270.
adjournment, 4321,
public land bill, 4522.
Cumberland road bill, 4535, 4536.
fortification bill, 4706, 4707.
Evans, Mr., of Maine, on the Maine resolutions, 2573.
Bangor memorial, 2767.
Gardiner ditto, 3640, 3715.
general appropriation bill, 3757, 3796, 3892, 3920.
harbor bill, 4137, 4576, 4602.
Hallowell memorial, 4256.
bill for the benefit of Washington, 4412.
Everett, Mr., of Massachusetts, on the appropriation bill, 2494, 2495, 2544, 2559.
fortification bill, 2757, 4583, 4705, 4709.
army appropriation bill, 2954, 2955, 2991.
general appropriation bill, 3545.
compensation for lost property in the late war, 3632.
Salem memorial, 3645.
printing bank reports, 4268.
public buildings and grounds, 4413.
Everett, Mr., of Vermont, on extending the pension act, 2244.
appropriation bill, 2496, 2560.
Berks county memorial, 2781.
Indian appropriations, 2786.
army appropriation bill, 2981, 2983, 2989, 2998.
the deposite question, 2963.
Woodstock resolutions, 3021.
general appropriation bill, 3550, 3660, 3775, 3796, 3894, 4017.
Indian annuity bill, 4070.
adjournment, 4073, 4324, 4325.
report on Indian affairs, 4200.
Territorial bills, 4386.
pre-emption rights, 4473.
harbor bill, 4567, 4683.
fortification bill, 4705.
Western Indian Territory, 4764, 4777.
Creek treaty bill, 4779.
Ewing, Mr., of Indiana, on the expediency of a national currency, 2220.
public lands on the Wabash, 2542.
Berks county memorial, 2781.
removal of the deposites, 2870, 4405.
national currency, 3538.
appropriation bill, 3550, 3994, 4017.
District banks, 3750.
adjournment, 4075.
harbor bill, 4148, 4531, 4532, 4569, 4701.
Pennsylvania avenue bill, 4395.
public buildings and grounds, 4413.
Military Academy, 4483, 4498.
Cumberland road bill, 4512, 4527, 4536, 4561.
on the gold coin bill, 4667.
Felder, Mr., of South Carolina, on the harbor bill, 4567, 4602.
Fillmore, Mr., of New York, on a bill for relief of Abraham Fobes, 2297.
Washington bridge bill, 2843.
general appropriation bill, 3658, 3666.
specie tender bill, 3906.
adjournment, 4074.
Kentucky election, 4202.
Territorial bills, 4382, 4387.
Pennsylvania avenue bill, 4394.
public buildings and grounds, 4414.
fortification bill, 4594.
Western Indian Territory bill, 4779.

Foot, Mr., of Connecticut, on the removal of the deposites, 2189, 2202.
appropriation bill, 2461, 2494, 2557, 2560.
memorial from Connecticut, 2724.
proceedings at New Haven in favor of rechartering Bank United States, 2773.
Washington bridge bill, 2814.
general appropriation bill, 3572, 3757, 3767, 3776, 3777, 3869, 3870, 3871.
Foster, Mr., of Georgia, on the appropriation bill, 2497, 4016, 4020.
furnishing new members with certain books of reference, 2569.
pension agency, 2625.
resolution for purchasing books, 3001, 3002.
Territorial bills, 4384.
Kentucky disputed election, 4434.
deposite bank bill, 4622.
Fuller, Mr., of New York, on the Sandy and Beaver canal, 2926.
Genesee memorial, 3953.
Potomac bridge bill, 4413.
Wayne county (Indiana) memorial, 4502.
Galbraith, Mr., of Pennsylvania, on the general appropriation bill, 3661.
public deposites, 3957, 4081.
Gamble, Mr., of Georgia, on the appropriation bill, 2498.
army appropriation bill, 2980.
Savannah memorial, 3650, 3836.
Territorial bills, 4386.
lead mine bill, 4389.
Garland, Mr., of Louisiana, on the harbor bill, 4145, 4543, 4559, 4702.
Gholson, Mr., of Virginia, on the Virginia resolutions, 2928.
Cumberland road bill, 4515, 4535, 4536, 4537.
deposite bill, 4759.
Gillett, Mr., of New York, on resolution calling for information respecting the deposite banks, 4406.
Kentucky disputed election, 4447.
Cumberland road bill, 4516.
harbor bill, 4546.
gold coin bill, 4658.
Gilmer, Mr., of Georgia, on the case of Hardeman Owens, 2709.
commutation pension bill, 2923, 4058.
army appropriation bill, 2984, 2987.
deposite question, 3115.
Indian appropriation bill, 4067.
Kentucky disputed election, 4448.
Cumberland road bill, 4537.
deposite bank bill, 4632.
Western Indian Territory bill, 4772.
Gordon, Mr., of Virginia, on the Virginia resolutions, 2840.
deposite bank bill, 4640.
Gorham, Mr., of Massachusetts, on removal of deposites, 2191.
the memorial of the New York merchants, 2597.
fortification bill, 2756.
army appropriation bill, 2987.
specie tender bill, 3907, 3909.
general appropriation bill, 4011.
fortifications, 4483, 4581, 4583.
gold coin bill, 4650, 4652, 4672, 4673.
Graham, Mr., of North Carolina, on the Burke county memorial, 3649.
North Carolina memorials, 3836.
Grayson, Mr., of South Carolina, on the bill in favor of Susan Decatur, 2670.
Grennell, Mr., of Massachusetts, on the Sandy and Beaver canal, 2926.
general appropriation bill, 3777.
Franklin county memorial, 4258.
Grennell, Mr., on Wayne county (Indiana) memorial, 4502, 4503.
fortification bill, 4584.
Hall, Mr., of Vermont, on the Windham memorial, 3943.
Hall, Mr., of North Carolina, on reducing the revenue, 2825.
the army appropriation bill, 2990.
general appropriation bill, 3544.
North Carolina memorials, 3821.
Hamer, Mr., of Ohio, on the Kentucky election, 4223, 4336.
Hannegan, Mr., of Indiana, on the extension of the pension laws, 2551.
harbor bill, 4687.
Hardin, Mr., of Kentucky, on the contested election of that State, 2143, 2159.
rules of the House, 2221.
extending the pension act, 2244, 2245, 2492.
appropriation bill, 2553.
memorial of the New York merchants, 2601.
the case of Hardeman Owens, 2734.
Mrs. Decatur's claim, 2831.
the deposite question, 2964, 3328, 3391.
general appropriation bill, 3569, 3661, 3673, 3802.
remuneration for lost property during the war, 3628, 3637.
equalizing salaries of officers, 3680.
District banks, 3751, 3779.
disputed election between Letcher and Moore, 3968, 4222, 4363, 4446.
adjournment, 4071, 4079, 4322.
Pennsylvania avenue bill, 4395.
Cumberland road bill, 4524, 4533.
the harbor bill, 4696.
Harper, Mr., of Pennsylvania, memorial of the cordwainers, 2725.
fortification bill, 2757.
a call for charters of the deposite banks, 3303.
general appropriation bill, 3549, 3573, 3664, 4005.
harbor bill, 4142.
Pennsylvania avenue bill, 4394.
Harper, Mr., of New Hampshire, on the Portsmouth memorial, 2715.
memorial from the city and county of Philadelphia, 2835.
general appropriation bill, 4005.
Hawes, Mr., of Kentucky, on the contested election of that State, 2141.
Elliot's Debates, 2376.
West Point Academy, 2549.
Indian appropriation bill, 2805.
Mrs. Decatur's claim, 2826.
general appropriation bill, 3559, 4023.
Indian annuity bill, 4070, 4481.
harbor bill, 4138, 4148, 4538, 4679, 4693, 4695, 4696, 4702, 4703.
Military Academy, 4483, 4497, 4498.
Cumberland road bill, 4523.
fortification bill, 4593.
Heath, Mr., of Maryland, memorial from merchants of Baltimore, 2729.
on public deposites, 3676.
Henderson, Mr., of Pennsylvania, on the proceedings of a meeting at Bellefonte, 3537.
Hiester, Mr., of Pennsylvania, on the Pennsylvania memorials, 2831, 3129.
Hubbard, Mr., of New Hampshire, on the contested Virginia election, 2151, 2159.
West Point Academy, 2550.
appropriation bill, 2557, 2560, 3766.
the extension of the pension laws, 2561.
memorial of the New York merchants, 2603.

Hubbard, Mr., on the deposite question, 2962.
army appropriation bill, 2982, 2984, 2988.
bill for relief of Mrs. Decatur, 3684.
harbor bill, 4081, 4137, 4138, 4140, 4145, 4538, 4544, 4557, 4679, 4694, 4702.
Kentucky election, 4201, 4375.
Creek treaty bill, 4779.
Huntington, Mr., of Connecticut, on the contested Virginia election, 2154.
removal of the deposites, 2510.
the warehousing system, 2714.
resolutions of Connecticut banks, 2771.
convention with France, 3972.
general appropriation bill, 4011.
harbor bill, 4143.
Jarvis, Mr., of Maine, on the general appropriation bill, 3554, 4011, 4016.
suspension of bank payments, 3677, 3749.
Jones, Mr., of Georgia, on the contested Virginia election, 2157.
the Creek treaty of 1832, 2311.
removal of the deposites, 2397, 2461.
pension agency, 2625.
the case of Hardeman Owens, 2712.
army appropriation bill, 2954, 2955, 2980, 2992, 2999.
a difference between Messrs. Blair and Pinckney, 3137.
specie tender bill, 3911.
Letcher and Moore's contested election, 3967, 3971.
Kentucky election, 4200, 4201, 4212, 4320, 4379.
adjournment, 4325, 4327.
gold coin bill, 4498, 4652.
Cumberland road bill, 4520.
fortification bill, 4599, 4600.
harbor bill, 4602, 4691.
deposite bill, 4756, 4757.
Johnson, Mr., of Kentucky, on the army commissariat bill, 2753.
general appropriation bill, 3545, 3571.
adjournment, 4074.
lead mines bill, 4388.
Military Academy, 4497.
Johnson, W. Cost, of Maryland, on the Cumberland road bill, 4521.
Kavanagh, Mr., of Maine, on the Bath memorial, 3327.
King, Mr., of Pennsylvania, on the silver coinage bill, 3846, 3911.
Kinnard, Mr., of Indiana, on the harbor bill, 4701.
Lane, Mr., of Indiana, on the removal of the deposites, 2205, 2967.
extension of the pension act, 2244, 2501.
five per cent. stock, 2367.
pension agency, 2625.
Berks county memorial, 2781.
resolution for purchasing books, 3008.
appropriation bill, 3595, 3601, 3771, 3903, 4017.
District banks, 3751.
adjournment, 4077, 4330.
harbor bill, 4138, 4541, 4575, 4680.
printing bank reports, 4264.
Kentucky election, 4379, 4380.
deposite bill, 4716.
Lay, Mr., of New York, on the pension laws, 2636.
Leavitt, Mr., of Ohio, on the Harrison county memorial, 3535.
general appropriation bill, 3986.
Letcher, Mr. of Kentucky, on his election, 4335.
Lewis, Mr., of Alabama, on the Creek treaty of 1832, 2301, 2311, 2707.
army appropriation bill, 2993.
Indian appropriation bill, 4067, 4068, 4080.
Lewis, Mr., on pre-emption rights, 4472.
Lincoln, Mr., of Massachusetts, on the Worcester memorial, 3017.
appropriation bill, 3554, 3561, 3677, 3784, 3816, 4022.
the General Post Office, 3845.
Kentucky disputed election, 4452.
Love, Mr., of Kentucky, on the general appropriation bill, 3656.
on the adjournment, 4074.
Madison county memorial, 4198.
Cumberland road bill, 4533.
harbor bill, 4569.
Loyall, Mr., of Virginia, on the Norfolk memorial, 4242.
Lyon, Mr., of Michigan, on the lead mines bill, 4389, 4390.
salaries of Territorial judges, 4566.
Lytle, Mr., of Ohio, on the Cincinnati memorial, 2539.
memorial of the New York merchants, 2606.
printing the bank reports, 4277.
adjournment, 4327.
McCarty, Mr., of Indiana, on pre-emption rights, 4471.
Wayne county memorial, 4499.
McComas, Mr., of Virginia, on extending the pension laws, 2397.
McDuffie, Mr., of South Carolina, on resolutions offered on President's message, 2170.
removal of deposites, 2171, 2200, 2222, 2967, 3439, 3444.
appropriation bill, 2499.
fortification bill, 2755, 2756, 2784, 2785.
Potomac bridge bill, 2816.
resolution for purchasing books, 3002, 3003, 3006, 3007.
announced the death of his colleague, Gen. Blair, 3328.
McIntire, Mr., of Maine, on the appropriation bill, 2570.
general appropriation ditto, 3572.
McKay, Mr., of North Carolina, on the army commissariat bill, 2753.
fortification bill, 2785.
Indian appropriations, 2786, 2804, 2806.
army appropriation bill, 2954, 2955, 2979.
general appropriation bill, 3550, 3755, 3756, 3774, 3276, 3933, 4022.
convention with France, 3972.
navy regulations, 4006.
Indian annuity bill, 4068.
harbor bill, 4081.
Territorial bills, 4386, 4387.
Pennsylvania avenue bill, 4396.
Kentucky disputed election, 4448, 4452, 4453.
pre-emption rights, 4479.
Cumberland road bill, 4505.
salaries of Territorial judges, 4566.
McKim, Mr., of Maryland, on the Washington and Baltimore railroad, 2500.
Baltimore memorials, 2840.
proceedings of the 5th congressional district, 3642.
Cumberland road bill, 4080.
proposition for issuing Treasury notes, 4481.
harbor bill, 4557.
gold coin bill, 4672.
McKennan, Mr., of Pennsylvania, on Elliot's Debates, 2375.
appropriation bill, 2495.
Potomac bridge, 2703, 2704, 2815.
on Berks county memorial, 2774, 2775, 2778.
the deposite question, 2964, 3851, 4136.
memorial of councils of Philadelphia, 3529.
general appropriation bill, 3543.
Kentucky disputed election, 4435, 4436.
Cumberland road bill, 4505, 4530, 4535.

McKennan, Mr., on the harbor bill, 4546.
McKinley, Mr., of Alabama, on the removal of the deposites, 2176.
Creek treaty of 1832, 2317, 2707.
memorial of the New York merchants, 2606.
pension agency, 2626.
removal of deposites, 2628.
Indian appropriation bill, 2806.
a call for the charters of deposite banks, 3306.
general appropriation bill, 3659, 3770, 3775.
harbor bill, 4081, 4540, 4545, 4546.
Kentucky disputed election, 4363, 4446, 4451.
Territorial bills, 4391.
Pennsylvania avenue bill, 4395, 4396.
Cumberland road bill, 4519.
fortification bill, 4595.
McVean, Mr., of New York, on the deposite bill, 4736.
Mann, Mr., of New York, on the appropriation bill, 2499.
Southwark memorial, 2727, 2728.
army appropriation bill, 2992.
resolution for purchasing books, 3006, 3007.
a call for the charters of the deposite banks, 3308.
general appropriation bill, 3568, 3590.
adjournment, 4076.
printing bank reports, 4269.
bill for the benefit of Washington, 4397, 4791.
harbor bill, 4552, 4558, 4577, 4702.
Mardis, Mr., of Alabama, on the case of Hardeman Owens, 2734.
deposite question, 2740.
Kentucky disputed election, 4201.
Marshall, Mr., of Kentucky, on the contested election in that State, 2142.
revolutionary claims, 2351.
commutation pension bill, 2923, 3328, 3359, 4066.
disputed election between Letcher and Moore, 3969, 4212, 4213, 4379, 4433, 4434, 4435, 4436, 4447.
harbor bill, 4589.
Mason, Mr., of Virginia, announced the death Mr. Wirt, 2757.
on the public deposites, 2959, 3472.
reversionary interest in Indian reservations, 3539.
appropriation bill, 3587, 3590.
printing bank reports, 4274.
Kentucky disputed election, 4380, 4454.
Mercer, Mr., of Virginia, on the five per cent. stock, 2368.
bill for erecting Potomac bridge, 2703, 2704, 2811, 2818.
Indian appropriation bill, 2806, 2808.
general appropriation bill, 3547, 3586, 3770.
adjournment, 4073.
harbor bill, 4137, 4140, 4141, 4145, 4560, 4562, 4564, 4567, 4577, 4682, 4685, 4688, 4694, 4701, 4702, 4703.
a right of way through lands of United States at Harper's Ferry, 4139.
Kentucky election, 4380.
Territorial bills, 4390, 4391, 4392.
Pennsylvania avenue bill, 4395.
bill for the benefit of Washington, 4399, 4412.
Potomac bridge bill, 4412.
public buildings and grounds, 4413.
Cumberland road bill, 4512.
Milligan, Mr., of Delaware, on the Newcastle memorial, 2836.
Kent county memorial, 3648.
harbor bill, 4141.
Miller, Mr., of Pennsylvania, on the case of Noah Fletcher, 2373.
army commissariat bill, 2754.
deposite question, 2961, 4406.
Miller, Mr., on the Cumberland memorial, 3128.
Adams county memorial, 3532.
general appropriation bill, 3994.
adjournment, 4075.
printing of report of the committee on the Bank of the United States, 4257, 4364, 4269, 4270, 4273.
deposite bill, 4758.
Moore, Mr., of Kentucky, on the contested election in that State, 2132.
removal of deposites, 2404.
Kentucky disputed election, 4380, 4455, 4337.
Moore, Mr., of Virginia, on the Virginia resolutions, 2942.
Muhlenberg, Mr., of Pennsylvania, on General Nelson's claim, 2376.
Berks county memorial, 2774, 2776, 2780, 3531.
Indian appropriation bill, 2807.
revolutionary claims, 2889.
printing bank reports, 4267.
Murphy, Mr., of Alabama, on the harbor bill, 4544.
Osgood, Mr., of Massachusetts, on the Lowell memorial, 3638.
3d congressional district memorial, 3934.
Parker, Mr., of New Jersey, on the bill in favor of Susan Decatur, 2762.
fortification bill, 2785, 4483.
resolution for purchasing books, 3003.
appropriation bill, 3545, 3585, 3655, 3796, 4003, 4011.
compensation for losses in the late war, 2637.
harbor bill, 4138.
New York and New Jersey boundary line, 4337.
Kentucky election, 4379.
Pennsylvania avenue bill, 4393, 4394, 4395.
bill for the benefit of Washington, 4407, 4411.
public buildings and grounds, 4413.
Parks, Mr., of Maine, on the Maine resolutions, 2570.
Bangor memorial, 2762.
Cumberland road bill, 4529.
Patton, Mr., of Virginia, on the rules of the House, 2161, 2183.
memorial of the New York merchants, 2599.
memorial from Richmond, 2734.
Virginia resolutions, 2846.
presenting a bronze statue of Mr. Jefferson, 3138.
general appropriation bill, 3765, 4020.
fortification bill, 4707, 4709.
Creek treaty bill, 4780.
Pearce, Mr., of Rhode Island, on the Rhode Island memorials, 2718, 2722, 3327, 3517.
general appropriation bill, 4022.
Rhode Island resolutions, 4674, 4677.
Peyton, Mr., of Tennessee, on the removal of the deposites, 2204, 2646, 2654.
pension laws, 2428, 2450.
resolutions in relation to the public revenue, 3679, 3682.
Gardiner (Maine) memorial, 3743.
general appropriation bill, 4020.
harbor bill, 4138.
pre-emption rights, 4480.
fortification bill, 4596, 4599.
Pierson, Mr., of New York, on Troy memorial, 3521.
Pierce, Mr., of New Hampshire, on revolutionary claims, 2819.
Pinckney, Mr., of South Carolina, announced the death of Mr. Singleton, 2166.
Elliot's Debates, 2375.
pension laws, 2452.
fortification bill, 2784, 4483.
Mrs. Decatur's claim, 2826.

Pinckney, Mr., on the resolution for purchasing books, 3003.
on the deposite question, 3082.
printing bank reports, 4273, 4279.
Spanish West India trade, 4522.
Plummer, Mr., of Mississippi, on the Natchez memorial, 3309.
Oneida memorial, 4028, 4035.
public deposites, 4136.
Jones county memorial, 4252.
pre-emption rights, 4475.
proceedings of the Pike meeting, 4819, 4832.
Polk, Mr., of Tennessee, on the contested Kentucky election, 2147, 2159.
removal of the deposites, 2170, 2178, 2193, 2248, 2868, 2956, 2960, 2976, 2978.
memorial of State banks, 2247.
sinking fund, 2297, 2368.
appropriation bill, 2460, 2493, 2495, 2496, 2497, 2498, 2500, 2543, 2557, 2558, 3543.
Maine resolutions, 2580.
memorial of the New York merchants, 2596, 2600.
pension laws, 2702.
fortification bill, 2755, 2756, 2784, 2786, 4149, 4482, 4581, 4582, 4705, 4709.
Indian appropriations, 2786, 2804, 2808, 4068.
army appropriation bill, 2954, 2956, 2981, 2999, 4024.
resolution for purchasing books, 3002, 3004.
Massachusetts resolution 3013.
general appropriation bill, 3543, 3544, 3549, 3564, 3573, 3582, 3584, 3587, 3597, 3670, 3673, 3755, 3757, 3763, 3771, 3775, 3776, 3777, 3796, 3869, 3877, 3925, 3933, 4007, 4008, 4021, 4024.
deposite question, 3752, 3753, 4404, 4407, 4461, 4465.
Indian annuity bill, 4068, 4069, 4070, 4481, 4482.
adjournment, 4321.
pre-emption rights, 4473.
Cumberland road bill, 4504, 4505, 4512, 4517, 4534.
harbor bill, 4538, 4547, 4694, 4696.
bill regulating the public deposites, 4602.
Pope, Mr., of Kentucky, on the extension of the pension laws, 2610.
Louisville memorial, 2896.
Shelby memorial, 3537.
general appropriation bill, 3794.
Louisville memorial, 3838.
harbor bill, 4137, 4141.
Kentucky contested election, 4296, 4380, 4381, 4432, 4433.
Potts, Mr., of Pennsylvania, on the Chester memorial, 2783.
Chester resolutions and memorial, 2833, 3532.

Reed, Mr., of Massachusetts, on the memorial of the New York merchants, 2600.
Bangor memorial, 2765.
general appropriation bill, 3655, 3767, 3903, 4023.
convention with France, 3975.
navy regulations, 4006.
harbor bill, 4141.
fortification bill, 4597, 4600.
Rencher, Mr., of North Carolina, on the Potomac bridge bill, 2812.
Schley, Mr., of Georgia, on the army appropriation bill, 2992.
public deposites, 3236.
Washington Insurance Company, 4412.
public buildings and grounds, 4413.
Schenck, Mr., of New Jersey, proceedings of Hunterdon and Somerset counties, 3643.
Selden, Mr., of New York, on removal of deposites, 2186.
on the sinking fund, 2294, 2366, 2368.
memorial of New York merchants, 2581.
memorials of New York, 2692.
warehousing system, 2715.
fortification bill, 2756, 4583.
Troy memorial, 3525.
Albany, do., 3526.
deposite question, 3754, 4407.
general appropriation bill, 3851, 4011, 4020.
specie tender bill, 3910.
Oneida county memorial, 3959, 4025.
gold coin bill, 4498, 4644, 4652.
Wayne county (Indiana) memorial, 4503.
Cumberland road bill, 4512.
harbor bill, 4556, 4558.
Sevier, Mr., of Arkansas, on the Indian appropriation bill, 2805.
army appropriation bill, 2980, 2999.
harbor bill, 4141, 4145, 4703.
Territorial bills, 4387.
Slade, Mr., of Vermont, on Vermont memorials, 3517.
Addison county memorial, 3948.
Smith, Mr., of Maine, on the Maine resolutions, 2571.
Portland resolutions, 3015.
Military Academy, 4496.
harbor bill, 4678, 4682.
Speight, Mr., of North Carolina, on extending the pension laws, 2400.
West Point Military Academy, 2550.
supplying new members with certain books of reference, 2561, 2569, 3001, 3002, 3003, 3004.
a call for copies of the charters of deposite banks, 3307.
general appropriation bill, 3758, 3767, 3771.
appropriation, 4327.
Stoddert, Mr., of Maryland, on the Baltimore and Washington railroad, 2501.
Potomac bridge bill, 2814.
compensation for property lost in the late war, 3635, 3637.
death of Mr. Dennis, 3650.
Pennsylvania avenue bill, 4394.
bill for the benefit of Washington, 4397, 4409.
Potomac bridge bill, 4413.
Stewart, Mr., of Pennsylvania, on the Creek treaty of 1832, 2310.
the sinking fund, 2366, 2368.
Cumberland road bill, 4080, 4504, 4506.
public deposites, 4135.
bill for the benefit of Washington, 4399.
harbor bill, 4553, 4554, 4678.
deposite bill, 4749.
Sutherland, Mr., of Pennsylvania, on the rules of the House, 2165.
removal of the deposites, 2202.
appropriation bill, 2553.
Philadelphia memorials, 2700.
Southwark and Moyamensing memorials, 2727.
Germantown memorials, 2729.
proceedings at Roxbury, 2835.
army appropriation bill, 2992.
general appropriation bill, 3770, 4009, 4011, 4013.
harbor bill, 4142, 4542, 4560 4703.
printing the bank reports, 4278.
Kentucky disputed election, 4380, 4434, 4453, 4455, 4456.
bill for the benefit of Washington, 4411.
Cumberland road bill, 4506, 4519.

Taylor, Mr., of New York, on the army appropriation bill, 2991.
Onondaga county memorial, 2955.

Thomas, Mr., of Maryland, on report of the committee on the affairs of the Bank United States, 4240, 4267, 4761.
adjournment, 4326, 4332.
bill for the benefit of Washington, 4412.
Cumberland road bill, 4512, 4517, 4524, 4533.
harbor bill, 4543.
Thomas, Mr., of Louisiana, on the rules of the House, 2221.
Thomson, Mr., of Ohio, on the army commissariat bill, 2753.
Sandy and Beaver canal, 2924, 2925, 2926.
Kentucky disputed election, 4456.
Tompkins, Mr., of Kentucky, on resolutions of the House of Representatives, 2733.
harbor bill, 4696.
Turrill, Mr., of New York, on the Berks county memorial, 2780.
harbor bill, 4545, 4555.
Vanderpoel, Mr., of New York, on the removal of the deposites, 2198.
fortification bill, 2785.
revolutionary claims, 2871.
general appropriation bill, 3663.
commutation pension bill, 4059, 4062.
Kentucky election, 4280.
Vance, Mr., of Ohio, on the army commissariat bill, 2754, 2755.
appropriation bill, 2980.
general appropriation bill, 3550, 3551, 3581, 3585, 3586, 3587, 3652, 3849, 3869, 3976, 3994, 4003, 4004, 4011, 4013.
Indian appropriation bill, 4480.
public deposites, 4136.
adjournment, 4326.
Cumberland road bill, 4512, 4514, 4535.
Vinton, Mr., of Ohio, on the Baltimore and Washington railroad, 2500.
Indian appropriation bill, 2806, 2808.
deposite question, 2977.
army appropriation bill, 2987.
resolution for purchasing books, 3006.
general appropriation bill, 3543, 3761.
Indian annuity bill, 4069, 4070.
harbor bill, 4141, 4539, 4542, 4684.
Washington and Athens memorials, 4250.
lead mines bill, 4390.
public buildings and grounds, 4413.
pre-emption rights, 4469, 4474, 4477.
Cumberland road bill, 4517.
public land bill, 4522.

Ward, Mr., of New York, on the rules of the House, 2221.
army commissariat bill, 2754.
appropriation bill, 3561.
remuneration for lost property in the late war, 3629.
adjournment, 4079.
Military Academy, 4483.
Wardwell, Mr., of New York, on improvements of Sandy creek, 2293.
Potomac bridge bill, 2816, 2818.
Sandy and Beaver canal, 2927.
general appropriation bill, 3543, 3584, 3585, 3985.
remuneration for lost property during the war, 3602.
harbor bill, 4143, 4552.
Pennsylvania avenue bill, 4395, 4396.
Wayne county (Indiana) memorial, 4501, 4503.
for the benefit of Washington city, 4790.
Watmough, Mr., of Pennsylvania, on the Philadelphia memorials, 2700, 2835, 3134.
Southwark memorials, 2728.
Watmough, Mr., on Berks county memorial, 2775, 2780.
army appropriation bill, 2984, 2987.
general appropriation bill, 3590, 3596, 3755, 3761.
report on the bill to equalize the pay of officers of the navy, 4138.
harbor bill, 4143.
Pennsylvania avenue bill, 4395.
public buildings and grounds, 4413.
Montgomery memorial, 4840, 4859.
Wayne, Mr., of Georgia, on the contested Kentucky election, 2131.
rules of the House, 2165, 2182.
President's message, 2169.
removal of the deposites, 2179, 2958, 2962.
appropriation bill, 2557, 2558, 2560.
furnishing new members with certain books of reference, 2561.
pension agency, 2625.
fortification bill, 2656, 2785.
Potomac bridge bill, 2816, 2818.
Augusta memorial, 2896.
army appropriation bill, 2992.
resolution for purchasing books, 3004.
a call for copies of the charters of the deposite banks, 3304.
general appropriation bill, 3546, 3549, 3871, 3876, 3888, 3894, 3932.
Savannah memorial, 3838.
convention with France, 3973.
adjournment, 4076.
Cumberland road bill, 4534.
harbor bill, 4545, 4687.
Western Indian Territory bill, 4777.
White, Mr., of New York, on the bill regulating the value of silver coins, 3846.
specie tender bill, 3912.
gold coin bill, 4643.
White, Mr. C. P., of New York, on navy regulations, 4006, 4007.
foreign silver coins, 2548.
gold coin bill, 4498.
White, Mr., of Louisiana, on the New Orleans memorial, harbor bill, 4143. [3841.
White, Mr., of Florida, on the general appropriation bill, 3869, 4008, 4009.
Territorial bills, 4392.
pre-emption rights, 4471.
Whittlesey, Mr., of Ohio, on the rules of the House, 2221.
extension of the pension act, 2244.
General Nelson's claim, 2377.
furnishing new members with certain books of reference, 2561.
providing for buildings burnt during the war, 3081, 3602.
general appropriation bill, 4022, 4023.
harbor bill, 4081, 4547, 4554, 4558.
Kentucky election, 4380.
Cumberland road bill, 4506.
Wilde, Mr., of Georgia, on the President's message, 2169.
rules of the House, 2221.
appropriation bill, 2544, 2557.
memorial of the New York merchants, 2593.
pension laws, 2682.
case of Hardeman Owens, 2734.
deposite question, 2735, 2870, 2956, 2968, 3020.
army commissariat bill, 2753, 2754.
fortification bill, 2784.
Indian appropriation bill, 2807.
Augusta memorial, 2894.
call for copies of the charters of deposite banks, specie tender bill, 3908. [3307.
disputed election between Letcher and Moore, 3969, 4448, 4455.

Wilde, Mr., on convention with France, 3973.
general appropriation bill, 4022, 4023.
adjournment, 4073, 4326, 4327.
deposite bank bill, 4632.
gold coin bill, 4673.
bill for purchasing General Washington's manuscripts, 4781.
Williams, Mr., of North Carolina, on the extension of the pension act, 2244.
Indian appropriation bill, 2806.
Potomac bridge bill, 2815.
on the general appropriation bill, 3543, 3545, 3575, 3586, 3675, 3761, 3777.
convention with France, 3973, 3975.
navy regulations, 4006.
Indian annuity bill, 4068, 4069, 4070, 4481, 4482.
Territorial bills, 4390.
Wilson, Mr., of Virginia, on the Wheeling memorial, 2894.
Cumberland road bill, 4505.
Wise, Mr., of Virginia, on General Nelson's claim, 2377.
the removal of the deposites, 2668.
remarks on the death of Judge Bouldin, 2706.
commutation pension bill, 2923, 4059, 4065.
Wise, Mr., on the resolution for purchasing books, 3006, 3007.
security of the public deposites, 3678.
Gardiner memorial, 3745.
general appropriation bill, 4020.
erecting a monument at Yorktown, 4040.
Gloucester memorial, 4186.
in relation to the public treasure, 4415.
Kentucky disputed election, 4448, 4452, 4456.
harbor bill, 4688, 4692, 4703.
Young, Mr., of Connecticut, on the commutation pension bill, 4057.

INDEX TO THE APPENDIX.

Message of the President to both Houses of Congress at the commencement of the 1st session of the 23d Congress, 1.
Report of the Secretary of War, accompanying ditto, 7.
Major General of the army, ditto, 10.
Quartermaster General, ditto, 11.
Engineer Department, ditto, 12.
Board of Visiters to the Military Academy, do. 32.
Topographical Bureau, ditto, 35.
Paymaster General, ditto, 36.
Commissary General of Subsistence, ditto, 37.
Ordnance Department, ditto, 37.
Commissary General of Purchases, ditto, 39.
Clothing Bureau, ditto, 40.
Commissioner of Indian Affairs, ditto, 40.
Commissioner of Pensions, ditto, 46.
Secretary of the Navy, ditto, 49.
Postmaster General, ditto, 57.
Letter from the Secretary of the Treasury, transmitting a report on the subject of the removal of the public deposites from the Bank of the United States, 59.
Message from the President of the United States, returning the land bill, 77.
Memorial of Government Directors Bank U. States, 82.
Annual Treasury report, 94.
Report from the Secretary of the Treasury, 98.
Message from the President, relative to the refusal, by the Bank of the United States, to deliver certain books, funds, &c., relating to the payment of certain pensioners, 101.
Report of the Secretary of the Treasury, transmitting statements in relation to the condition of the Bank of the United States and its offices; also, statements of the situation of the banks in the different States and the District of Columbia, 131.
Report of the Committee of Finance in the Senate, on the removal of the deposites, 146.
of the Committee of Ways and Means in the House of Representatives, on the removal of the deposites, 156.
of the minority of the committee, on ditto, 176.
Representation of N. Biddle, president of the bank, 187.
Report of a committee of the House of Representatives, appointed to investigate the affairs of the Bank of the United States, 187.
of the minority of the committee on ditto, 193.
of a committee of the Senate on the Public Lands, to which was referred the message of the President, returning the land bill, with his [illegible], 205.
of a committee of the House of Representatives, on reducing the price of the public lands, 213.
of a committee of the Senate on the affairs of the Post Office Department, 215.
of the minority of the committee on ditto, 230.
of a committee of the House of Representatives, on gold and silver coins, 242.
of the Committee of Finance of the Senate, on the bill for regulating the deposites of the money of the United States in certain banks, 282.
Supplemental appendix, 284.
Reasons of the President, read to the cabinet, in relation to the removal of the deposites, 284.
Report of a committee of directors of the Bank of the United States, 289.
Mr. Duane's address to the people of the U. States, 305.
Executive proceedings of the Senate on the nomination and renomination of certain directors of the Bank of the United States, 309.
Acts and resolutions, of a public nature, passed at the 1st session of the 23d Congress, 317.